

AUSTRIA

EXECUTIVE SUMMARY

The Republic of Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and a bicameral parliament (Federal Assembly), in which the members of one house are directly elected and the other named by the constituent states. In practice the multiparty parliament and the coalition government it elects exercise most day-to-day governmental powers. National parliamentary elections in 2008 and presidential elections in 2009 were free and fair.

There were no widespread and systemic human rights abuses during the year. There continued to be reports that police at times used excessive force, particularly against members of minority groups. Societal discrimination persisted against ethnic minorities, including Muslims of immigrant origin, Roma, Jews, and foreigners of African origin.

Other reported abuses included shortcomings in detention centers, particularly those holding persons awaiting deportation. Freedom of speech was restricted by laws that criminalize the public denial, belittlement, approval, or justification of Nazi genocide, and by laws forbidding incitement, insult, or expressions of contempt toward a group because of its members' race, nationality, or ethnicity. Public corruption remained a problem, as did violence against women and children. There were unconfirmed reports that female genital mutilation (FGM) was practiced among some immigrant groups. There were some anti-Semitic incidents, including physical attacks, taunting, property damage, and vilifying and threatening letters and telephone calls. Laws mandating access for persons with disabilities were not adequately enforced.

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, and there were few indications that government officials employed them. The government investigated allegations of such practices and prosecuted cases in which credible evidence was found. A Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

In late December the public prosecutor began an investigation into allegations that earlier in the month a police officer in Graz used excessive force against an animal-rights activist attempting to film a hunt.

In September a Vienna appellate court reduced from 2,800 euros to 1,600 euros (\$3,640 to \$2,080) the fine imposed on the police officer found guilty of negligence in the 2009 beating of a foreign citizen. The court found that the incident had not been racially motivated, as originally charged.

Prison and Detention Center Conditions

Prisons and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers. Nevertheless, improving conditions in detention centers was one of the key recommendations resulting from the Universal Periodic Review of the country's human rights performance to the UN Human Rights Council in January. The recommendations of the review also included that Austria provide free legal counsel to persons awaiting deportation.

According to January statistics from the Justice Ministry, there were 8,540 persons in prison, including 555 women and 650 juveniles.

Human rights groups continued to criticize the incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention. Beginning on October 1, in keeping with EU regulations and a ruling by the Constitutional Court, authorities made free advice from the legal experts of nongovernmental organizations (NGOs) available to asylum seekers and those in detention while awaiting deportation.

Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. The government investigated and monitored prison and detention center conditions. The federal ombudsman's office can investigate on behalf of prisoners and detainees but cannot consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding. There were strict checks on the enforcement of pretrial detention restrictions and bail provisions, and detailed recordkeeping procedures to ensure that prisoners did not serve beyond the maximum sentence for the offense with which they were charged.

NGOs monitored detained prisoners on a regular basis.

Prisoners had access to potable water, and prison conditions for women and men were generally the same. The federal ombudsman monitors the situation in prisons. There are sentencing alternatives for nonviolent offenders.

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 libel 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.

NGOs continued to criticize the police for allegedly targeting minorities for frequent identity checks. Racial sensitivity training for police and other officials continued with NGO assistance. In response to a 2010 report by the Council of Europe's Committee for the Prevention of Torture, the government expanded human rights training for police officials in detention centers.

Arrest Procedures and Treatment While in Detention

Arrests are based on sufficient evidence and based on documentation issued by a duly authorized official. The arrested person is brought before an independent judiciary. 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 investigative detention cases periodically. The maximum duration for investigative detention is two years. There is a functioning bail system. Police and judicial authorities generally respected these laws and procedures in practice.

Detainees have the right to a lawyer. Although indigent criminal suspects have the right to an attorney at government expense, the criminal procedures code requires an attorney be appointed only after a court decision to remand such suspects into custody (i.e., 96 hours after apprehension). Criminal suspects are not legally required to answer questions without an attorney present.

There were isolated reports of police abuse, which authorities investigated.

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. Persons charged with criminal offenses are presumed innocent until proven guilty; juries are used in trials for major offenses. Attorneys are not mandatory in minor offense cases, but legal counsel is available at no charge for needy persons in cases where attorneys are mandatory. Trials must be public and conducted orally. 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. A system of judicial review provides multiple opportunities for appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the European Court of Human Rights (ECHR) decided 11 cases involving Austria and found violations in four. The cases concerned the protection of property, the right to a fair trial, and the prohibition of discrimination. The government complied with the ECHR orders and decisions.

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 and judicial remedies were available for redressing alleged wrongs. Individuals could appeal adverse decisions to the ECHR.

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

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and 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 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 (see Section 6, Anti-Semitism).

Strict libel laws discouraged reporting of governmental abuse. For example, many observers believed that the ability and willingness of the police to sue for libel discouraged individuals from reporting abuse by police.

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.

In April authorities arrested three men because of their connection to a neo-Nazi Web site that displayed links to Hitler's *Mein Kampf*, called for actions to preserve the "German heritage," and denounced persons who fight right-wing extremism. The suspects were charged under the law banning neo-Nazi activity and were awaiting trial at year's end.

There were no reports that the government attempted to collect personally identifiable information of persons in connection with their peaceful expression of political, religious, or ideological opinion or beliefs. There were no reports that the government censored Web sites. However, authorities continued to try to restrict access to Web sites containing information that violated the law, such as neo-Nazi and child pornography sites. Authorities restricted access to banned sites by trying to shut down such sites and forbidding the country's Internet service providers to carry them.

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

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/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 and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement: Asylum seekers' freedom of movement was restricted to the district of the refugee camp where authorities assigned them for the duration of their initial application process, i.e., until the country's responsibility for examining the application is determined. Under the law asylum seekers must be physically present in the centers of first reception for up to 120 hours during the initial application process. Authorities had 20 days in which to determine Austria's responsibility and jurisdiction.

Protection of Refugees

Access to Asylum: The law provides 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 the Federal Asylum Court, a special court mandated to process asylum cases, and the right to appeal to the Constitutional Court when constitutional issues arise. Some asylum advocates criticized the limited right of asylum seekers to appeal their cases.

Safe Country of Origin or Transit: The government requires asylum seekers who transit a country determined to be "safe" to return to that country to seek refugee status. Authorities consider all signatories to the 1951 refugee convention and its 1967 protocol to be safe countries of transit. However, in response to a ruling by the ECHR and the recommendations of the UN special rapporteur on torture, the government in February put a de facto halt to the return of asylum seekers to Greece.

Nonrefoulement: 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 October Human Rights Watch released a report criticizing the deportation back to Kosovo of Roma, Ashkali, and Egyptians by a number of European countries, including Austria, because adequate reception conditions for safe and dignified returns had not been established. Similarly, the Council of Europe's commissioner for human rights urged European states to stop forced returns until Kosovo could provide adequate living conditions, health care, social services, and employment. Authorities continued deportations to Kosovo during the year.

Access to Basic Services: Asylum seekers and refugees were entitled to state medical care, a subsistence allowance, and housing. While they were legally restricted from seeking regular employment, they were eligible for seasonal employment. Asylum seekers and refugees between the ages of six and 15 were eligible to go to school.

Temporary Protection: 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

Recent Elections: The country held national parliamentary elections in 2008 and presidential elections in 2009; there were no reports of serious abuse or irregularities in either election.

Participation of Women and Minorities: The parliament consists of the National Council, which is popularly elected, and the Federal Council, whose members are named by the federal states. At year's end 50 women were in the 183-seat National Council and 19 women in the 62-member Federal Council. There were six women in the 14-member Council of Ministers (cabinet).

There appeared to be relatively little representation of ethnic minorities at the national level. The Federal Council includes one Muslim woman.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption. The Central Public Corruption Prosecution Department has countrywide authority to prosecute cases. Anticorruption laws and regulations extend to civil servants, public officials, governors, members of parliament, and employees and representatives of the country's companies. The law is well developed, but the government's record on execution and prosecution lagged. In October the state prosecutor began investigating a senior interior ministry staffer for abuse of office. In October the parliament established a committee to investigate a series of corruption charges against former government officials, including former ministers of defense, interior, and infrastructure.

There are financial disclosure laws for public officials, and there were no reports of failure to comply with disclosure requirements.

The courts are responsible for adjudicating 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 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. Several NGOs complained that the government did not consult civil society in preparing Austria's response to Universal Periodic Review recommendations for the UN Human Rights Council, particularly those relating to detention center conditions.

Government Human Rights Bodies: A human rights ombudsman's office consisting of three independent commissioners examines complaints against the government. There were no parliamentary human rights committees.

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. In October the parliament passed a law prohibiting public incitement against persons with disabilities.

Women

Rape and Domestic Abuse: Under the law rape, including spousal rape, is punishable by up to 15 years' imprisonment. The government generally enforced the law. Government statistics on rape and sexual coercion included 1,156 reported occurrences and 146 convictions in 2010. There were no reports of police or judicial reluctance to prosecute spousal or other rape cases.

Domestic violence is illegal, but 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. Fewer than 10 percent of women abused by an intimate partner filed complaints. Police can issue a two-week order barring abusive family members from contact with the victim, and courts may extend the order for up to six months. Domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury.

According to Justice Ministry statistics released in February, courts issued injunctions prohibiting abusive family members from returning home in 6,759 cases in 2010.

Under the law psychosocial care, as well as legal aid and support throughout the justice process, is mandated for survivors of gender-based violence. Police training programs address sexual or gender-based violence and domestic abuse.

The government funded privately operated intervention centers and hotlines 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. NGOs observed that these centers were generally effective in providing shelter for victims of abuse.

Female Genital Mutilation (FGM): Authorities can prosecute FGM under the criminal code's general bodily injury provisions; it is punishable by up to five

years' imprisonment. There were unconfirmed reports by NGOs that FGM was practiced in some immigrant communities, but no information on the incidence of this practice was available. There were no reports of police or judicial reluctance to pursue FGM cases.

Sexual Harassment: The law prohibits sexual harassment, and the government generally enforced the law. Of the 3,479 cases of discrimination brought to the ombudsman in 2010 for reasons of gender, 422 involved sexual harassment. The labor courts may order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding in a case; the law entitles a victim to a minimum of 1,000 euros (\$1,300) in financial compensation.

Reproductive Rights: 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, or violence. Statistics Austria reported that during the year there were approximately four maternal deaths per 100,000 live births. Women were diagnosed and treated on an equal basis with men for sexually transmitted infections.

Discrimination: 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. The ombudsman provides advice in discrimination cases and can file complaints with the Federal Equality Commission on behalf of persons who assert that they have been discriminated against. The minister for women's affairs and social service is responsible for promoting the legal rights of women.

According to Statistics Austria's *Women's Report 2010*, released in February, women earned on average 25.5 percent less than men and 15 percent less for equivalent work. The participation for women ages 15 to 64 in the labor force was 69 percent, approximately the same as for men. The report attributed an observed increase in female participation in the labor market to a rise in part-time work. Approximately 41.5 percent of employed women worked part time, compared with 30.7 percent in 1998.

Female employees in the private sector may invoke laws prohibiting discrimination against women. Depending on the Federal Equality Commission's findings, labor courts may award the equivalent of up to four months' salary to women who are found to have experienced gender discrimination in promotion. The courts may

also order compensation for women who were denied a post despite having equal qualifications.

Children

Birth Registration: By law children derive citizenship from one or both parents. Births are registered immediately.

Child Abuse: According to Interior Ministry statistics, 1,391 cases of child abuse were reported to authorities in 2010, most involving intercourse with a minor. Child abuse is punishable by up to five years' imprisonment, extendable to 10 years if the victim dies because of negligence. Severe sexual abuse or rape of a minor is punishable by up to 20 years' imprisonment, which may be increased to life if the victim dies as a result of the abuse. The Justice Ministry reported in October that prosecutors obtained convictions in 410 cases of child abuse in 2010.

The government continued its efforts to monitor child abuse and prosecute offenders. The Ministry for Economics, Family, and Youth estimated that close family members or family friends committed 90 percent of child abuse. Officials noted a growing readiness to report instances of child abuse.

Sexual Exploitation of Children: 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 2010, according to government statistics, 413 cases were reported and 153 convictions obtained for sexual abuse and severe sexual abuse of minors.

It is a crime to possess, trade, or privately view child pornography. Exchanging pornographic videos of children is illegal. Possession of child pornography is punishable by up to two years' imprisonment; trading in child pornography is punishable by up to 10 years' imprisonment. According to government statistics, 315 instances of these abuses were reported, and prosecutors obtained 208 convictions.

Child Marriage: The minimum age for legal marriage is 18. Adolescents between 16 and 18 may contract a legal marriage if they have obtained a special permit for this purpose. During the year the media occasionally carried reports of underage marriage, primarily in the Muslim and Romani communities, but such cases were undocumented.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

See the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm as well as country-specific information at http://travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

According to 2001 census figures and 2011 estimates from the Vienna Institute of Demography, a branch of the Austrian Academy of Sciences, the Jewish community in the country numbered approximately 7,000.

The NGO Forum against Anti-Semitism reported 70 anti-Semitic incidents in 2010, including four physical assaults in addition to 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.

The law banning neo-Nazi activity prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in print publication, broadcast, or other media. The government strictly enforced these laws. For example, in April authorities arrested three men connected to a Web site that displayed links to Hitler's *Mein Kampf*, called for actions to preserve the "German heritage," and denounced persons who fight right-wing extremism.

On September 11, the Vienna Criminal Court granted parole to convicted Holocaust denier Gerd Honsik on condition that he not commit any other offenses in the next three years. Honsik was serving a two-year prison sentence for violating the law prohibiting neo-Nazi activities. The conviction stemmed from the 2009 publication of two neo-Nazi books in which Honsik made accusations concerning the work of Simon Wiesenthal.

On October 15, an Austrian soldier participating in an international peacekeeping mission in Syria reportedly bought flags depicting banned Nazi-era signs and slogans. The soldier was repatriated and faced disciplinary measures, as well as a possible indictment, for violating Austrian law prohibiting neo-Nazi activities.

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 while also conducting training projects with the Anti-Defamation League.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law protects persons with physical, sensory, intellectual, 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.

Federal law mandates access to public buildings for persons with physical disabilities; however, NGOs complained that many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance. Persons with disabilities generally had access to information and communications.

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 sterilization in recent years. The law prohibits the sterilization of minors.

The Ministry of Labor, Social Affairs, and Consumer Protection handles disability-related problems. The government funded a wide range of programs for persons with disabilities, including the providing transportation and other assistance to help integrate schoolchildren with disabilities into regular classes and employees with disabilities into the workplace.

National/Racial/Ethnic Minorities

Interior Ministry statistics released in September cited 580 neo-Nazi, right-wing extremist, xenophobic, or anti-Semitic incidents in 2010. The government continued to express concern over the activities of extreme right-wing and neo-Nazi groups, many with links to organizations in other countries.

An NGO operating a hotline for victims of racist incidents reported 745 complaints in 2010. It noted an increase in verbal abuse against women wearing headscarves.

In October a court in Styria Province acquitted a right-wing party official of charges of anti-Muslim incitement. The charges stemmed from an Internet pop-up game appearing on the party's Web site that allowed players to "gain points" by pasting stop signs on minarets and men in traditional Turkish attire. The public prosecutor appealed the verdict.

Human rights groups continued to report that Roma faced discrimination in employment and housing. The head of the Austrian Romani Cultural Association reported that the situation of the Romani community, estimated at more than 6,200 indigenous, and between 15,000 and 20,000 nonindigenous, individuals, continued to improve. Government programs, including financing for tutors, helped school-age Romani children move out of "special needs" and into mainstream classes.

NGOs reported that Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized for perceived involvement in the drug trade or other illegal activities.

In response to criticism that it had failed to enforce Constitutional Court rulings regarding the Slovene minority's language rights in Carinthia Province, parliament on July 6 passed a law doubling the number of bilingual town signs, wider use of the Slovene language in administrative offices, and funding for Slovene cultural and educational institutions. Federal law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities.

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

Poor German-language skills were a major factor preventing minorities from entering the workforce. The Labor Ministry continued efforts to combat this situation by providing German-language instruction and skilled-labor training to young persons with immigrant backgrounds.

In April the government appointed its first state secretary for integration. Reporting to the interior minister, the state secretary is responsible for coordinating the government's efforts to integrate the country's immigrants.

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

There was some societal prejudice against gay men and lesbians; however, there were no reports of violence or discrimination based on sexual orientation or gender identity. Organizations of lesbian, gay, bisexual, and transgender persons generally operated freely. Vienna hosted an annual gay pride march in July, and the city 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. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join independent unions and bargain collectively. It prohibits antiunion discrimination or retaliation against strikers, and provides for the reinstatement of workers fired for union activity. It allows unions to conduct their activities without interference. The Austrian Trade Union Federation was the exclusive entity representing workers in collective bargaining. Unions are technically independent of government and political parties, although some sectors have unions closely associated with parties.

There were no reports of antiunion discrimination or other forms of employer interference in union functions. The right to strike was recognized in practice. Laws providing for collective bargaining, protecting unions from interference and workers from retaliation for union activities were enforced. There were no reported instances of antiunion discrimination or employer use of short-term contracts to avoid hiring workers with union rights.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women were subjected to involuntary domestic servitude and that children were subjected to forced begging.

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum legal working age is 15, with the exception that children at least 12 years old may engage in certain forms of light work on family farms or businesses. Children age 15 and older are subject to the same regulations on hours, rest periods, overtime wages, and occupational health and safety restrictions as adults, except for additional limitations on hazardous forms of work or limitations for ethical reasons.

Laws and policies protect children from exploitation in the workplace and prohibit forced or compulsory labor, and the government generally enforced these laws and policies effectively.

There were reports of trafficking of children for begging. In 2010 the Crisis Center for Unaccompanied Minors in Vienna assisted 40 children, primarily from Bulgaria and Romania, who were subjected to forced begging in the country.

The labor inspectorate of the Ministry of Labor, Social Affairs, and Consumer Protection is responsible for enforcing child labor laws and policies in the workplace, and the inspectorate enforced the laws effectively. The labor inspectorate did not find any violations of child labor laws during the year.

d. 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. All collective bargaining agreements provide for a minimum wage of 1,000 euros (\$1,300) per month--the official poverty level was 951 euros (\$1,236) per month. Wages where no such collective agreements exist, such as for domestic workers, janitorial staff, and au pairs, are regulated in pertinent law and are generally lower than those covered by collective bargaining agreements.

The law provides for a maximum workweek of 40 hours, but collective bargaining agreements also give more than half of all employees 38- or 38.5-hour workweeks. Regulations to increase flexibility in work hours allow firms to increase the maximum regular time from 40 hours to 50 hours per week with overtime. In special cases work hours can be increased to a maximum of 60 hours per week, including overtime, for a maximum of 24 weeks annually. However, these 24 weeks can only be in eight-week segments, with at least a two-week break between each eight-week period.

Overtime is officially limited to five hours per week and 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 law stipulates premium pay of 50 percent for overtime and requires time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Wage and hour standards were equitably enforced across all groups.

Foreign workers in both the formal and informal sectors make up approximately 13 percent of the country's workforce. Wage and hour regulations were not effectively enforced in the informal sector.

The labor inspectorate regularly enforced mandatory occupational health and safety standards. Workers could file complaints anonymously with the labor inspectorate, which could sue 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 workers were able to exercise this right in practice.