



Austria

International Religious Freedom Report 2005

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.

The generally amicable relationship among religions in society contributed to religious freedom; however, there is some societal mistrust and discrimination against members of some nonrecognized religious groups, particularly those referred to as "sects." There was no marked deterioration in the atmosphere of religious tolerance in the country during the period covered by this report.

The U.S. Government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

Section I. Religious Demography

The country has an area of 32,382 square miles, and its population is an estimated 8 million. The largest minority groups are Croatian, Slovene, Hungarian, Czech, Slovak, and Roma. In the past several years, the country has experienced a rise in immigration from countries such as Turkey and Bosnia-Herzegovina, which has increased the number of Muslims in the country.

According to the 2001 census, membership in major religions is as follows: Roman Catholic Church--74.0 percent; Lutheran and Presbyterian churches (Evangelical Church--Augsburger and Helvetic confessions)--4.7 percent; Islamic community--4.2 percent; Jewish community--0.1 percent; Eastern Orthodox (Russian, Greek, Serbian, Romanian, and Bulgarian)--2.2 percent; other Christian churches--0.9 percent; other non-Christian religious groups--0.2 percent. Atheists accounted for 12 percent; 2 percent did not indicate a religious affiliation.

The vast majority of groups termed "sects" by the Government are small organizations with fewer than 100 members. Among the larger groups are the Church of Scientology, with between 5,000 and 6,000 members, and the Unification Church, with approximately 700 adherents throughout the country. Other groups found in the country include Divine Light Mission, Eckankar, Hare Krishna, the Holosophic community, the Osho movement, Sahaja Yoga, Sai Baba, Sri Chinmoy, Transcendental Meditation, Landmark Education, the Center for Experimental Society Formation, Fiat Lux, Universal Life, and The Family.

The provinces of Carinthia and Burgenland have somewhat higher percentages of Protestants than the national average. The number of Muslims is higher than the national average in Vienna and the province of Vorarlberg, where industry drew a disproportionately higher number of guest workers from Turkey and the former Yugoslavia.

According to a poll by FESSEL-GfK 78 percent of respondents said that they belonged to a church or religious group. Of that number, 2 percent attended services more than once a week, 15 percent attended weekly, 17 percent attended a minimum of once a month, 34 percent attended several times a year (on special occasions), and 32 percent never attended.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

The Government is secular. The Roman Catholic Church is the predominant religion; many Roman Catholic holidays are also government holidays.

The status of religious organizations is governed by the 1874 Law on Recognition of Churches and by the 1998 Law on the Status of Religious Confessional Communities, which establishes the status of "confessional communities." Religious organizations are divided into three legal categories (listed in descending order of status): officially recognized religious societies, religious confessional communities, and associations. Each category of organizations possesses a distinct set of rights, privileges, and responsibilities.

Recognition as a religious society under the 1874 law has wide-ranging implications, such as the authority to participate in the mandatory church contributions program, to provide religious instruction in public schools, and to bring religious workers into the country to act as ministers, missionaries, or teachers. Under the 1874 law, religious societies have "public corporation" status. This status permits religious societies to engage in a number of public or quasi-public activities that are denied to confessional communities and associations. The Government provides financial support for religious teachers at both public and private schools to religious societies but not to other religious organizations. The Government provides financial support to private schools run by any of the 13 officially recognized religious societies.

The Government recognizes 13 religious bodies as religious societies: the Roman Catholic Church, the Protestant churches (Lutheran and Presbyterian, called "Augsburger" and "Helvetic" confessions), the Islamic community, the Old Catholic Church, the Jewish community, the Eastern Orthodox Church (Russian, Greek, Serbian, Romanian, and Bulgarian), the Church of Jesus Christ of Latter-day Saints (Mormons), the New Apostolic Church, the Syrian Orthodox Church, the Armenian Apostolic Church, the Methodist Church of Austria, the Buddhist community, and the Coptic Orthodox Church.

The 1998 Law on the Status of Religious Confessional Communities imposed new criteria on religious groups to achieve religious society status, although it allowed previously recognized societies to retain their status. New criteria included a 20-year period of existence (at least 10 of which must be as a group organized as a confessional community under the 1998 law) and membership equaling at least two one-thousandths of the country's population (approximately 16,000 persons). Only 4 of the 13 recognized religious groups would meet this membership requirement. Of nonrecognized religious groups, only the Jehovah's Witnesses met this latter membership requirement.

The 1998 law allows nonrecognized religious groups to seek official status as "confessional communities" without the fiscal and educational privileges available to recognized religions. To apply, groups must have at least 300 members and submit to the Government their written statutes describing the goals, rights, and obligations of members, as well as membership regulations, officials, and financing. Groups also must submit a written version of their religious doctrine, which must differ from that of any religious society recognized under the 1874 law or any confessional community established under the 1998 law. The Ministry of Education then examines the doctrine for a determination that the group's basic beliefs do not violate public security, public order, health and morals, or the rights and freedoms of citizens.

Once the Government recognizes them, religious confessional communities have juridical standing, which permits them to engage in such activities as purchasing real estate in their own names and contracting for goods and services. A religious group that seeks to obtain this new status is subject to a 6-month waiting period from the time of application to the Ministry of Education and Culture. According to the Ministry, as of July 2005, 13 groups had applied for the status of religious confessional community, and 10 were granted the new status. The Church of Scientology and the Hindu Mandir Association withdrew their applications. The Hindu Mandir Association reapplied under the name Hindu Religious Community and was granted the new status. The Ministry rejected the application of the Sahaja Yoga group in 1998. Since then, its decision has been upheld in the Constitutional Court and Administrative Court.

The 10 religious groups that constitute confessional communities according to the law are the Jehovah's Witnesses, the Baha'i Faith, the Baptists, the Evangelical Alliance, the Movement for Religious Renewal, the Free Christian Community (Pentecostals), the Pentecostal Community of God, the Seventh-day Adventists, the Hindu Religious Community, and the Mennonites.

Religious groups that do not qualify for either religious society or confessional community status may apply to become associations under the Law of Associations. Associations are corporations under law and have many of the same rights as confessional communities, including the right to own real estate. Some groups have organized as associations, even while applying for recognition as religious societies.

In May 2005, the Jewish Community (Israelitische Kultusgemeinde, or IKG) and the Government announced that pending questions regarding the IKG's restitution claims had been resolved. The solution included addressing IKG concerns regarding ongoing financing of the community's security costs and social programs.

The Government strictly enforces its anti-neo-Nazi legislation, which prohibits neo-Nazi acts, including incitement to neo-Nazi activity and the glorification of National Socialism. The Government also provides police protection for Jewish Community institutions. Investigations into the unlawfulness of an October 2004 gathering by right-wing extremists in the Carinthian city of Feldkirchen were ongoing as of June 30, 2005. Speakers at the gathering stated that the "enemy is and remains the Jew". The case was in the hands of the Carinthian public prosecutor, with a report expected by late 2005.

Holocaust education was generally taught as part of history instruction but also was featured in other subjects under the heading "political education (civics)." Religious education classes were another forum for teaching the tenets of different religions and overall tolerance. Special teacher training seminars were available on the subject of Holocaust education. The Education

Ministry also ran a program through which Holocaust survivors talked to school classes about National Socialism and the Holocaust.

There are no restrictions on missionary activities. Although in the past nonrecognized religious groups had problems obtaining resident permits for foreign religious workers, administrative procedures adopted in 1997 addressed this problem in part. Visas for religious workers of recognized religions are not subject to a numerical quota. Visas for religious workers who are members of nonrecognized religions are subject to a numerical cap. The Austrian Evangelical Alliance, the umbrella organization for nonrecognized Christian organizations, continued to report that in some urban centers, particularly Vienna and some cities in Lower Austria, the number of available visas was not sufficient to meet demand.

In 2003, the Government opened the first Buddhist cemetery in Europe within Vienna's Central Cemetery. As of December 2004, construction continued on the new Islamic Cemetery in Vienna's Liesing district.

Restrictions on Religious Freedom

Numerous religious groups that the Government did not recognize under the 1998 law, as well as some religious law experts, dismiss the benefits of obtaining status under the 1998 law and have complained that the law's additional criteria for recognition as a religious society obstruct claims to recognition and formalize a second-class status for nonrecognized groups. Some experts have questioned the 1998 law's constitutionality.

Although the Ministry of Education granted Jehovah's Witnesses the status of a confessional community in 1998, they were denied recognition as a religious society under the 1874 law in 1997. A complaint filed by the Jehovah's Witnesses with the European Court for Human Rights (ECHR) in 1998, arguing that the group had not yet been granted full status as a religious entity in the country under the law, despite a 2-decade struggle, remained pending at the end of the period covered by this report.

The Ministry for Social Security and Generations and the City of Vienna fund a counseling center of a controversial nongovernmental organization (NGO), The Society against Sect and Cult Dangers or "GSK," that actively works against sects and cults. GSK distributes information to schools and the general public and runs a counseling center for those who believe they have been negatively affected by cults or sects.

The Federal Office of Sect Issues continues to function as a counseling center for those who have questions about sects and cults. Under the law, this office has independent status, but the Minister for Social Security and Generations appoints and supervises its head.

Several provinces funded offices that provided information on sects and cults. The website of the Family Office of the Government of Lower Austria no longer included a presentation that negatively characterized many religious groups. On May 27, 2005, Parliament passed an animal protection law prohibiting the slaughtering of animals without anesthesia. For ritual slaughtering, the law permits post-cut anesthesia; in addition, the ritual slaughtering must be carried out by "specially trained" and experienced persons and take place in the presence of a veterinarian. The ruling was in force, and has been accepted by the Islamic and the Jewish communities.

The conservative People's Party (OVP) position regarding membership in a "sect" remained in force during the period covered by this report. Its stated position is that party membership is incompatible with membership in a "sect," if the sect holds a fundamentally different view of man from what the Party believes, advocates opinions irreconcilable with the ethical principles of the party, or rejects the basic rights granted by progressively minded constitutional states and an open society. In 1998, the OVP passed a resolution banning members of "sects" from being members of the party. This resolution was passed to target a native Scientologist who was at the time a respected member of his local party organization and his local community. There are no known reports of members of other sects being denied membership in the party.

Prisoners who belong to nonrecognized religious groups are entitled to pastoral care. Some groups have reported experiencing problems with access to pastoral care in isolated instances; however, there are no allegations of widespread problems.

The Government provides funding for religious instruction in public schools and places of worship for children belonging to any of the 13 officially recognized religious societies. The Government does not offer such funding to nonrecognized religious groups. A minimum of three children is required to form a class. In some cases, religious societies decide that the administrative cost of providing religious instruction is too great to warrant providing such courses in all schools. Attendance in religious instruction is mandatory unless students formally withdraw at the beginning of the academic year; students under the age of 14 need parental permission to withdraw from instruction.

There were no reports of religious detainees or prisoners.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally

removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

Relations among the 13 officially recognized religious societies are generally amicable. Fourteen Christian churches, among them the Roman Catholic Church, various Protestant confessions, and eight Orthodox and old-oriental churches are engaged in a dialogue in the framework of the Ecumenical Council of Austrian Churches. The Baptists and the Salvation Army have observer status in the Council. The international Catholic organization "Pro Oriente," which promotes a dialogue with the Orthodox churches, also is active in the country.

The NGO Forum against Anti-Semitism (Forum gegen Antisemitismus) reported 116 anti-Semitic incidents during the period covered by this report, including 4 physical attacks. The incidents included name-calling, graffiti/defacement, threatening letters, anti-Semitic Internet postings, property damage, vilifying letters and telephone calls, and physical attacks. The European Union's Monitoring Center on Racism and Xenophobia has declared in the past that anti-Semitism in the country was characterized by diffuse and traditional anti-Semitic stereotypes rather than by acts of physical aggression.

There were two cases of belittlement or denial of the Holocaust in the spring of 2005. One politician publicly stated that former adherents of National Socialism had been discriminated against, while another said that there was not sufficient proof that gas chambers existed. These statements led to a firestorm of criticism, leading to the eventual resignation of the former and a declaration by President Heinz Fischer that "such people do not have a place in our society."

A March-April 2005 study conducted by the American Jewish Committee in the U.S. and six European countries showed that 42 percent of population believed that Jews were exploiting the memory of the Nazi extermination of Jews for their own purposes. In response to the study's results, the President of the IKG said that anti-Semitism in the country was not greater than in other countries, but he also said that the situation was not "especially good" either.

The Anti-Defamation League's April 2004 report measured attitudes towards Jews, Israel, and the Palestinian-Israeli Conflict in 10 European countries, including the country, with reference to 11 anti-Semitic stereotypes. The survey considered those respondents who agreed with six or more stereotypic statements to harbor anti-Semitic views. The results of the 2004 survey showed that, according to the above criteria, 17 percent harbor anti-Semitic views. This was 2 percent less than the 2002 survey results.

There were no reports of violence or vigilante action against members of religious minorities. However, some societal mistrust and discrimination continues against members of some nonrecognized religious groups, particularly against those considered to be members of sects. A large portion of the public perceives such groups as exploiting the vulnerable for monetary gain, recruiting and brainwashing youth, promoting antidemocratic ideologies, and denying the legitimacy of government authority. Some observers believe the existence of and the activities of the Federal Office of Sect Issues and similar offices at the state level foster societal discrimination against minority religious groups.

Members of sects continued to complain that the Government lacks an objective stance when dealing with or representing groups they consider to be "sects." The sects claimed that the Government relies too heavily on isolated cases of persons who have had negative experiences with a group, rather than speaking directly to the vast majority of members who are content.

The Church of Scientology has reported that individual Scientologists have experienced discrimination in hiring.

Muslims have complained about incidents of societal discrimination and verbal harassment. In response to past incidents of Muslim schoolgirls encountering difficulties with school authorities for wearing the headscarf at school, the Ministry of Education, Science, and Culture circulated a policy document in June 2004 to all schools under its jurisdiction emphasizing that the wearing of the headscarf is protected by the right to freedom of religion under the Constitution and the European Convention of Human Rights. It further stated that any efforts designed to prohibit Muslim schoolgirls from wearing it are unlawful.

Muslim women have reported difficulties in the job market when potential employers learn they wear a headscarf. Observers hoped victims would be able to use the Equal Treatment Bill, which implemented the EU Anti-Discrimination and Anti-Racism Guidelines and took effect on July 1, 2004, to take action in court. Women who wear the headscarf have also reported that they experienced harassment in public areas.

No Muslim cemeteries were desecrated during the period covered by this report.

Compulsory school curricula provide for anti-bias and tolerance education as part of the civics education and as a focus across various subjects, including history and German classes. The Ministry of Education also conducts training projects with the Anti-Defamation League in this context.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in the context of its overall policy to promote human rights.

The U.S. Embassy monitors the Government's adherence to religious tolerance and freedom of expression as part of its evaluation of the Government's policies and commitments to freedom of expression. The Ambassador and other Embassy officers regularly meet with religious and political leaders to reinforce the U.S. Government's commitment to religious freedom and tolerance and to discuss the concerns of NGOs and religious communities regarding the Government's policies towards religion.

Embassy officials regularly meet with government officials, NGOs, and leaders of religious organizations to discuss the status of religious freedom in the country. American representatives repeatedly voice their concerns to the Government on the strict requirements for religious recognition in the country.

During the period covered by this report, the Embassy maintained an active dialogue with members of the Jewish and Muslim Communities, the Jehovah's Witnesses, the Church of Scientology, and other religious groups.

The Embassy highlighted religious freedom and tolerance in its programs. In September 2004, an Embassy-nominated Turkish-Austrian and Sudanese-Austrian, both Muslims, participated in the International Visitors Program to study "Managing Religious Diversity in a Multi-Ethnic Society."

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