



Austria

International Religious Freedom Report 2006

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

The constitution provides for freedom of religion, and the Government generally respected 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 religious groups in society contributed to religious freedom; however, there was 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 32,369 square miles, and its population was an estimated 8.2 million. The largest minority groups were Croatian, Slovene, Hungarian, Czech, Slovak, and Roma. In the past several years, the country experienced a rise in immigration from countries such as Turkey and Bosnia-Herzegovina, which increased the number of Muslims in the country.

According to the 2001 census, membership in major religions was 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; and other non-Christian religious groups, 0.2 percent. Atheists accounted for 12 percent, and 2 percent did not indicate a religious affiliation.

The vast majority of groups termed "sects" by the Government were small organizations with fewer than 100 members. Among the larger groups was 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 included 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 had somewhat higher percentages of Protestants than the national average. The number of Muslims was 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 respected 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 thirteen officially recognized religious societies.

The Government recognizes thirteen 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 twenty-year period of existence (at least ten 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 four of the thirteen recognized religious (Catholic, Protestant, Islamic Community, and Eastern Orthodox) groups would meet this membership requirement. Of the unrecognized religious groups, only the Jehovah's Witnesses would meet 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 six-month waiting period from the time of application to the Ministry of Education and Culture. According to the ministry, as of May 2006, thirteen groups had applied for the status of religious confessional community, and ten 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 ten 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.

There are no restrictions on missionary activities. Historically, unrecognized religious groups had problems obtaining resident permits for foreign religious workers. Unlike visas for religious workers of recognized religions, religious workers who are members of unrecognized religions are subject to a numerical cap. Administrative procedures adopted in 1997 for certain unrecognized groups, which exempted these workers from having to obtain governmental permission to work, helped to address this problem in part. These procedures allowed for application under an immigrant visa category that is neither employment or family-based. New visa laws that became effective in January 2006 will change the implementation of these procedures, possibly resulting in an increased difficulty for members of this group to obtain resident permits.

In 2003, the Government opened the first Buddhist cemetery in Europe within Vienna's Central Cemetery. As of May 2006, construction continued on the new Islamic Cemetery in Vienna's Liesing district. This construction site was the target of an arson attack in April 2006. Despite the attack, the Islamic Community hoped that the cemetery would be in operation by the end of 2006.

Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion. However, several 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 two-decade struggle, remained pending at the end of the period covered by this report. On July 5, 2005, the ECHR ruled that the case was admissible. This was one of three applications that the Religious Community of Jehovah's Witnesses filed against the Government at the ECHR. Three other applications were filed by individuals and dealt with the denial of exemption for the ministers of Jehovah's Witnesses from both military and alternative service. On February 1, 2005, the ECHR ruled that two of the cases dealing with military

exemption were admissible as possible violations of the European Convention on Human Rights regarding freedom of religion and discrimination.

The State of Lower Austria and the City of Vienna funded a counseling center of a controversial nongovernmental organization (NGO), GSK, which 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. Several provinces funded offices that provided information on sects and cults.

The Federal Office of Sect Issues continued 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.

The conservative People's Party (OVP) position regarding membership in a "sect" remained in force during the period covered by this report. The Party's 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 were 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 were 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 thirteen 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 fourteen need parental permission to withdraw from instruction.

There were no reports of religious prisoners or detainees in the country.

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.

Anti-Semitism

The NGO Forum against Anti-Semitism reported 143 anti-Semitic incidents in 2005, 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 typically characterized by diffuse and traditional anti-Semitic stereotypes rather than by acts of physical aggression.

The Anti-Defamation League's May 2005 report measured attitudes and opinions toward Jews in twelve European countries, including Austria. More than a third of Austrian respondents believed that Jews were more loyal to Israel than to Austria, and 46 percent of Austrian respondents believed that Jews talked too much about what happened to them in the Holocaust. However, these figures were down from the 2004 survey in which 46 percent answered affirmatively to the first question, and 54 percent to the second.

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. In November 2005, British historian David Irving was arrested on a 1989 warrant in which he was charged with denying the existence of gas chambers at Auschwitz. On February 20, 2006, he was found guilty and sentenced to three years in prison.

The Government also provides police protection for Jewish community institutions.

On April 26, 2005, the Vienna Criminal Court convicted a former member of the Upper House of Parliament to a suspended one-year prison sentence on grounds of violating neo-Nazi law. In public interviews in 2005, the former parliamentarian had said that the questions on whether gas chambers existed during the Third Reich should be "examined."

Section III. Societal Abuses and Discrimination

The generally amicable relationship among religious groups in society contributed to religious freedom. Relations among the thirteen officially recognized religious societies were generally amicable. Fourteen Christian churches, among them the Roman Catholic Church, various Protestant confessions, and eight Orthodox and old-oriental churches, were engaged in a dialogue in the framework of the Ecumenical Council of Austrian Churches. The Baptists and the Salvation Army had observer status in the Council. The international Catholic organization Pro Oriente, which promotes a dialogue with the Orthodox churches, was also active in the country. In early 2006, a new interreligious platform for tolerance was founded. Billed as an "initiative for a cooperative future in Austria," the group "Christian and Muslim" seeks to promote tolerance and respect by encouraging Christians and Muslims to learn more about each other's faiths and each other. Subsequently, Jewish representatives also joined the platform.

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 were no reports of violence or vigilante action against members of religious minorities. However, some societal mistrust and discrimination continued against members of some nonrecognized religious groups, particularly against those considered to be members of sects. A large portion of the public perceived 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 believed the existence of and the activities of the Federal Office of Sect Issues and similar offices at the state level fostered 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 make no complaint.

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

Muslims complained about incidents of societal discrimination and verbal harassment. Muslim women reported difficulties in the job market when potential employers learned they wear a headscarf. Victims can benefit from 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 also reported that they experienced harassment in public areas. From March to December 2005, there were eleven cases of discrimination based on religion brought before the Equal Rights Commissioner.

The Muslim cemetery being constructed in Vienna's Liesing district was the target of an arson attack in April 2006.

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 as part 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 met with religious and political leaders to reinforce the U.S. government's commitment to religious freedom and tolerance, and discussed the concerns of NGOs and religious communities regarding the Government's policies towards religion.

Embassy officials regularly met with government officials, NGOs, and leaders of religious organizations to discuss the status of religious freedom in the country. American representatives repeatedly voiced 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 2006, two Muslims participated in the International Visitor Program: one in an individual program on women's issues, immigration, and religion, and the other in a group program entitled "Project for Young Muslim Leaders on U.S. Political, Social and Educational Issues."

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