



## Austria

### International Religious Freedom Report 2008

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

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The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Anti-Semitic incidents occurred during the period covered by this report. There was some societal mistrust and discrimination against members of some religious groups not officially recognized as societies, particularly those referred to as "sects." During 2007 there were 64 cases of discrimination based on religion brought before the Equal Rights Commissioner. Muslims also reported prejudice, particularly with regard to headscarves and Islamic cemeteries. 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 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 a population of 8.3 million. During previous reporting periods the country experienced some immigration from countries such as Turkey and Bosnia-Herzegovina, which increased the number of Muslims. The Muslim community more than doubled between 1991 and 2001 to 339,000, or 4.2 percent of the population. Estimates for 2007 indicate that there are approximately 400,000 Muslims in the country. In recent reporting periods immigration has slowed down due to the gradual introduction of a quota system in the late 1990s.

According to the 2001 census, membership in major religious groups is as follows: Roman Catholic Church, 74 percent; Lutheran and Presbyterian Churches (Evangelical Church-Augsburger and Helvetic confessions), 4.7 percent; Muslim 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 account for 12 percent, and 2 percent do not indicate a religious affiliation.

According to a poll by the German market research institute FESSEL-GfK conducted in June and July 2007, 81 percent of respondents state that they belong to a church or religious group. Of that number, 2 percent attend services more than once a week, 10 percent attend weekly, 9 percent attend a minimum of once a month, 26 percent attend several times a year (on special occasions), and 53 percent nearly never attend.

The provinces of Carinthia (10.3 percent) and Burgenland (13.3 percent) have higher percentages of Protestants than the national average of 4.7 percent. The number of Muslims is higher than the national average of 4.2 percent in Vienna (7.8 percent) and the province of Vorarlberg (8.4 percent), where industry draws a disproportionately higher number of guest workers from Turkey and the former Yugoslavia.

The vast majority of groups termed "sects" by the Government are small organizations with fewer than one hundred members. Among the larger groups is the Church of Scientology, which claims between 5,000 and 6,000 members, and the Unification Church, with approximately 700 adherents. Other groups termed "sects" include Divine Light Mission, Eckankar, Hare Krishna, the Holosophic Community, the Osho Movement, Sahaja Yoga, Sai Baba, Sri Chinmoy, Transcendental Meditation, Center for Experimental Society Formation, Fiat Lux, Universal Life, and The Family.

## Section II. Status of Religious Freedom

### Legal/Policy Framework

The Constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. However, religious minority groups complained about second-class status. The Government classifies some of these groups as "sects." One group that has taken its case to the European Court of Human Rights (ECHR) over its treatment is the Jehovah's Witnesses. The Church of Scientology is also denied recognition as a religious group.

The Government is secular. The Catholic Church is the predominant religious group. The Government observes New Year's Day, Epiphany, Easter Monday, Labor Day, Ascension Day, Whitmonday, Corpus Christi Day, Assumption Day, Austrian National Day, All Saints' Day, Immaculate Conception, Christmas Day, and Saint Stephen's Day as national 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.

**Religious Societies:** 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, provide religious instruction in public schools, and 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 them 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 Catholic Church, the Protestant churches (Lutheran and Presbyterian, called "Augsburger" and "Helvetic" confessions), Islamic community, Old Catholic Church, Jewish community, Eastern Orthodox Church (Russian, Greek, Serbian, Romanian, and Bulgarian), Church of Jesus Christ of Latter-day Saints (Mormons), New Apostolic Church, Syrian Orthodox Church, Coptic Orthodox Church, Armenian Apostolic Church, Methodist Church of Austria, and Buddhist community.

The Alevis, followers of a belief system that incorporates aspects of both Shi'a and Sunni Islam while also drawing on the traditions of other religious groups found in Anatolia, have applied for recognition as a religious society. Their goal is to have separate religious instruction in public schools for Alevis.

The 1998 Law on the Status of Religious Confessional Communities imposes new criteria on religious groups to achieve religious society status, although it allows previously recognized societies to retain their status. New criteria include 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 0.2 percent of the country's population (approximately 16,000 persons). Only 4 of the 13 recognized religious societies (Catholic, Protestant, Islamic Community, and Eastern Orthodox) meet this membership requirement. Of the confessional communities, only the Jehovah's Witnesses meet this latter membership requirement.

**Religious Confessional Communities:** The 1998 law allows religious groups not recognized as societies to seek official status as "confessional communities" without the fiscal and educational privileges available to recognized religious groups. To apply, groups must have at least three hundred 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 religious confessional community established under the 1998 law. The Ministry of Education then examines the doctrine to ensure that the group's basic beliefs do not violate public security, public order, health and morals, or the rights and freedoms of citizens. In 2005 several nongovernmental organizations (NGOs) and recognized experts at the Organization for Security and Cooperation in Europe (OSCE) meeting on Anti-Semitism and Other Forms of Intolerance concluded that "the existing system and in particular the 1998 Law on Confessional Communities is inherently discriminatory as it de facto prevents religious organizations from obtaining a state-recognized status and relegates them to a second-class status."

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 May 2008, 14 groups had applied for the status of religious confessional community, and 11 were granted the new status. In 1998 the Church of Scientology and the Hindu Mandir Association withdrew their applications. In 1999 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 the Administrative Court. Following a 2006 decree by the Ministry of Education, the ELAIA Christian Community (ELAIA Christengemeinde) also received status as a confessional community.

The 11 groups that constitute religious confessional communities according to the law are the Jehovah's Witnesses, Baha'i Faith, Baptists, Evangelical Alliance, Movement for Religious Renewal, Free Christian Community (Pentecostals), Pentecostal Community of God, ELAIA Christian Community, Seventh-day Adventists, Hindu Religious Community, and Mennonites.

Associations: Religious groups that do not qualify for either religious society or religious 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. The Church of Scientology, the Unification Church, and a number of smaller groups are organized as associations.

There are no restrictions on missionary activities. Historically, religious groups not recognized as societies had problems obtaining resident permits for foreign religious workers. Unlike visas for religious workers of recognized religious societies, religious workers who are members of unrecognized religious groups are subject to a numerical cap for what is technically a nonpreference immigrant visa category. Administrative procedures adopted in 1997 for certain religious groups not recognized as societies, which exempt 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 nor family-based; however, new laws in 2006 brought certain changes in the implementation for a number of visa categories that make it more difficult for some members of these groups to obtain resident permits.

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 other 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, and instruction takes place either in the school or at sites organized by the religious groups. Students can formally withdraw at the beginning of the academic year; students under the age of 14 need parental permission to withdraw from instruction.

The Government strictly enforces its anti-neo-Nazi legislation, which prohibits neo-Nazi acts, including Holocaust denial, incitement to neo-Nazi activity, and the glorification of National Socialism. Due to the country's history during the National Socialist era, there is strong opposition to relaxing the law banning Holocaust denial. The country is the current Chair of the 25-country Task Force for International Cooperation on Holocaust Education, Remembrance, and Research, and one of the organization's most active members.

The Government provides police protection for Jewish community institutions.

#### Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

Several religious groups that the Government did not recognize under the 1998 law, as well as some religious law experts, dismissed the benefits of obtaining status under the 1998 law and complained that the law's additional criteria for recognition as a religious society obstructs recognition and formalizes a second-class status for religious groups not recognized as societies.

After the Ministry of Education granted Jehovah's Witnesses the status of a religious confessional community in 1998, the group applied for recognition as a religious society, since the 10-year waiting period ended in 2008. A complaint filed by the Jehovah's Witnesses with the 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. 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. In 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 religious freedom and discrimination. In 2006 the Jehovah's Witnesses filed an additional application with the ECHR in connection with the taxation of donations. The application was filed with the ECHR after the Constitutional Court and the Administrative Court dismissed the case. At the end of the period covered by this report, these cases were pending before the courts.

The State of Lower Austria and the City of Vienna fund a counseling center of the Society Against Sect and Cult Dangers (GSK), a controversial quasi-NGO, 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 states fund offices that provide 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 Health, Family, and Youth appoints and supervises its head.

The conservative People's Party 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.

Prisoners who belong to religious groups not recognized as societies are entitled to pastoral care. Some evangelical groups reported problems with accessing pastoral care in isolated instances; however, there were no allegations of widespread problems.

The Church of Scientology reported problems in obtaining concessions for staging public events in downtown Vienna.

On March 3, 2008, a Muslim woman was barred from attending her trial in a Vienna court for wearing a niqab (full length body and head veil) and refusing to uncover her face. She was told she could appear if she wore a hijab (women's headscarf).

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.

#### Improvements and Positive Developments in Respect for Religious Freedom

Compulsory school curriculums provide for antibias and tolerance education as part of civics education and as a focus across various subjects, including history and German. Religious education classes were another forum for teaching the tenets of different religious groups and overall tolerance. Holocaust education was generally taught as part of history instruction but also was featured in other subjects under the heading "political education" (civics). The Ministry of Education conducts training projects with the Anti-Defamation League. Special teacher training seminars were available on the subject of Holocaust education, and Holocaust survivors talked to school classes about National Socialism and the Holocaust.

In July 2007 the Government announced that it was offering rewards for the capture of two war criminals believed to be alive and at large; one of them, Alois Brunner, was an aide of Adolf Eichmann responsible for the deportation and killing of 55,000 Jews from Thessaloniki, Greece.

On April 17, 2008, a gang of violent neo-Nazis was arrested in South Tyrol. The gang is suspected to have links to right-wing extremist groups in the country.

#### Section III. Societal Abuses and Discrimination

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice.

The NGO Forum Against Anti-Semitism reported 62 anti-Semitic incidents in 2007, including 1 physical attack in May 2007. The incidents also included name-calling, graffiti/defacement, threats, property damage, vilifying letters, and

telephone calls. The European Union's Monitoring Center on Racism and Xenophobia 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.

On January 4, 2008, vandals desecrated 101 graves, 25 of them Jewish, at Vienna's main cemetery. The authorities were investigating at the end of the reporting period.

On December 20, 2007, vandals defaced a memorial in Villach, in the province of Carinthia, erected to honor the local Jews, Gypsies, Jehovah's Witnesses, handicapped persons, forced laborers, and others slain by the Nazis.

Muslims complained about incidents of societal discrimination and verbal harassment. Muslim women reported difficulties in the job market when potential employers learned they wore a headscarf. (In 2004 the Equal Treatment Bill that implemented the EU Anti-Discrimination and Anti-Racism Guidelines took effect, allowing such victims to take action in court.) Women who wore a headscarf also reported that they experienced harassment in public areas.

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

On January 13, 2008, in the campaign for local elections in the Styrian capital Graz, the candidate from the right-wing populist Freedom Party made anti-Islamic statements in a speech. The candidate called Islam a "totalitarian system" and made inflammatory statements about the Prophet Muhammad. Government representatives and religious leaders moved quickly and decisively in condemning the statements. A few weeks after the Graz elections, a number of Islamic graves at the local cemetery were desecrated.

Some societal mistrust and discrimination continued against members of some religious groups not recognized as societies, 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. There were occasional television/radio shows and reports featuring victims, or relatives and friends of victims, who claimed to be exploited by a group termed a "sect," or a Satanic or esoteric movement. During 2007 there were 64 cases of discrimination based on religion brought before the Equal Rights Commissioner.

Members of groups that the Government considers to be "sects" continued to complain that the Government lacks an objective stance when dealing with them. The "sects" claimed that the Government relies too heavily on isolated cases of persons who had negative experiences with a group, rather than speaking directly to the vast majority of members who make no complaint. Societal prejudice could also be a problem; a poll in 2006 found that 90 percent of citizens believed sects are "inherently dangerous."

Relations among the 13 officially recognized religious societies are generally amicable. Fourteen Christian churches, among them the Catholic Church, various Protestant confessions, and eight Orthodox and Old Oriental churches, were engaged in 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 dialogue with the Orthodox churches, was also active.

At the end of the period covered by this report, construction continued on the new Islamic cemeteries in Vienna's Liesing district and in Vorarlberg Province.

#### Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom 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 U.S. 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 discuss the concerns of NGOs and religious communities regarding the Government's policies towards religion.

U.S. representatives repeatedly voiced concern to the Government about the strict requirements for religious recognition in

the country.

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 June 2008 a Muslim participated in an International Visitors program on integration issues.

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