



Austria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The nongovernmental organization (NGO) Forum against Anti-Semitism reported 46 anti-Semitic incidents in 2008, including one physical attack. 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 2008 the public brought 47 cases of discrimination based on religion 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 during the reporting period.

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 2008 indicate that there are approximately 400,000 Muslims in the country. 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; Eastern Orthodox (Russian, Greek, Serbian, Romanian, and Bulgarian), 2.2 percent; other Christian churches, 0.9 percent; Jehovah's Witnesses, 0.3 percent; other non-Christian religious groups, 0.2 percent; and Jewish community, 0.1 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 stated 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 rarely 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.

A large number of immigrants come from the Balkans and Turkey, and these groups are largely Orthodox and Muslim respectively. 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 considered "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 7,000 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 Government Respect for 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, some religious minority groups complained about second-class status. The Government considers some of these groups to be "sects." Citizens have the right to sue the government for constitutional violations of religious freedom. One group that took its case to the European Court of Human Rights (ECHR) over its treatment was the Jehovah's Witnesses. After a history of government denial of its registration, the Church of Scientology did not seek recognition as a religious group.

The law prohibits public incitement to hostile acts against a church, religious society, or group because of its race, nationality, or ethnicity, if that incitement poses a danger to public order. It also prohibits incitement, insult, or contempt against these groups if it violates human dignity.

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

The law does not restrict religious clothing or symbols in the public workplace. In November two Muslim teachers, one an active politician, received press attention for wearing their headscarves in the classroom.

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, 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 religious societies but not other religious organizations with financial support for religious teachers at both public and private schools. The Government provides financial support to private schools run by any of the 14 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, Buddhist community, and the Jehovah's Witnesses, who received status as a recognized religious society on May 7, 2009.

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.

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 five of the 14 recognized religious societies (Catholic, Protestant, Islamic Community, Eastern Orthodox, and Jehovah's Witnesses) meet this membership requirement. In past rulings, the European Court of Human Rights (ECHR) criticized the waiting period for recognition as well as the separate standards, benefits, and privileges applied to religious societies and other groups.

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 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 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 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 it, a religious confessional community has juridical standing, which permits it to engage in such activities as purchasing real estate in its own name 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, 14 groups applied for the status of religious confessional community, and 11 were granted the new status, with one, the Jehovah's Witnesses, moving from the status of confessional community to that of religious society in May 2009. 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 10 groups that constitute religious confessional communities according to the law are: the Baha'i Faith, Baptists, Evangelical Alliance, Movement for Religious Renewal--Community of Christians, Free Christian Community (Pentecostals), Pentecostal Community of God, ELAIA Christian Community, Seventh-day Adventists, Hindu Religious Community, and Mennonites. The Movement for Religious Renewal--Community of Christians applied for recognition as a religious society.

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 have juridical standing and have many of the same rights as confessional communities, such as the right to own real estate within the parameters of the law on associations. 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. However, unrecognized religious groups reported some problems obtaining resident permits for foreign religious workers. Unlike workers for religious societies, religious workers for unrecognized groups apply for a general immigrant visa category that is neither employment, nor family-based, and subject to quota. Groups reported that changes enacted in 2006 made it more difficult to apply from abroad because the quotas were exhausted by the time their applications arrived, while applying locally gave no better chance of success.

The Government provides funding for religious instruction in public schools and places of worship for children belonging to any of the 14 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 for all students unless they formally withdraw at the beginning of the school year; students under the age of 14 require parental permission to withdraw from instruction. Instruction takes place either in the school or at sites organized by the religious groups. Some schools offer ethics classes for students not attending religious 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. Until March 2009 the country was the Chair of the 25-country Task Force for International Cooperation on Holocaust Education, Remembrance, and Research and is one of the most active members in the group.

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 reporting period.

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.

In March 2009 the Movement for Religious Renewal Community of Christians won a complaint against the Government regarding the waiting period for becoming a religious society with the ECHR.

On July 31, 2008, the ECHR ruled in favor of the Jehovah's Witnesses in a case filed in 1998 challenging the 10-year waiting period required for achieving religious society status.

Three individual members of the Jehovah's Witnesses also filed cases with the ECHR involving the government's refusal to exempt ministers of Jehovah's Witnesses from both military and alternative service. In 2005 the ECHR ruled that two of these cases 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. On March 12 and 19, 2009, the ECHR decided the cases regarding the exemption from military and alternative service in favor of the Jehovah's Witnesses.

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 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. Several states fund offices that provide information on sects and cults. Some members of the public believed the Office of Sect Issues and similar government offices fostered societal discrimination against unrecognized religious groups.

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 (OVP) position regarding membership in a "sect" remained in force during the reporting period. 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.

As in the previous reporting period, the Church of Scientology reported problems in obtaining concessions for staging public events in downtown Vienna.

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 who had not been allowed to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

Compulsory school curriculums provide for anti-bias and tolerance education as part of civics education and as a focus across various subjects, including history and German. Religious education and ethics 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.

Section III. Status of Societal Respect for Religious Freedom

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

The NGO Forum Against Anti-Semitism reported 46 anti-Semitic incidents in 2008, including one physical attack. 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 May 9, 2009, five youths ages 14-16 wearing black masks and carrying fake machine guns chanted "Sieg Heil" and fired plastic pellets at participants in a ceremony commemorating the liberation of a concentration camp in Ebensee, Upper Austria. The shots lightly injured two French visitors, one of whom was a Holocaust survivor. The youths were arrested; three were released under court surveillance.

On February 12, 2009, education authorities revoked the license of an Islamic instructor after he told his students to boycott companies he listed as "Jewish."

In February 2009 the outside wall of the Mauthausen concentration camp site was defaced with anti-Islamic and anti-Semitic graffiti.

In October 2008 a Vienna tram driver was fired because he had jokingly used the Nazi greeting "Sieg Heil" while driving a tram on October 25.

On July 20, 2008, three 18-20-year-old vandals sprayed swastikas and Nazi slogans on buildings and road signs in Bad St. Leonhard in Carinthia.

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. Two female schoolteachers who wore headscarves to work, one a Social Democrat politician, became the targets of far-right harassment after being featured on the cover of a magazine.

A controversy surrounding the expansion of a Turkish/Islamic center in Vienna remained unresolved. In the Lower Austrian town of Bad Voeslau, a new Turkish/Islamic mosque was scheduled to open in the first week of July 2009.

On May 5, 2009, government officials and religious leaders criticized the rightwing/populist Freedom Party (FPÖ) for its campaign slogan, "The West in Christian Hands." The slogan was part of the party's campaign for the European Parliament elections. Also in May, FPÖ leader Heinz-Christian Strache held up a crucifix while speaking at a protest against the planned expansion of a Turkish/Muslim center in Vienna, drawing a sharp rebuke from the country's Ecumenical Council.

In January 2009 the media reported the results of a study indicating that one-fifth of the country's Islamic religion teachers consider Islam and democracy to be "incompatible." The Education Ministry and the Muslim Faith Community responded by reviewing the qualifications of religion teachers and the quality of textbooks. The Muslim Faith Community was also working on a new curriculum for religious instruction.

In September 2008 the Islamic Faith Community criticized the use of anti-Muslim themes such as warnings against the "threatening Islamization" or "Islam as the Fascism of the 21st century" in the September 28 general elections campaign. Anti-Muslim and anti-immigrant sentiment appeared to play a role in the gains of the far-right in the September elections.

On September 27-28, 2008, vandals sprayed 90 graves with Jewish symbols in the Muslim cemetery in Traun, Upper Austria.

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 alleged 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 2008 there were 47 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."

Some groups complained about incidents in which instructors showed antisect videos in schools during religion or ethics instruction. One group complained about antisect material in a flyer directed toward senior citizens.

Relations among the 14 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.

Although it can do so as a religious society, the Jehovah's Witnesses does not want to exercise the right to have religious instruction in schools and also does not want to engage in the government-sponsored church contribution program. It expects to benefit from the fact that its foreign religious workers can work in Austria and that contributions to the Jehovah's Witnesses are now tax deductible.

A new Islamic cemetery in Vienna opened in November 2008. At the end of the reporting period, construction continued on the new Islamic cemetery 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 religious groups.

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, the Unification Church, and other religious groups.

The Embassy highlighted religious freedom and tolerance in its programs. In the reporting period, four Muslims participated in an International Visitor Program.