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## Austria

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### **July-December, 2010 International Religious Freedom Report**

Report

**September 13, 2011**

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The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. However, some religious minority groups complained about second-class status. The government classified some of these groups as "sects."

The government generally respected religious freedom in law and in practice. There was no change in the status of respect for religious freedom by the government during the reporting period.

There were some reports of societal abuses and discrimination based on religious affiliation, belief, or practice. The nongovernmental organization (NGO) Forum against Anti-Semitism reported 70 anti-Semitic incidents between January and December. 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 2009 the public brought 41 cases of discrimination based on religion before the equal rights commissioner. By year's end, figures for the year were not yet available. Muslims also reported prejudice, particularly with regard to headscarves and veils.

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 8.2 million. According to 2001 census figures and estimates during the year from the Vienna Institute of Demography, membership in major religious groups is as follows: Roman Catholic Church, 68 percent; Muslim community, 6 percent; Protestants, including Lutheran and Swiss Reformed churches (Evangelical Church-Augsburg and Helvetic confessions), 3.9 percent; Eastern Orthodox (Russian, Greek, Serbian, Romanian, and Bulgarian), 2.6 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 and others not indicating a religious affiliation account for 18 percent.

According to a Vienna Institute of Demography study released in August, the country has witnessed a steady decline in religious affiliation over the past 60 years. The study cites general religious apathy and an increasingly secular world view as the main reasons for this decline. A September survey by an Austrian magazine found that recent abuse scandals involving the Austrian Catholic Church had also turned some citizens away from all forms of organized religion, particularly the Christian churches. One notable exception to this trend is the Muslim community, which, given recent inflows of immigrants from predominantly Muslim countries such as Turkey, is expected to continue to increase in proportion to the population. The Vienna Institute of Demography study estimates that by 2051 Muslims will be 18 percent of the population.

According to a 2009 survey in an Austrian magazine, of citizens who attend religious services, 2 percent of citizens attend services more than once a week, 10 percent attend weekly, 9 percent attend a minimum of once a month, 24 percent attend several times a year (on special occasions), and 55 percent rarely attend.

The provinces of Carinthia and Burgenland have higher percentages of Protestants than the national average at 10.3 percent and 13.3 percent, respectively.

The numbers of Muslims in Vienna and in the province of Vorarlberg are higher than the national average, at 7.8 percent and 8.4 percent respectively; industry in these areas drew 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 100 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

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom and, in practice, the government generally enforced these protections. Citizens have the right to sue the government for constitutional violations of religious freedom.

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, Good Friday (Protestants only), Easter Monday, Ascension Day, Whit Monday, 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 workplace.

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 organization possesses a distinct set of rights, privileges, and responsibilities.

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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 "Augsburg" and "Helvetic" confessions), Muslim community, Old Catholic Church, Jewish community, Eastern Orthodox Church (Russian, Greek, Serbian, Romanian, and Bulgarian), The 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. 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 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. 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, Muslim Community, Eastern Orthodox, and Jehovah's Witnesses) meet this membership requirement. In past rulings, the European Court of Human Rights 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 that are not recognized as societies to seek official status as "confessional communities" without the fiscal and educational privileges available to recognized religious groups. In order to apply, groups must have at least 300 members and submit to the government their statutes describing the goals, rights, and obligations of members, as well as membership regulations, officials, and financing. Groups must also 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 assure 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 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 recognized by the government, 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.

In 2009 the government rejected an application by the Alevi to be recognized as a religious society. In December the Constitutional Court ruled that the grounds for the rejection were unconstitutional, leading the government to recognize the Alevi as a confessional community. Other groups filed applications at the end of the year seeking similar recognition.

The 11 groups that constitute religious confessional communities according to the law are: the Bahai Faith, Baptists, Evangelical Alliance, Movement for Religious Renewal--Community of Christians, Free Christian Community (Pentecostalists), Pentecostal Community of God, ELAIA Christian Community, Seventh-day Adventists, Hindu Religious Community, Mennonites, and the Alevites. The Movement for Religious Renewal--Community of Christians applied for recognition as a religious society. After the Education Ministry rejected the application, the group filed an appeal with the Constitutional Court on May 11.

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 organized as associations even while applying for recognition as religious societies. The Church of Scientology (which withdrew its application for religious confessional community status in 1998), the Unification Church, and a number of smaller groups are organized as associations.

There are no restrictions on missionary activities; however, unrecognized religious groups in the past reported some problems obtaining residence permits for foreign religious workers. Unlike workers for religious societies, religious workers for unrecognized groups apply for a general immigrant visa that is neither employment- nor family-based and is subject to quota.

The government provided 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 did not offer such funding to other religious groups. A minimum of three children is required to form a class. In some cases, religious societies decided that the administrative cost of providing religious instruction was 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 offered ethics classes for students not attending religious instruction.

Compulsory school curricula 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 was also featured in other subjects (such as 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.

On November 17, the parliament adopted a law setting up a fund for the renovation and maintenance of Jewish cemeteries. In compliance with the 2001 U.S.-Austrian "Washington Agreement," which called for the country to "provide additional support for the restoration and maintenance of Jewish cemeteries," the government will allocate 20 million euros (\$28 million) over 20 years to the project.

The government strictly enforced its anti-neo-Nazi legislation, which prohibits neo-Nazi acts, including Holocaust denial, incitement of 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 government provides police protection for Jewish community institutions.

## Restrictions on Religious Freedom

The government generally respected religious freedom in law and 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.

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 province 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 operates a counseling center for those who believe they have been negatively affected by cults or sects. Several provinces 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 conservative People's Party (OVP) position regarding membership in a "sect" remained in force during the reporting period. The OVP'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.

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

During the reporting period, individual politicians from all five parliamentary parties called for a ban of the burqa (a loose garment covering the entire body and having a veiled opening for the eyes worn by some Muslim women). Politicians argued that burqas were a symbol of the suppression of women.

Prior to the September 26 elections in the province of Styria, the Styrian branch of the rightwing/populist Freedom Party (FPO) installed an Internet pop-up game on its Web site that allowed players to "gain points" by pasting stop signs on minarets and men in traditional Turkish attire. After complaints against the game were filed with the Styrian prosecutor's office, the game was removed from the Web site. The game later appeared on a neo-Nazi Web site. The Styrian justice authorities are investigating the Styrian FPO chairman on charges of incitement and denouncement of religious teachings.

Prior to the October Vienna elections, FPO advertisement campaigns featured anti-Muslim, anti-immigrant slogans such as "More Courage for Viennese Blood. Too Much Foreignness Does No One Good." FPO election flyers urged a ban of minarets in the country and called a Social Democrat Party Member of Parliament for Vienna of Iraqi background an "Islamist."

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

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

The government continued to reconstitute property lost in the Holocaust to original owners or heirs and passed a law in November to provide 20 million euros (\$28 million) for Jewish cemeteries over a 20-year period.

### Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

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

Between January and December, the NGO Forum Against Anti-Semitism reported 70 anti-Semitic incidents, including four assaults. The incidents also included name calling, graffiti and defacement, threats, property damage, and 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.

In March the outside wall of the Mauthausen concentration camp was defaced with anti-Islamic and anti-Semitic graffiti similar to a defacing in February 2009. The Interior Ministry increased security but rejected a proposal by the Mauthausen Memorial Committee to install security cameras.

At a June 16 press conference, Vienna Jewish Community President Ariel Muzicant reported a rise in anti-Semitic incidents related to the May 31 Gaza flotilla incident. There were anti-Israel demonstrations organized by several Muslim groups at the beginning of June, including the use of an anti-Semitic banner displaying the slogan, "Wake up, Hitler." Another banner equated the Star of David to the swastika. Muzicant also reported an incident during which two Turkish-speaking men spit on a rabbi in Vienna.

In September the Medical University of the Styrian capital Graz (MUG) became the first university in the country to partially ban veils. Managers of the MUG decided to prohibit wearing veils that conceal women's faces in seminars and exams, while students would still be allowed to wear veils in lectures. They stressed the new ruling had no political background but was "purely based on pragmatic reasons."

On September 9, the Vienna Criminal Court gave convicted Holocaust-denier Gerd Honsik an additional two-year, nonsuspended prison sentence for violating the law prohibiting neo-Nazi activities. The conviction stemmed from the 2009 publication of two neo-Nazi books in which Honsik made accusations concerning the work of Simon Wiesenthal. Honsik was already serving time for a previous violation of the law prohibiting neo-Nazi activities.

On September 28, an Indian Sikh was jailed for life by a Vienna court in connection with a 2009 attack on a Vienna Sikh temple in which a guru died.

On October 9 and 10, unknown perpetrators defaced the walls of the prominent Catholic pilgrimage site Mariazell with anti-Islamic slogans.

On November 15 and 16, the criminal court in Eisenstadt tried 14 men between the ages of 18 and 38 on charges of neo-Nazi activity. The men were accused of publicly displaying the Hitler salute and smearing swastika graffiti on stores between 2007 and 2009. The court sentenced six of the defendants to suspended prison sentences of five to eight months, and sentenced five of them to 70 to 100 hours of community service. Three of the defendants were acquitted.

During the reporting period, a special unit of the Interior Ministry investigated a neo-Nazi Web site that displayed links to Hitler's "Mein Kampf," called for actions to preserve the "German heritage," and denounced persons who fight right-wing extremism. The unit conducted several house searches in October, but no arrests were reported.

On December 1, a regional court in Wels convicted three men of neo-Nazi activity in relation to an incident at the site of the former concentration camp in Ebensee. The men disturbed a commemoration ceremony at the site, fired air rifles at a group of French visitors, and shouted Nazi slogans. The three men received suspended prison sentences of up to six months.

Muslims complained about incidents of societal discrimination and verbal harassment. Muslim women reported difficulties in the job market when potential employers learned they wore headscarves. (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 headscarves also reported that they experienced harassment in public areas.

In December the city of Wiener Neustadt approved plans for the construction of a new Islamic center. At the end of the reporting period, construction continued on the new Islamic cemetery in Vorarlberg. A controversy surrounding the expansion of a Turkish Islamic center in Vienna remained unresolved.

A February International Institut fur Markt-Sozialanalysen study found that 54 percent of citizens believed Islam is a threat to th

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." Much 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 and 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. In a March 31 debate on Austrian TV, for example, a former Scientology member raised allegations of financial and psychological abuse against the group. In 2009 there were 41 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 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.

Some groups complained about incidents in which instructors showed antisect videos during religion or ethics instruction, which in both public and private schools is not controlled by the government. One group complained about antisect material in a flyer directed toward senior citizens.

Relations among the 14 officially recognized religious societies were 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. Baptists and the Salvation Army have observer status on the council. The international Catholic organization Pro Oriente, which promotes dialogue with the Orthodox churches, was also active.

#### 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 monitored 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 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 religious groups.

The embassy maintained an active dialogue with members of the Catholic, Jewish, and Muslim communities, Jehovah's Witnesses, the Church of Scientology, the Unification Church, and other religious groups.

The embassy highlighted religious freedom and tolerance in its outreach programs.

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