

AUSTRIA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

A combination of historical and modern constitutional and legal documents provides for freedom of religious belief and affiliation and prohibits religious discrimination. The law bans public incitement to hostile acts against religious groups if the incitement threatens public order. The law divides recognized religious groups into three categories with varying rights and privileges. The 16 religious groups officially recognized as religious societies have the most benefits. Members of unrecognized groups may practice their religion at home, provided the practice is lawful and does not offend “common decency.” Some members of religious minorities said several government-supported organizations counseled or worked against groups they considered to be “sects” or “cults.” In March the government updated a law which it said regularized the rights and status of Muslims. Support for the law among Muslim groups was mixed. Courts in different parts of the country convicted a number of individuals of anti-Semitic activity, generally handing down mostly suspended sentences and fines.

The head of the Jewish community continued to report an increase in the number of anti-Semitic incidents, including the proportion committed by Muslims. The nongovernmental organization (NGO) Forum Against Anti-Semitism reported 465 anti-Semitic incidents, up from 255 in 2014. The head of the Muslim Faith Community reported mounting anti-Muslim sentiment in the wake of Da’esh (Islamic State of Iraq and the Levant) attacks in the Middle East. A civil rights NGO reported most religiously motivated hate speech was directed against Jews and Muslims, and the number of incidents directed against persons perceived as Muslims had nearly doubled since August 2014. The government’s Equal Treatment Agency reported 71 cases of religious discrimination came before the equal rights commissioner in 2014.

The U.S. Ambassador and other embassy representatives met regularly with government officials to discuss religious freedom, including with officials from the Departments of Integration and Dialogue of Cultures within the Ministry of Foreign Affairs. They also met with NGOs and religious group representatives, such as the leadership of the Islamic Faith Community, the Jewish Faith Community, and the Roman Catholic Church, to emphasize the importance of religious freedom, tolerance, and dialogue. The U.S. Special Representative to Muslim Communities also met with the leadership of the Islamic Faith Community

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and government officials. Embassy staff promoted Holocaust remembrance and education.

Section I. Religious Demography

The U.S. government estimates the total population at 8.7 million (July 2015 estimate). Religious groups and the Austrian Integration Fund estimate Roman Catholics constitute 61 percent of the population and Muslims 7 percent; between 14 and 23 percent are estimated to be unaffiliated with any religion. Religious groups constituting less than 5 percent each include the Lutheran Church; the Swiss Reformed Church (Evangelical Church-Augsburg and Helvetic confessions); Eastern Orthodox churches (Russian, Greek, Serbian, Romanian, and Bulgarian); Jehovah's Witnesses; other Christian churches; and the Jewish community and other non-Christian religious groups.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

A combination of historical and modern constitutional documents guarantees freedom of "conscience and creed." The law provides for the freedom of religious belief and the rights of all residents to join, participate in, leave, or abstain from any religious community. It stipulates, however, that "duties incumbent on nationals may not be impeded by religious affiliation." The law grants registered religious societies the right to public practice and independent administration of their internal affairs.

Several constitutional provisions protect religious freedom. The main pillars are historical laws on fundamental rights and freedoms, such as the Basic Law on the General Rights of Nationals and the Law Regarding Inter-Confessional Relationships, dating from the 19th century, and treaties and conventions such as the European Convention on Human Rights, which form part of the constitution. Antidiscrimination legislation prohibits discrimination on religious grounds. 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 group, religious society, or other religious group if the incitement poses a danger to public order or if the incitement is perceivable by a broad public. In 2016, this provision will

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apply to incitement perceivable by “many people,” which means at least 30 persons, and also specifically to incitement in print or electronic or other media available to a broad public. The law also prohibits incitement, insult, or contempt against religious groups if such action violates human dignity.

By law registered religious groups are divided into three officially recognized legal categories (listed in descending order of status): religious societies, religious confessional communities, and associations. Each category possesses specific rights, privileges, and legal responsibilities. Members of religious groups that are not legally recognized may practice their religion at home “insofar as this practice is neither unlawful nor offends common decency.”

There are 16 officially recognized religious societies: the Catholic Church, the Protestant churches (specifically Lutheran and Presbyterian, called “Augsburg” and “Helvetic” confessions), the Islamic Faith 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 Coptic Orthodox Church, the Armenian Apostolic Church, the Methodist Church of Austria, the Buddhist community, Jehovah’s Witnesses, the Islamic-Alevi Community, and the Free Christian Churches.

Recognition as a religious society under the law includes the right to participate in the program requiring mandatory church contributions by church members and to bring religious workers into the country to act as ministers, missionaries, or teachers. Under the law, religious societies have “public corporation” status, permitting them to engage in a number of public or quasi-public activities, such as government-funded religious instruction in both public and private schools, which are denied to confessional communities and associations. Religious societies have significant freedom under the law to regulate their own affairs; their responsibilities include a commitment to sponsor social and cultural activities which serve the common well-being and to ensure their teachings do not violate the law or ethical standards.

Religious groups seeking to achieve religious society status for the first time must apply for recognition with the Office for Religious Affairs in the Federal Chancellery. Religious groups recognized as societies prior to 1998 retain their status. Fourteen of the 16 recognized religious societies have been grandfathered under this provision of the law. To be recognized as a religious society, religious

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groups not recognized prior to 1998 must have membership equaling 0.2 percent of the country's population (approximately 17,400 people) and have been in existence for 20 years, at least 10 of which must have been as an organized group and five as a confessional community. The Jehovah's Witnesses and Alevi Muslims have been recognized as religious societies under these post-1998 criteria. Groups that do not meet these criteria may still apply for religious society status under an exception for groups that have been active internationally for at least 100 years and active in an organized form in the country for 10 years. Groups sharing a broad faith with an existing society or confessional community, for example Christianity, may register separately as long as they can demonstrate that their group has a different theology.

The law allows religious groups not recognized as societies to seek official status as confessional communities with the Ministry for Arts, Culture, the Constitution, and Media. A confessional community recognized by the government has the juridical standing needed to engage in such activities as purchasing real estate in its own name and contracting for goods and services, but is not eligible for the financial and educational benefits available to recognized religious societies. In order to be recognized as a confessional community, a group must have at least 300 members and submit its statutes describing the goals, rights, and obligations of members, as well as membership regulations, a list of officials, and financing information. A group must also submit a written description of its religious doctrine, which must differ from that of any previously recognized religious society or religious confessional community. The ministry determines whether the group's basic beliefs are consistent with public security, order, health, and morals, and the rights and freedoms of citizens. A religious group seeking to obtain confessional community status is subject to a six-month waiting period from the time of application to the ministry. After this period, groups that have applied automatically receive the status unless the government issues a decree rejecting the application.

The government recognizes eight groups as confessional communities: the Bahai Faith, the Movement for Religious Renewal-Community of Christians, the Pentecostal Community of God, Seventh-day Adventists, the Hindu community, the Islamic-Shia community, the Old-Faith Alevi, and the Unification Church.

Religious groups not qualifying for either religious society or confessional community status may apply to become legal associations, a status applicable to a broad range of civil groups. According to the law, any group of more than two

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people pursuing a nonprofit goal qualifies to organize as an association. Groups apply to the Ministry of Interior. Associations have juridical standing and many of the same rights as confessional communities, such as the right to own real estate and contract for goods and services.

Some groups organize as associations while applying for recognition as religious societies. The Church of Scientology and a number of smaller religious groups are organized as associations.

On March 31, an update of the law governing relations between the government and Islamic institutions went into force. The revised law, drafted by the government in cooperation with the Islamic Faith Community, stipulates funding for the day-to-day operations of mosques must be derived from domestic sources, Islamic teachings and practices must not violate federal law, and Islamic institutions should “take a positive stance” toward the state and society. The revised law provides an explicit legal definition of, and legal protection for, Islamic practices, such as circumcision and preparation of food in conformity with religious rules, and states Muslims can raise children and youth in accordance with Islamic traditions. Muslim groups with at least 300 members and a theology that is not distinct from a pre-existing Islamic religious society or confessional community are organized as cultural communities and fall under the umbrella of the pre-existing, legally recognized Islamic religious society or confessional communities. The law also provides for Islamic theological university studies to start in 2016.

Separate laws govern relations between the government and each of the other 15 state-recognized religious societies. The laws have similar intent but vary in specifics, given that they were enacted at different times over a span of approximately 140 years.

Under the law, prisoners are entitled to pastoral care from religious societies.

The government funds religious instruction for children on a proportional basis in public schools, government-accredited private schools, and places of worship for any of the 16 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. Attendance in religious classes 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

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religious classes. Instructors are provided by religious groups and funded by the government. Religious instruction takes place either in the school or at sites organized by religious groups. Some schools offer ethics classes for students not attending religious instruction. Religious education and ethics classes include the tenets of different religious groups.

The curriculum for both public and private schools includes compulsory antibias and tolerance education, including religious tolerance, as part of civics education across various subjects, including history and German-language instruction.

Holocaust education is part of history instruction and appears in other subjects such as civics.

The law bans neo-Nazi activity and prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in print, broadcast, or other media.

Foreign religious workers for groups recognized as confessional communities or associations must apply for a general immigrant visa that is not employment- or family-based, and is subject to a quota. The government requires a visa for visitors from non-visa-waiver countries or individuals who would stay beyond 90 days, including religious workers of confessional communities or associations. Foreign religious workers belonging to religious societies do not require visas either for shorter visits or stays beyond 90 days.

Government Practices

On June 15, the government granted the Unification Church status as a confessional community.

Government policy continued to ban headwear in official identification documents with an exception for religious purposes as long as the face was sufficiently visible to allow for identification of the wearer.

The federal Office of Sect Issues continued to offer advice to persons with questions about groups it considered to be “sects” and “cults.” While the office was independent, it was government funded, and its head was appointed and supervised by the Minister for Family and Youth. Some Scientologists continued to state on social media that the Office of Sect Issues and other government-

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associated entities fostered societal discrimination against religious groups not registered as religious societies or confessional communities.

A federally-funded counseling center in Lower Austria managed by the Society against Sect and Cult Dangers, an NGO working actively against groups it deemed to be “sects and cults,” such as Scientology, continued to distribute information to schools and the general public and operated a counseling center for individuals who considered themselves negatively affected by such groups. The center received funding for some of its projects from the provincial governments of Vienna and Lower Austria. Several other provinces funded offices providing information on sects and cults.

The government said the intention of the revised law on Islam was to enshrine and further define the rights of Islamic institutions in the country, and that it had coordinated the law with the officially recognized Islamic religious societies. Some members of the Turkish Islamic Cultural Union in Austria (ATIB – a branch office of the Turkish government’s Office of Religious Affairs, Diyanet), and Muslim youth groups argued it treated Muslims unequally as compared with other religious groups, and that the law was characterized by a tone of distrust. ATIB, although represented in the Islamic Faith Community, stated that, in criticizing the law, it represented the interests of Turkish immigrants in the country. The Islamic Faith Community as a whole and the Alevi Community largely supported the new law. ATIB filed a complaint against the law with the Constitutional Court in July, arguing it was discriminatory as it only allowed groups under the umbrella of the recognized Islamic Faith Community and Alevi Community to spread religious teachings. The case was pending at year’s end.

The police continued to provide extra protection to the Vienna Jewish community’s offices and other Jewish community institutions such as schools and museums. Law enforcement authorities stated the protection was provided due to general concerns over the potential for anti-Semitic acts against Jewish institutions, given the country’s history with anti-Semitism.

According to the Ministry of Justice, during the year public prosecutors obtained 89 indictments on charges of neo-Nazi activity, and courts issued convictions in 55 such cases. In addition, there were 79 indictments for incitement to hostile action against groups based on religion, race, color, and ethnicity, and convictions for incitement in 25 cases. The Ministry of Justice did not specify how many of the incitement incidents were directed against religious groups. Many of the

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convictions resulted in fines for minor violations of the law but some were more significant.

In February the Vienna police filed charges of neo-Nazi activity against eight unidentified perpetrators who presented the Nazi salute at a demonstration of the anti-Islam PEGIDA (Patriotic Europeans against the Islamization of the West) movement.

In August a court in Feldkirch, Vorarlberg, convicted a man on neo-Nazi activity charges after he voiced support for the killing of Jews in an internet posting.

In August a Graz court convicted a man on incitement and neo-Nazi activity charges after he denied the Holocaust and made statements against Muslims on a neo-Nazi website he also helped to finance.

In February a Salzburg court convicted two men and a woman on charges of neo-Nazi activity after they wrote anti-Semitic graffiti on public places in Salzburg and defaced pavement plaques containing the names of Jews killed by the Nazis.

In each of the above-mentioned cases, the defendants were sentenced to 20-month prison terms, of which all but three months were suspended.

In July transport officials banned the use of “IS” or “ISIS” and of more than 30 number and letter combinations on personalized automobile license plates; they said the first two combinations represented support for Da’esh and the other number-letter combinations were neo-Nazi symbolism.

In November the Freedom Party ousted Member of Parliament Susanne Winter after she expressed sympathy with an anti-Semitic statement on Facebook. Winter remained in parliament as an unaffiliated member.

In August authorities launched an investigation after a Lower Austrian woman wrote on Facebook she would be burning 14 copies of the Quran. At year’s end the case was still under investigation.

In July the media reported the government was investigating Dutch politician Geert Wilders on suspicion of incitement of hatred at a March event in Vienna hosted by Freedom Party of Austria leader Heinz-Christian Strache. Authorities closed the case in the fall due to insufficient evidence.

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Following the deadly attacks in Paris and Copenhagen in January, President Heinz Fischer held a meeting with leaders of the 16 officially recognized religion societies to denounce religious fanaticism. The religious leaders expressed their commitment to the rule of law and democratic principles.

In February the government threatened to close a Vienna-based, Saudi-sponsored religious dialogue center because of the center's failure to condemn the flogging in Saudi Arabia of a Saudi citizen for insulting Islam. Chancellor Werner Faymann said, "An inter-religious dialogue center that remains silent when it is time to speak out clearly for human rights is not worthy of being called a dialogue center. It is a silence center." The center remained open.

In August Chancellor Faymann convened a meeting with leaders of the 16 officially recognized religion societies to discuss the current influx of migrant and asylum seekers into the country and Europe and the promotion of religious dialogue and tolerance.

The Ministry for Education and Women conducted teacher training projects with the Jewish Anti-Defamation League. Seminars were available on Holocaust education, and Holocaust survivors talked to school classes about National Socialism and the Holocaust.

The government is a member of the International Holocaust Remembrance Alliance.

Section III. Status of Societal Respect for Religious Freedom

The heads of the Jewish and Islamic communities reported increases in anti-Semitic and anti-Muslim incidents. The head of the Jewish community said the proportion of anti-Semitic incidents committed by Muslims had increased.

The NGO Forum Against Anti-Semitism said it received reports of 465 anti-Semitic incidents, including two physical assaults, as well as verbal harassment, vandalism, dissemination of anti-Semitic writings, property damage, and vilifying letters and telephone calls. The NGO did not cite more specific details of incidents. In 2014, the NGO reported 255 cases.

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Although it did not provide absolute numbers, a report by the NGO Civil Courage and Anti-Racism Works stated that from August 2014 to August 2015, the number of incidents against persons perceived as Muslims had nearly doubled over the same period a year earlier. These incidents included physical and verbal assaults, as well as vandalism and hate speech and murder threats on the internet. An example of such an incident was an assault on a Turkish physician who was slapped across the face and called a “foreigner” while entering an apartment building in Vienna. His assailant was intoxicated at the time of the attack. The NGO noted this phenomenon coincided with reports on the abuses committed by Da’esh. According to the report, hate speech was most commonly directed against Jews, Muslims, and asylum seekers, and evinced a suspicion of Muslims, who were increasingly victims of prejudice.

In May on the anniversary of the end of World War II in Europe, unknown perpetrators hacked the website of the Mauthausen Memorial, a former concentration camp, and posted images of child pornography. Upper Austrian police investigated the case. The investigation remained open at the end of the year.

A documentation center established in 2014 by the Islamic Faith Community for reporting anti-Muslim incidents stated that, since mid-2014, there had been a marked increase in such incidents. The center did not provide details of specific incidents or figures on the numbers of incidents. It reported a positive relationship with government authorities on investigations and prosecutions.

According to the government’s Equal Treatment Agency, 71 cases of discrimination based on religion came before the equal rights commissioner in 2014, compared to 88 cases in 2013. The agency did not provide additional information on the nature of the cases or of the groups targeted. The Equal Treatment Agency was responsible for overseeing discrimination cases on various grounds, including religion, and for enforcing equal treatment under the law.

In May vandals targeted Vienna’s Sigmund Freud Museum, smashing three of the museum’s display windows and marking the site with anti-Semitic graffiti.

In July vandals defaced a symbolic Jewish flag at a Vienna interreligious “campus of religions” with a swastika. Vienna police were investigating the case.

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After the deadly terrorist attacks in Paris and Copenhagen in January and February, there were several reported incidents of anti-Islamic graffiti at mosques.

Religious groups, including the Islamic Faith Community, participated in the Austrian Integration Project, which sought to integrate new immigrants – predominantly Muslims – into the largely Christian national culture. The project included educational initiatives, community projects, and interfaith dialogue. The Islamic Faith Community and the Jewish Community reported cooperative, productive relationships with local and federal government officials in resolving disputes and addressing problems.

The Islamic Faith Community, the Jewish Community, and Catholic leaders raised concerns about the perceived rise of extremist parties throughout Europe, religious radicalization, and the recruitment of foreign fighters.

Relations among the 16 officially recognized religious societies were, according to their leaders, generally amicable, and interfaith dialogue increased during the year as reflected in various media reports. Fourteen Christian churches, among them the Catholic Church, various Protestant denominations, and eight Orthodox and Old Oriental churches, engaged in dialogue within the Ecumenical Council of Austrian Churches. Baptists and the Salvation Army had observer status on the council. The international Catholic organization Pro Oriente promoted dialogue with Orthodox churches. Following abuses committed by Da'esh, some Christian and Muslim groups engaged in joint outreach to their respective communities to promote understanding and speak out against radicalization.

Section IV. U.S. Government Policy

The U.S. Ambassador and other embassy representatives met regularly with government officials to discuss religious freedom, including with the Department for Integration and the Department of Dialogue of Cultures at the Ministry of Foreign Affairs. The U.S. Special Representative to Muslim Communities also met with the leadership of the Islamic Faith Community and government officials. U.S. officials reinforced the U.S. government's commitment to religious freedom and tolerance, particularly in light of the revised law on Islam and societal tensions arising from increases in terrorist fighters who traveled to engage in conflicts abroad, as well as the large numbers of refugees entering the country.

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Embassy representatives met frequently with religious leaders, throughout the country, including with the leadership of the Islamic Faith Community, Jewish Community, Catholic Church, and other Christian organizations, to discuss the relationship between these groups and the government, discriminatory or inflammatory incidents, and religious education.

The embassy continued to build upon its relations with the Jewish community, demonstrating engagement with and support for the community as a way of promoting religious tolerance and combating continued anti-Semitic sentiment among some sectors of society. In June the embassy sponsored Vienna's Festival of Jewish Culture, which highlighted American Jewish culture by featuring musical acts, lectures, traditional cuisine, and other aspects of American Jewish life. The Ambassador sponsored an event in honor of the festival and the local and U.S. Jewish communities, highlighting the importance of religious tolerance and inclusion in the country in light of its history.