U.S. DEPARTMENT of STATE

Austria

Country Reports on Human Rights Practices - 2007
Released by the Bureau of Democracy, Human Rights, and Labor
March 11, 2008

Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and a bicameral Federal Assembly (parliament). The country's eight million citizens choose their government representatives in periodic, free, and fair multiparty elections. In 2004 voters elected President Heinz Fischer of the Social Democratic Party (SPO) to a six-year term. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. There were some reports of excessive use of force by police and anti-Semitic incidents, including physical attacks, property damage, threatening letters, telephone calls, and Internet postings. There was some societal discrimination against Muslims and members of unrecognized religious groups, particularly those considered "sects." There were incidents of neo-Nazi and right-wing extremism and xenophobia. Trafficking in women and children for prostitution and labor also remained problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including

Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The law prohibits such practices; however, there were reports that police beat and abused persons.

In 2006 there were 2,077 public complaints against federal police officials in 2006. According to government statistics, authorities ruled 192 to be "justified" or "partly justified," while the remainder were dismissed. Disciplinary or related measures were taken against 85 officers.

Unlike in 2006, there were no reports during the year that police mistreated immigrants in the course of deporting them. After an investigation, authorities rejected claims by an attorney for a Nigerian asylum seeker that police physically injured his client during his forced deportation in 2006.

In 2005 the Council of Europe's Committee for the Prevention of Torture (CPT) reported a "considerable number" of allegations that police mistreated criminal detainees. The Ministry of the Interior investigated but concluded that none of the accusations could be verified.

Prison and Detention Center Conditions

Conditions in prison and detention center conditions did not always meet international standards. Overcrowding remained a problem in some institutions. A May 2006 report by the government's Human Rights Advisory Council described conditions facing aliens prior to deportation as "questionable from a human rights point of view," and, at times "not in conformity with human rights standards." In 2005 the CPT noted that juveniles were not always separated from adults at the Linz prison.

There were no reports on whether authorities made changes in response to these criticisms.

Some human rights observers criticized the incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

Nongovernmental organizations (NGOs) monitored prisons on a regular basis.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and information available during the year suggested that the government generally observed these prohibitions; however, the strict application of slander laws tended to discourage reports of police abuse.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the police and army, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Some police violence appeared to be racially motivated. On October 17 a court convicted Vienna's top police official, Roland Horngacher, of abuse of power for ordering a raid on a casino to remove black persons, and with leaking information to journalists.

NGOs and other groups continued to criticize the police for targeting minorities. Racial sensitivity training for police and other officials continued with NGO assistance.

The Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

Arrest and Detention

In criminal cases the law allows investigative or pretrial detention for up to 48 hours, during which an investigative judge may decide to grant a prosecution request for detention of up to two years to complete an investigation. The law specifies the grounds for investigative detention and conditions for bail. The investigative judge is required to evaluate such detention periodically. There is a bail system. Police and judicial authorities respected these laws and procedures in practice.

Detainees had access to a lawyer; however, the CPT noted in 2004 that, while authorities may appoint a lawyer to represent criminal suspects who lack the means to pay for legal services, such legal services are available only after a court reviews the case, i.e., 96 hours after the initial arrest.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. A system of judicial review provides multiple opportunities for appeal. Trials must be public and conducted orally. Persons charged with criminal offenses are considered innocent until proven guilty. Defendants have the right to be present during trials. While pro bono attorneys are supposed to be provided to indigent defendants, there were no indications that conditions have changed since the CPT's 2004 report, which found that there were not enough criminal lawyers that financial arrangements for compensating them were inadequate, usually making the right to a lawyer at that stage purely theoretical. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press; and the government generally respected these rights in practice. The independent media were active and expressed a wide variety of views with a few restrictions.

The law prohibits public denial, belittlement, approval or justification of National Socialist genocide or other National Socialist crimes against humanity in a print publication, in broadcast, or in other media. 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.

In December a court sentenced Gerd Honsik, who was convicted of Holocaust denial, to 18 months in jail. Honsik published books between 1986 and 1989 disputing Holocaust death figures and casting doubt on the existence of the Nazi gas chambers.

Strict libel laws discouraged reporting of governmental abuse. In November 2006 the International Federation of Journalists and its European regional group, the European Federation of Journalists, called upon Austrian legislators to review their libel laws after a decision by the European Court of Human Rights (ECHR) overturned defamation judgments brought by officials against the newspaper *Der Standard*. The ECHR's decision stated that the original court's finding violated the freedom of expression provisions of the European Convention on Human Rights to which the country is a party. The government had not responded by year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail. According to 2005 data, 56.8 percent of the population used the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right; however there was official and societal prejudice against a few groups widely regarded as sects.

The law divides religious organizations into three legal categories: officially recognized religious societies, religious confessional communities, and associations. Numerous unrecognized religious groups complained that the law obstructs legitimate claims for recognition and relegates them to second-class status. As of year's end, the ECHR had not ruled on a 2003 complaint by the Jehovah's Witnesses challenging the legality of the requirement that a group must exist for 10 years in the country before it can be recognized by the government. This was one of seven cases before the ECHR involving Austria and the Jehovah's Witnesses organization.

The conservative Austrian People's Party (OVP) denied party membership to members of some unrecognized religious groups that the party defines as "cults" (e.g. Scientologists), whose view of mankind it believes differs fundamentally from its own, whose opinions were said to be irreconcilable with OVP ethical principles, or that the OVP considered opposed to basic rights granted by "progressively minded" constitutional states and an open society.

The city of Vienna funded projects at the counseling center of a controversial NGO, the Society Against Sect and Cult Dangers (GSK), which actively worked against alleged sects and cults. GSK distributed information to schools and the general public and offered counseling to persons who believe that sects and cults had negatively affected their lives.

The Federal Office of Sect Issues functioned as a counseling center for those who had questions about sects and cults. While the office is legally independent of the government, the minister for health, family and youth supervised its director. Some members of the public believed the Office of Sect Issues and similar government offices fostered societal discrimination against unrecognized religious groups.

Societal Abuses and Discrimination

There was some societal discrimination against members of unrecognized religious groups, particularly those considered to be cults or sects. The majority of these groups had fewer than one hundred members. The Church of Scientology and the Unification Church were among the larger unrecognized groups.

Muslims complained about incidents of societal discrimination and verbal harassment, including occasional incidences of discrimination against Muslim women wearing headscarves in public. There was no reported progress in solving the April 2006 arson attack against the construction site of an Islamic cemetery in Vienna.

A few elected leaders advocated restrictions on the practice of Islam. In August Carinthia's state governor Joerg Haider called for a prohibition of building mosques with copulas and minarets in his state. He subsequently also proposed to prohibit women from wearing headscarves, except for "folkloric reasons." The proposals were rejected by constitutional law experts who explained they were not compatible with the principle of religious freedom. In September Haider followed up by calling for government licenses for Muslim religion teachers; however in the view of many observers, such measures would be unconstitutional and no action had been taken on them by year's end.

On February 8, a court handed down a 15-month prison sentence, with 10 months suspended, to a 29-year-old Muslim who in 2006 planted a fake bomb in front of the office of the organization, Muslim Youth. The man said he wanted to protest the "too tolerant" position of the organization.

The Jewish community numbered approximately 7,700. In 2006 the NGO, Forum Against Anti-Semitism, reported a total of 125 anti-Semitic incidents, including physical attacks, name-calling, graffiti and defacement, threatening letters, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls.

On February 7, a court sentenced a 30-year-old Croatian immigrant to 15 months in prison for the November 2006 vandalism of the Lauder Chabad School.

In September four soldiers were suspended from duty and subjected to criminal charges in connection with a video filmed in their barracks showing them in uniform giving Nazi salutes. The film clip wound up on the video sharing Web site YouTube, although it was subsequently removed from the site.

The law prohibits any form of neo-Nazism or anti-Semitism or any activity in the spirit of Nazism. It also prohibits public denial, belittlement, approval, or justification of Nazi crimes, including the Holocaust. 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 strictly enforced these laws. The Vienna Jewish community's offices and other Jewish community institutions in the country, such as schools and museums, received extra police protection.

In December a court sentenced Gerd Honsik to 18 months in jail for Holocaust denial. Honsik published books between 1986 and 1989 disputing Holocaust death figures and casting doubt on the existence of the Nazi gas chambers. One of his books was titled "Acquittal for Hitler?" Honsik, an Austrian native, fled to Spain after his conviction in 1992 and was extradited in October. A judge rejected efforts by prosecutors to add further time to the sentence based on additional neo-Nazi material Honsik published while living in Spain.

In January, Heinz Christian Strache, the leader of Austria's far-right Freedom Party, appeared in old photos that had resurfaced showing him in paramilitary uniform giving a neo-Nazi salute. Strache denied that he was giving the salute, claiming that he was signaling the waiter to bring beer. Government representatives denounced Strache's appearance in the photos.

School curricula fostered discussion of the Holocaust, the tenets of different religions, and religious tolerance. The Education Ministry offered special teacher-training seminars on Holocaust education.

An ombudsman for equality had responsibility for combating workplace discrimination of various kinds, including religion. In 2006 32 cases were opened in response to complaints to the Ombudsman about religious discrimination.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for these rights, and the government generally respected them in practice. The law prohibits forced exile, and the government did not use it in practice.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where they had reason to believe they feared persecution. The government granted refugee status or asylum. It subscribed to a "safe country of transit" policy, which required asylum seekers who transited a country determined to be "safe" to return to that country to seek refugee status. Member states of the European Union (EU) and other signatories to the 1951 convention were considered safe countries of transit.

Since 2006 authorities have given the appellate body for asylum applications, the Independent Federal Asylum Senate (UBAS), more resources to help address a large backlog of cases and accelerate its proceedings. During the first half of 2007, the UBAS reversed almost 50 percent of the negative decisions of the lower courts. Rejected asylum seekers also had recourse to the Supreme Administrative Court, and when they alleged a breach of the European Convention on Human Rights and Individual Freedoms, they could appeal to the Constitutional Court. In June the Constitutional Court upheld the right of authorities to detain asylum seekers when there was evidence to suggest that Austria was not the country responsible for adjudicating their asylum claims under the Dublin Convention.

During the year, the government provided temporary protection to individuals who did not qualify as refugees under the 1951 convention or 1967 protocol.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers.

In 2006, following the introduction of stricter detention and removal policies, asylum applications dropped by more than 30 percent. The pattern continued during 2007: In the first six months of the year, asylum claims totaled 5,700, down 10 percent compared with same period a year earlier.

Stateless Persons

According to the UNHCR, there were 501 stateless persons at the end of 2006. This number included 408 persons who were not recognized (for a variety of reasons) as citizens of any country and 93 whose citizenship could not be determined. All of these individuals had residence permits, either immigrant or nonimmigrant. To obtain citizenship, stateless persons were required to meet the same requirements as other would–be citizens. While citizenship is based primarily on the principle of jus sanguinus, other individuals wishing citizenship may apply after 10 years' residence and provided they have a knowledge of the German language. The granting of citizenship after a 10-year period of residence is discretionary. A legal entitlement does exist for stateless persons born in Austria who have been stateless since the time of birth.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Austria held parliamentary elections in 2006; there were no reports of serious abuse or irregularities.

Political parties could operate without restriction or outside interference.

The Federal Assembly consists of the National Council (popularly elected) and the Federal Council (named by the constituent states). There were 58 women in the 183-seat National Council and 18 women in the 62-member Federal Council. There were five women in the 14-member Council of Ministers (cabinet).

Although there appeared to be relatively little representation of ethnic minorities at the national level, no precise information was available on the number of minorities in the Federal Assembly.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of government corruption during the year.

There are financial disclosure laws for public officials. The courts are responsible for corruption cases. Parliamentary committees oversee ethics rules for elected officials.

The law provides for full public access to government information, and the government generally respected this provision in practice. Authorities may only deny access if it would violate substantial data protection rights or would involve national security information. Petitioners could challenge denials before the Administrative Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views, but some groups were dissatisfied with the information supplied by authorities in response to specific complaints.

There were no developments in the case of Milivoj Asner, a former police chief in eastern Croatia who allegedly enforced racist laws under Croatia's World War II Nazi-allied regime. Investigators in Croatia asserted that he was personally responsible for the persecution and deportation of hundreds to thousands of Serbs, Jews, and Roma to concentration camps. In 2005 Croatian authorities indicted Asner for crimes against humanity and requested his extradition. Austrian officials initially stated that he could not be extradited because he held Austrian citizenship; subsequently they determined that he was not a citizen. Nevertheless, they declined another Croatian extradition request in late 2006 on the grounds that he was not sufficiently healthy to be tried. In early 2006 some observers believed that Austria might arrest him and prosecute him, but at year's end there was no indication that they intended to do so.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for protection against discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions; however, violence against women, child abuse, trafficking in persons, and racial discrimination continued to be problems.

Women

Under the law, rape, including spousal rape, is punishable with up to 15 years in prison. The government generally enforced the law.

Violence against women, including spousal abuse, was a problem. The Women's Ministry estimated that 10 percent of adult women have suffered from violence in a relationship. However, fewer than 10 percent of abused women filed complaints. By law police may expel abusive family members from family homes for up to three months. In 2006 the courts issued injunctions prohibiting abusive family members from returning home in 7,235 cases.

The government funded privately operated intervention centers and help lines for victims of domestic abuse. The centers provided for victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services. In the view of most observers, these centers were generally effective in providing shelter for victims of abuse. However, in September the UN Committee for the Elimination of Discrimination Against Women criticized the government for insufficient measures to protect women, citing two cases in 2002 and 2003 in which women were killed after they had filed complaints with police. In reaction, Justice Minister Maria Berger announced measures to improve protection of women against violence, including additional training for law enforcement and justice personnel.

In contrast to previous years, there were no reported cases of female genital mutilation (FGM). The city of Vienna set up a counseling office in June 2006 to assist victims of earlier FGM, thus far all of African origin.

Prostitution is legal; however, trafficking, including for the purposes of prostitution, was illegal and was a problem. Laws regulating prostitution require prostitutes to register, undergo periodic health examinations, and pay taxes.

There are laws prohibiting sexual harassment, and the government generally enforced them. Of the 3,411 cases of discrimination brought to the ombudsman for equal treatment of gender in 2006, 406 involved sexual harassment. The labor court can order employers to compensate victims of sexual harassment on the basis of the

Federal Equality Commission's finding on the case; the law provides that a victim is entitled to a minimum of $1,022 (700 euros) in financial compensation.

Women enjoy the same legal rights as men, and the Federal Equality Commission and the ombudsman for equal treatment of gender oversee laws requiring equal treatment of men and women. However, woman's average earnings were 83 percent of those of men doing the same work. In addition, women were more likely than men to hold temporary positions and part-time jobs and were disproportionately represented among those unemployed for extended periods.

Although labor laws provide for equal treatment of women in the civil service, women remained underrepresented. The law requires the government to hire women of equivalent qualifications ahead of men in all civil service areas in which fewer than 40 percent of the employees are women, including police. There are no penalties, however, for agencies that fail to attain the 40 percent target.

Female employees in the private sector may invoke equality laws prohibiting discrimination of women. On the basis of the Federal Equality Commission's findings, labor courts may award compensation of up to four months' salary to women who experienced discrimination in promotion because of their gender. The courts may also order compensation for women who were denied a post despite having equal qualifications.

Children

The law provides for the protection of children's rights, and the government was committed to children's rights and welfare. All state governments and the federal Ministry for Social Welfare, Generations, and Consumer Protection, have ombudsmen for children and adolescents whose main function is to resolve complaints about violations of children's rights. The ombudsman provides free legal counseling to children, adolescents, and parents on a wide range of problems, including child abuse, child custody, and domestic violence.

Nine years of education is mandatory for all children. The government also provided free education through secondary school and subsidized technical, vocational, or university education. According to the Ministry of Education, 99.8 percent of children between the ages of six and 15 attended school.

Child abuse remained a problem, and the government continued its efforts to monitor abuse and prosecute offenders. The Ministry for Social Welfare, Generations, and Consumer Protection estimated that 90 percent of child abuse was committed by close family members or family friends. Law enforcement officials noted a growing readiness to report abuse cases. According to authorities, approximately 20,000 incidents of abuse are reported annually.

There were occasional cases in which child marriage was suspected, primarily in the Muslim and Romani communities. However, such cases were undocumented. Some male immigrants married underage girls in their home countries and returned to Austria with them.

The law provides up to 10 years in prison for an adult convicted of sexual intercourse with a child under 14. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2006 the Ministry of the Interior reported 1,209 cases of child abuse, most involving intercourse with a minor, while the Ministry of Justice reported 570 convictions. The law provides for criminal punishment for possessing, trading, and private viewing of child pornography. Exchanging pornographic videos of children is illegal. A police campaign against Internet child pornography from fall 2006 through August involved about 5,000 suspects in 106 countries. The investigation, under the name "operation penalty," began following charges filed against a German Internet provider. Austrian suspects included a medical doctor, a soccer coach, and a teacher. An official of the Federal Crime Office who was suspected of having downloaded child pornography on his home computer was suspended from office.

In July the Ministry of Economics launched a campaign against child sex tourism. The campaign encouraged tourists and travel agencies to report cases of witnessed child sex tourism. There were no reports by year's end on the campaign's effectiveness.

Trafficking of children remained a problem.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, persons were trafficked to, through, from, and within the country. Women were trafficked for sexual exploitation and domestic service, and children were trafficked for begging, stealing, and possibly for sexual exploitation.

Austria was a transit and destination country for women trafficked from Romania, Ukraine, Moldova, the Balkans, and, to a lesser extent, the Czech Republic, Slovakia, Hungary, Belarus, and Africa. Victims were trafficked through the country to Spain, Italy, and France. Women were trafficked into the country primarily for sexual exploitation. Women also were trafficked from Asia and Latin America for domestic labor.

Unlike in previous years, there were no reports of Romani children being trafficked to Austria from Bulgaria. Observers attributed the interruption of this trafficking pattern to cooperation between the authorities of the two countries.

There were no accurate statistics on the number of trafficking victims. The NGO Lateinamerikanische Frauen in Oesterreich – Interventionsstelle fuer Betroffene des Frauenhandels (LEFOE−IBF) reported assisting 108 trafficking victims in 2006, down from 151 in 2005. The International Organization for Migration (IOM) estimated that there were approximately seven thousand foreign trafficking victims in Vienna alone.

Traffickers included citizens, who were generally connected with licensed brothels, and foreign nationals, who were involved primarily with unlicensed brothels. Authorities estimated that organized crime groups from Eastern Europe, including Russia, controlled much of the trafficking. Police were also aware of cooperation between domestic and foreign citizens to traffic foreign prostitutes through the country.

Most trafficked women were brought to the country with promises of unskilled jobs, such as nannies or waitresses. Upon arrival they were often coerced into prostitution. According to police, there also were some women who knowingly entered the country to work as prostitutes but were forced into dependency akin to slavery. Most victims were in the country illegally and feared being turned over to authorities and deported. Traffickers usually retained victims' official documents, including passports, to maintain control over them. Victims reported being subjected to threats and physical violence. A major deterrent to victim cooperation with authorities was fear of retribution, both in Austria and in the victims' countries of origin.

The law permits the prosecution of traffickers for prostitution by means of deception, coercion, or the use of force, and trafficking for the purposes of slavery. Laws forbidding the exploitation of labor and the exploitation of aliens are also used against traffickers. Trafficking is punishable by up to 10 years in prison. In 2006 there were 93 trafficking cases involving 137 suspects and resulting in 18 convictions. Trafficking for slavery is punishable by imprisonment for 10 to 20 years.

The Federal Bureau for Criminal Affairs, a division of the Ministry of the Interior, is responsible for combating trafficking. Contact with authorities in countries of origin facilitated prosecution of suspected traffickers. During the year there were no reports that the government extradited any persons wanted for trafficking crimes in other countries.

Residence permits were generally issued on humanitarian grounds to trafficking victims. Victims had the possibility of continued residence if they met the criteria for residence permits.

LEFOE−IBF provided secure housing and other support for trafficking victims. The IOM also sought to put victims in contact with NGOs in their countries of origin upon

their return. With financial assistance from the Ministry of the Interior, LEFOE−IBF continued to operate a center in Vienna that provided psychological, legal, and health-related assistance, emergency housing, and German language courses to trafficked women. Federal and local governments funded NGOs that provided assistance in other cities.

The government worked with international organizations to carry out prevention programs throughout the region. The government funded research on trafficking and NGOs produced antitrafficking brochures and organized law enforcement workshops and international conferences funded with the help of private donors.

Persons with Disabilities

The law protects persons with physical and mental disabilities from discrimination in housing, education, employment, and access to health care and other government services. The government's performance in enforcing these provisions was mixed. There were no reports of societal discrimination against persons with disabilities.

Federal law mandates access to public buildings for persons with physical disabilities; however, many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance.

The law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. However, authorities have performed no involuntary sterilizations in recent years. The law prohibits the sterilization of minors.

The government funded a wide range of programs for persons with disabilities, including provision of transportation, assistance for integrating school children with disabilities into regular classes, and for integrating employees with disabilities into the workplace.

National/Racial/Ethnic Minorities

In 2006 the Ministry of the Interior recorded 240 neo-Nazi, right-wing extremist, and xenophobic incidents directed against members of minority groups. The government continued to express concern over the activities of extreme right-wing skinhead and neo-Nazi groups, many with links to organizations in other countries.

In 2006 the domestic NGO Zivilcourage und Anti-Rassismus Arbeit, recorded 1,504 cases of alleged racial discrimination. An August report by the EU Human Rights Agency covering the period 2000–2005 noted slightly declining numbers of racially motivated violence. The government continued training programs to combat racism and educate the police in cultural sensitivity. In September the Ministry of the Interior renewed an agreement with the Anti-Defamation League to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Human rights groups reported that Roma faced discrimination in employment and housing. However, the situation of the Romani community, estimated at over 6,200 indigenous and fifteen to twenty thousand nonindigenous individuals, significantly improved in recent years according to the head of the Austrian Roma Cultural Association. Government programs, including financing for tutors, have helped school−aged Romani children move out of "special needs" and into mainstream classes. The government also initiated programs in recent years to document the Romani Holocaust and compensate its victims.

NGOs reported that Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized as being involved in the drug trade and other illegal activities.

The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities. It requires any community where at least 25 percent of the population belongs to one of these groups to provide bilingual town signs, education, media, and access to federal funds earmarked for such minorities. The law affected 148 communities. At year's end the government had not reached a decision on the implementation of a 2001 Constitutional Court ruling on lowering the 25 percent threshold.

Full recognition of the Slovenian minority remained an issue. For example, the governor of the state of Carinthia refused to implement rulings by higher courts that gave certain rights to the Slovene minority. In December the Constitutional Court ruled that Carinthia must install additional bilingual town signs in German and Slovene.

Other Societal Abuses and Discrimination

There was some societal prejudice against gays and lesbians; however, there were no reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join unions without prior authorization or excessive requirements, and workers exercised this right in practice. No workers were prohibited from joining unions. An estimated 36 percent of the work force was organized into nine national unions belonging to the Austrian Trade Union Federation (OGB).

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 80 percent of the labor force worked under a collective bargaining agreement. The OGB was exclusively responsible for collective bargaining. The law does not explicitly provide for the right to strike; however, the government recognized the right in practice. The law prohibits retaliation against strikers, and the government effectively enforced the law.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that women were trafficked for sexual exploitation and domestic labor, and children were trafficked for begging and possibly sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies to protect children from exploitation in the workplace and to prohibit forced or compulsory labor, and the government generally enforced these laws and policies effectively. The minimum legal working age is 15 years. The Labor Inspectorate of the Ministry of Social Affairs is responsible for enforcement.

There were reports of trafficking of children for begging and possibly sexual exploitation.

e. Acceptable Conditions of Work

There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements set minimum wages by job classification for each industry. The accepted unofficial annual minimum wage is $17,500 to $20,400 (12,000 to 14,000 euros), and it provided a decent standard of living for a worker and family. An estimated 10,000 to 20,000 workers earned wages below this level.

The law limits standard working hours to eight hours per day and up to 40 hours per week. The standard workday may be extended to 10 hours as long as the weekly maximum is not exceeded. The law requires compulsory time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Authorities effectively enforced these provisions.

The law limits overtime to five hours per week and to 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements can specify higher limits.

The Labor Inspectorate regularly enforced laws that provide for mandatory occupational health and safety standards. Workers could file complaints anonymously with the Labor Inspectorate, which could bring suit against the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the chambers of labor, which filed suits on their behalf. The law gives workers the right to remove themselves from a job without incurring any prejudice to their careers if they fear serious, immediate danger to life and health, and the government effectively enforced this law.

BACK TO TOP

Published by the U.S. Department of State Website at http://www.state.gov maintained by the Bureau of Public Affairs.