

AUSTRIA

Executive Summary

The constitution and other laws and policies protect religious freedom and, in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. The government continued to provide financial support and other privileges to religious organizations that qualify under the law.

There were no reports of abuses of religious freedom by the government.

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The nongovernmental organization (NGO) Forum Against Anti-Semitism reported 57 anti-Semitic incidents, including one physical assault. There were some reports of neo-Nazi activity aimed at Muslims, including the defacement of a mosque and use of Internet sites to spread anti-Muslim messages.

The U.S. embassy monitored the government's adherence to religious tolerance. The U.S. ambassador and other embassy officers met with political leaders, NGOs, and religious community representatives to emphasize the importance of religious freedom.

Section I. Religious Demography

According to estimates from religious organizations and the Austrian Integration Fund, membership in major religious groups is as follows: Roman Catholic, 64 percent, and Muslim, 6 percent. Groups that constitute less than 5 percent of the population include Protestants, including the Lutheran and Swiss Reformed churches (Evangelical Church-Augsburg and Helvetic confessions); Eastern Orthodox (Russian, Greek, Serbian, Romanian, and Bulgarian); other Christian churches; Jehovah's Witnesses; other non-Christian religious groups; and the Jewish community.

According to a 2009 media survey of citizens who attend religious services, 2 percent 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 historically drew a disproportionately higher number of guest workers from Turkey and the former Yugoslavia.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution and other laws and policies protect religious freedom. The government is secular. The government is a vocal advocate for religious freedom in international organizations.

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 law does not restrict religious clothing or symbols in the workplace. The government generally forbids headwear in official identification but makes an exception for religious purposes as long as the face is sufficiently visible.

The status of religious organizations is governed by the 1874 Law on Recognition of Churches and 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.

There are 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 Law on the Status of Religious Confessional Communities, passed in 1998, imposes criteria on religious groups seeking to achieve religious society status, although it allows previously recognized societies to retain their status. To be recognized as a religious society, religious groups must have membership equaling 0.2 percent of the country's population (approximately 16,500 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. Only five of the 14 recognized religious societies (Catholic, Protestant, Muslim, Eastern Orthodox, and Jehovah's Witnesses) meet this membership requirement. The law was amended in August to provide an exception for religious groups that have been active internationally for at least 100 years and have been active in organized form in the country for 10 years. In past rulings, the European Court of Human Rights (ECHR) criticized the waiting period for recognition as well as the separate standards, benefits, and privileges applied to religious societies and other groups. Some religious groups criticized the length of existence clause as being biased against new religions.

The law allows religious groups that are not recognized as societies to seek official status as "confessional communities" without the financial 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 previously recognized religious society or religious confessional community. The Ministry of Education then examines the doctrine to ensure that the group's basic beliefs do not violate

public security, public order, health and morals, or the rights and freedoms of citizens.

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.

Eleven groups constitute religious confessional communities according to the law: the Baha'i Faith, Baptists, Evangelical Alliance, Movement for Religious Renewal--Community of Christians, Free Christian Community (Pentecostals), Pentecostal Community of God, ELAIA Christian Community, Seventh-day Adventists, Hindu Religious Community, Mennonites, and the Alevis. The Education Ministry rejected the Movement for Religious Renewal--Community of Christians' application for recognition as a religious society in 2009. After the Constitutional Court denied an appeal in 2010, the group filed a complaint with the ECHR, which was still reviewing the case at year's end.

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

There are no restrictions on missionary activities; however, unrecognized religious groups 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 language instruction. 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.

The government strictly enforces 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.

Prisoners who belong to religious groups not recognized as societies are entitled to pastoral care.

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, Feast of the Immaculate Conception, Christmas Day, and Saint Stephen's Day.

Government Practices

There were no reports of abuses of religious freedom.

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 economy, 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.

On September 11, the Vienna Criminal Court granted parole to convicted Holocaust denier Gerd Honsik on condition that he not commit any other offenses in the next three years. Honsik was serving a two-year 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.

On September 8, three men in Tyrol province were found guilty of defacement and attempted arson in relation to a January attack on a mosque in the city of Kufstein. The men threw a Molotov cocktail at the mosque and sprayed neo-Nazi graffiti on the door. They received prison sentences between six months and two-and-a-half years.

In April the government appointed its first state secretary for integration. Reporting to the interior minister, the state secretary is responsible for coordinating the government's efforts to promote integration among the country's ethnic and religious minorities, including the large ethnic Turkish community.

Individual politicians from the rightwing/populist Freedom Party (FPO) called for a ban of the burqa (full-face veil) in public places. In October a court in Styria province acquitted the local FPO chairman of incitement relating to an anti-Muslim pop-up game appearing on the local FPO Web site. The public prosecutor appealed the verdict.

Improvements and Positive Developments in Respect for Religious Freedom

The government continued to restitute property lost in the Holocaust to original owners or heirs.

In April authorities arrested three men in connection to 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 suspects were charged under Austria's law banning neo-Nazi activity and were awaiting trial at year's end.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice, and prominent societal leaders took positive steps to promote religious freedom.

In 2011 the NGO Forum Against Anti-Semitism reported 57 anti-Semitic incidents, including one assault. 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 2010 there were 58 cases of discrimination based on religion brought before the equal rights commissioner.

In June the Muslim community elected a new president, who said he planned to "modernize" the community and focus on programs to help Muslim youth integrate into society.

In May the NGO Platform for Human Rights released a study detailing societal discrimination faced by Muslim women. According to the study, women who wore headscarves reported difficulties in the job market and harassment in public areas.

The city of Wiener Neustadt continued to review plans for the construction of a new Islamic center. At the end of the year, construction continued on a new Islamic cemetery in Vorarlberg. A controversy surrounding the expansion of two Turkish Islamic centers in Vienna remained unresolved.

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. There is also an active dialogue between some Christian churches and the Muslim and Jewish communities.

Section IV. U.S. Government Policy

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--including the new state secretary for integration and heads of the Muslim and Jewish communities--to reinforce the U.S. government's commitment to religious freedom and tolerance and discuss the concerns of NGOs and religious communities regarding the government's policies towards religious groups.

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 in its outreach and social media programs. Programming during the reporting year included facilitating an archival records-sharing agreement between the local Catholic archdiocese and the U.S. Holocaust Memorial Museum; hosting inter-faith discussions with government representatives and Muslim and Jewish community leaders; and visiting Muslim schools and a new Muslim teachers' academy to observe the government's efforts to better integrate the Muslim minority.