

# AUSTRIA 2016 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 is perceivable by a larger number of persons. 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.” Courts in different parts of the country convicted a number of individuals of anti-Semitic activity, generally handing down fines or sentences, the major part of which were suspended. According to media reports, there were anti-Muslim remarks made in the context of migration from the Middle East and terrorist incidents in Europe, including by the Freedom Party’s candidate and other Freedom Party members, during the presidential campaign.

The head of the Jewish Faith Community reported an increase in the number of anti-Semitic incidents, including the proportion committed by Muslims. The Muslim community reported mounting anti-Islamic sentiment and increased incidents against Muslims. The government’s Equal Treatment Agency reported 131 cases of religious discrimination came before the equal rights commissioner in 2015, the most recent year for which figures were available, compared to 81 cases in 2014.

The U.S. Ambassador and other embassy representatives met regularly with government officials to discuss religious freedom and the integration of religious minorities, including with officials from the Departments of Integration and Dialogue of Cultures within the Ministry of Foreign Affairs. They also met with nongovernmental organizations (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. Ambassador at Large for International Religious Freedom met with the foreign ministry and Muslim leaders to discuss religious freedom issues and the integration of minorities into society, and the U.S. Special Envoy to Monitor and Combat Anti-Semitism met with the leadership of

the Jewish community to discuss anti-Semitism in the country. The embassy funded the staging of a play exploring themes pertaining to religious discrimination and anti-Islamic sentiment.

### **Section I. Religious Demography**

The U.S. government estimates the total population at 8.7 million (July 2016 estimate). Religious groups and the University of Vienna estimate Roman Catholics constitute 61 percent of the population and Muslims 7 percent, while between 14 and 23 percent are 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 Jews 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 that "duties incumbent on nationals may not be impeded by religious affiliation."

Several constitutional provisions protect religious freedom. The main pillars are historical laws on fundamental rights and freedoms, including religious freedom, 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 is perceivable by "many people," which an official government commentary on the law and the courts interpret as 30 or more people, and also specifically in case of 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 rights and privileges): religious societies, religious confessional communities, and associations. Each category possesses specific rights, privileges, and legal responsibilities. Members of religious groups 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 Faith 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.

The law grants registered religious societies the right to public practice and independent administration of their internal affairs, 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. Recognized religious societies are granted tax relief in two main ways: donations are not taxable and they receive exemption from property tax for all buildings dedicated to active practice of the religion or administration of such. Additionally, religious societies are exempt from the surveillance charge, payable for instances where state security is required, and the administrative fee levied on local communities. These benefits do not extend to confessional communities. Responsibilities of religious societies include a commitment to sponsor social and cultural activities that 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

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 were 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 Office for Religious Affairs in the Federal Chancellery. 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 Family Federation for World Peace and Unification (Unification Church).

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. Contributions to their charitable activities are deductible for those who make them.

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 Office for Religious Affairs 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.

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. Some groups organize as associations while waiting to be recognized as confessional communities.

The Church of Scientology and a number of smaller religious groups, such as Sahaja Yoga or the International Society for Krishna Consciousness, are organized as associations.

Religious groups registered as associations have the right to function in public, but may not provide religious instruction in schools or pastoral care in hospitals or prisons.

According to the law, any group of more than two people pursuing a nonprofit goal qualifies to organize as an association. Groups apply to the Ministry of Interior. In order to become an association, groups have to submit a written statement citing their common, nonprofit goal and commitment to function as a nonprofit organization. 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. Unlike confessional communities, associations may not apply to become a religious society after 10 years.

The law governing relations between the government and Islamic institutions stipulates that 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 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 allows for Islamic theological university studies, beginning at the University of Vienna in the fall of 2017.

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.

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 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 as comparative religious education.

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 Equal Rights Agency, an independent agency falling under the jurisdiction of the women's ministry, oversees discrimination cases on various grounds, including religion. The agency provides legal counseling and mediation services, and assists with bringing cases before the Equal Treatment Commission, another independent government agency. In cases where it finds discrimination, the commission makes a recommendation for corrective action. In case of noncompliance with the recommendation, the case is brought to court. Only a court may order corrective action and compensation.

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 for either shorter visits or stays beyond 90 days.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

Many religious minority groups complained the three-tier system of categorizing legally recognized religious groups impeded their legitimate claims for recognition and demoted them to second- or third-class status, according to a report by Freedom House, an international NGO.

The government continued to apply a policy of banning 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 the Office of Sect Issues and other government-associated entities fostered societal discrimination against religious groups not registered as religious societies or confessional communities.

A counseling center in Vienna 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 provided counseling for former members of such groups. The center received some funding from the provincial governments of Vienna and Lower Austria. Several other provinces funded counseling offices providing information on “sects and cults.”

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 of anti-Semitism.

In February an Austrian prosecutor in Linz ruled that 29-year-old Ibrahim B.’s (the court withheld his last name) anti-Semitic Facebook posts were a legitimate way to

criticize Israel. The postings showed Adolf Hitler with a statement: “I could have annihilated all the Jews in the world, but I left some of them alive so you will know why I was killing them...” Ibrahim B. posted this “as a criticism of Israel’s Operation Protective Edge war against Hamas,” and “called on Allah to annihilate the Jewish state.” The prosecutor described his statements as merely expressing “displeasure toward Israel,” and not glorifying Hitler. The Austrian-Israel Society protested the prosecutor’s decision, saying it “legitimizes anti-Semitic agitation through Austria’s judiciary.”

In a July ruling in a case involving the dismissal of a Muslim assistant to a notary for wearing a full-face veil instead of a headscarf, the court found the dismissal was justified, since leaving the face uncovered was one of the “undisputed basic rules of communication” in the country. The court did, however, find it discriminatory that when the woman previously wore a headscarf rather than a full-face veil, she was only used as witness for wills of persons with an “immigrant background.” In addition, the court agreed that the language her supervisor used (he called her manner of dress an “experiment of ethnic clothing” and a “disguise”) was discriminatory, even if he were justified under the constitution in refusing to allow her to wear the veil at work, and awarded her compensation of 1,200 euros (\$1,264). A spokesperson for the Islamic Faith Community stated in a July 4 press release the ruling was “understandable, pointing to the fact that facial expressions were important for communication, particularly in professions where employees had frequent personal contact with the public.”

During the presidential election, held in December rescheduled from October after the May election was annulled, Freedom Party (FPO) candidate Norbert Hofer campaigned against immigration and vowed to “stop the invasion of Muslims.” FPO party chairman Strache said April 2 at the campaign launch of Hofer’s presidential run “the only immigration cap that should be tolerated is that of zero immigration.” During a televised debate on November 20, Hofer said referring to the situation in 2015, “hundreds of thousands of people crossed our country without being checked; and there were perpetrators among them who carried out the horrible murders in Paris – that I would not allow.”

On November 8 in Vienna, Hofer said, “Let’s not make the mistake and direct the hatred which previously targeted Jews, now against single Muslims...Islam does not form a part of Austria. But this does not mean there is no room for Islam here.” Hofer stated in an interview in March “we have to ensure that any anti-Semitic tendencies created by immigration in Europe are nipped in the bud,” and



that, in view of the country's history, "there is no tolerance for anti-Semitism of any kind."

The president of the Jewish Faith Community in Vienna stated June 8 "the Jewish community did not have any contacts with the Freedom Party and has no plans to initiate such contacts in the future." FPO party leader Heinz-Christian Strache visited the Israeli Holocaust Museum Yad Vashem in May.

The Ministry for Education and Women conducted teacher-training projects with the Jewish Anti-Defamation League (ADL). Seminars were available on Holocaust education, and Holocaust survivors talked to school classes about National Socialism and the Holocaust. In the course of the year, ADL conducted two one-day seminars promoting diversity for teachers in technical schools, and 20 three-day workshops in police schools. There were also three-day refresher courses for trainers.

The Division of Dialogue of Cultures and Religions within the Ministry of Foreign Affairs organized a conference in September on Austrian constitutional and legal frameworks used to promote interreligious harmony, with a focus on Islam, examining whether the country could serve as a model in Europe. Several European countries participated and announced they would continue this exchange.

In July Chancellor Christian Kern and State Secretary in the Chancellery Muna Duzdar met with leading Muslim community representatives to discuss cooperation with regard to Muslim immigrants.

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

### **Section III. Status of Societal Respect for Religious Freedom**

In May the interior ministry released a report that stated in 2015 there was a steep rise in right-wing extremism, xenophobic sentiment, and aggression and linked it to the migrant crisis. According to the ministry's statistics, there were 1,156 right-wing extremist, xenophobic/racist, anti-Islamic, anti-Semitic, and/or otherwise extremist incidents that year, an increase of 54 percent over the 750 reported in 2014. The ministry classified 31 incidents as anti-Islamic, an 82 percent increase over the 17 recorded in 2014. Incidents the ministry characterized as anti-Semitic decreased by 29 percent, from 58 in 2014 to 41 in 2015. The types of incidents

ranged from bodily harm and property damage to fanning hatred against foreigners, with violent crime accounting for 3 percent of the total.

In September the head of the Jewish Faith Community said that anti-Semitic incidents, especially by Muslims, had increased. He did not cite statistics on the number of incidents. He cited rising anti-Semitic sentiment resulting from the 88,912 asylum seekers who arrived in 2015, the majority of whom came from Afghanistan, Syria, Iraq, and Iran. The Ministry of Interior published figures showing a decrease in asylum seekers in 2016, with 36,030 asylum applications accepted as of year's end. In July the Documentation Center for the Islamic Faith Community reported mounting anti-Muslim sentiments.

In February four Chechen men told four women in a nightclub in Vienna to go home because it was not appropriate for them as Muslim women to be there. The four men engaged in a fistfight with the father and the husband of two of the women, and suffered light injuries.

The Documentation Center for the Islamic Faith Community reported the number of anti-Muslim incidents had been increasing since it began collecting such statistics in mid-2014. In 2015, the center received 156 reports of anti-Islamic incidents, most of them directed against women. Forty percent were verbal attacks, 12 percent physical assaults, and 5 percent incidents of discrimination, while 3 percent concerned graffiti. Nineteen percent of incidents were directed against Islamic institutions rather than individuals, and 7 percent consisted of hate speech on the internet. The center also registered 20 reports of incidents in June and July 2016, following terrorist attacks in Europe, compared to almost no reports in April and May. The center reported a positive relationship with government authorities on investigations and prosecutions.

The office against discrimination of the provincial government in Styria reported rising anti-Islamic incidents in July, following terrorist attacks in Belgium, France, and Germany. The office did not have a tally on the number of incidents, which it said included spitting, ripping off headscarves, and the posting of hate speech on the internet. The office stated Muslims increasingly did not report incidents because they felt ashamed about the terrorist attacks.

In April members of the anti-immigrant youth group the Austrian Identitarian Movement stormed a stage at the University of Vienna, where mostly Muslim asylum seekers from Syria, Iraq, and Afghanistan were performing a play against xenophobia. They threw fake blood into the audience and fliers stating

“multiculturalism kills.” Theater organizers said some of the migrants were beaten and injured.

According to the government’s Equal Treatment Agency, 131 cases of religious discrimination came before the equal rights commissioner in 2015, compared to 81 cases in 2014. The agency did not provide additional information on the nature of the cases or of the groups targeted.

In March the Vienna prosecutor’s office investigated an individual who had posted approximately 25 anti-Semitic messages at Jewish institutions and Jewish-owned businesses in Vienna, among them the Jewish Museum and a real estate agency owned by a prominent Jewish community figure. At year’s end there was no further information on the case.

In October a Lower Austrian court convicted a man who had called for the burning of copies of the Quran in 2015, while using a false female name. The court sentence the man to a four-month suspended prison sentence on charges of denouncement of religious teachings.

In May a court in Feldkirch, Vorarlberg convicted a 17-year-old to a two-year prison term, of which 16 months were suspended, on charges of neo-Nazi activity for writing anti-Semitic graffiti on Jewish and Muslim cemeteries in Vorarlberg.

In March the University of Vienna student council condemned calls for a boycott of Israel by the Boycott, Diversity, and Sanctions movement against Israel as a “new form of anti-Semitism.”

In July a court in Linz, Upper Austria, convicted a 45-year-old man of neo-Nazi activity and incitement after the man posted anti-Semitic and anti-Muslim messages on the internet. He received an 18-month suspended sentence.

The Islamic Faith Community, the Jewish Faith Community, and Catholic leaders again raised concerns about the perceived rise of extremist parties throughout Europe, religious radicalization, and the recruitment of foreign fighters. In public statements, they stated the need for religious groups to promote moderation and dialogue. In November the heads of the Muslim and Jewish Communities met and discussed ways to collaborate on a religious education project. The Archdiocese of Vienna published a brochure aimed at explaining Christian symbols and culture to Muslim migrants. The Catholic Church said it hoped to become involved in the integration of new migrants in the country. The Catholic charity Caritas counseled

predominantly Muslim asylum seekers and provided housing to them in Catholic Church facilities.

Fourteen Christian churches, among them the Catholic Church, various Protestant denominations, and eight Orthodox and Old Oriental churches, continued to meet within the Ecumenical Council of Austrian Churches. Baptists and the Salvation Army had observer status on the council.

#### **Section IV. U.S. Government Policy**

The U.S. Ambassador and other embassy representatives met regularly with government officials to discuss religious freedom, the integration of Muslim refugees, and efforts to combat foreign terrorist fighters, including with the Department for Integration and the Division of Dialogue of Cultures at the Ministry of Foreign Affairs.

In May the U.S. Ambassador at Large for International Religious Freedom met with Ministry of Foreign Affairs officials to discuss efforts to ease the challenges of integrating diverse communities into Austrian society. He also met with the Muslim community to discuss the update to the law on Islam. During his visit, he underscored the importance of combating religious intolerance and discrimination, while at the same time ensuring that governments protect the freedoms of thought, conscience, religion, and belief. He advocated for sharing leadership on greater interfaith cooperation and collaborative action to solve common problems and promote religious freedom.

In June the U.S. Special Envoy to Monitor and Combat Anti-Semitism met with Jewish community leaders to discuss the situation of Jewish communities in Austria and Europe.

Embassy representatives continued to meet frequently with religious leaders, throughout the country, including with the leadership of the Islamic Faith Community, Jewish Faith 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 engage with and support the Jewish community to promote religious tolerance and combat continued anti-Semitic sentiment among some sectors of society.

In May a senior embassy official attended the commemoration of the liberation of the Mauthausen concentration camp and delivered remarks at the victims' memorial.

The embassy provided funding for the staging of the Pulitzer Prize-winning play "Disgraced," which condemned anti-Muslim sentiment and religious discrimination. The sold-out production, which included a performance for high school students, promoted a dialogue of religious tolerance and freedom in the country.