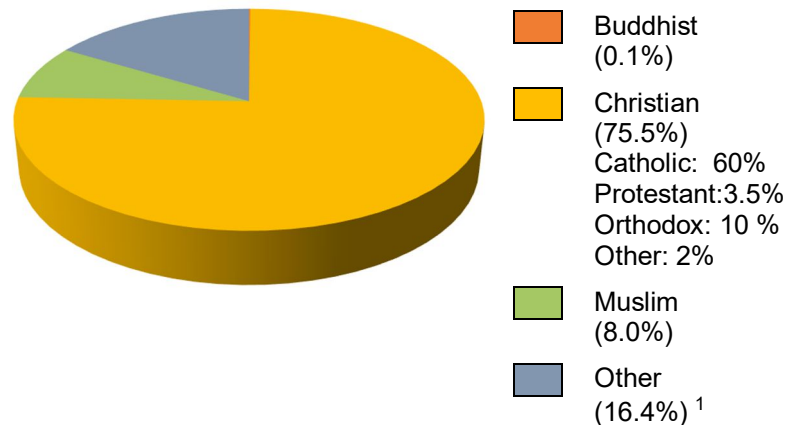


AUSTRIA



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|--|---|---------------------------------------|--|
| Area: 83,871 km ² | Population²: 8.4 million | Political system: Democracy | Major Language(s): German ³ |
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Legal Framework of Religion and actual application

Freedom of religion is a right protected by both statute and the constitution. Historical laws, treaties, conventions and modern constitutional amendments guarantee freedom of “conscience and creed” and include the right to join, leave, or not participate in any church or religious community.⁴

The law prohibits discrimination on the basis of religion, and public incitement to hostile acts against any church group, religious society, or other religious group. Furthermore the law similarly prohibits incitement, insult, or contempt against religious groups where such actions violate human dignity.⁵ The law permits alternatives to military service for conscientious objectors.⁶

Under the law, religious groups are divided into three categories (in descending order of status): officially recognised religious societies, religious confessional communities, and associations.⁷ Officially recognised religious societies have the right to hold public worship, to the autonomous administration of their internal affairs, to found private schools, and to provide religious instruction (with public funding) in private and state schools. Legal recognition endows a church or religious community with the status of a corporate body and private legal capacity.⁸ Furthermore, recognition as a religious society includes the right to collect mandatory tax contributions from members and to bring religious workers into the country as ministers, missionaries or teachers.⁹

To be recognised as a religious society, groups must either have been recognised as such before 1998, or must have membership equalling 0.2 per cent of the population and have been in existence for 20 years (10 of which as an organised group, and 5 as a “confessional community”).¹⁰ The following are officially recognised religious societies in Austria: the Roman Catholic Church, the Protestant Churches (specifically Lutheran and Presbyterian, called “Augsburg” and “Helvetic” confessions), the Islamic 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.¹¹

Religious groups not recognised as societies may seek recognition as “confessional communities”, this endows a legal personality, but without the financial and educational benefits available to recognised religious societies, nor the ability to bring in staff from abroad. Groups must have at least 300 members and submit their governing statutes and a written description of their religious doctrine. The Ministry for Arts, Culture, the Constitution and Media determines whether a group qualifies as a confessional community.¹²

There are eight legally recognised confessional communities in Austria: the Baha’i Faith, the Movement for Religious Renewal (also called the Christian Community), the Pentecostal Community of God, Seventh-day Adventists, the Hindu community, Islam’s Shi’a community, Old-Faith Alevis, and as of June 2015, the Unification Church.¹³

Religious groups that do not qualify as either societies or confessional communities may apply to become associations to gain legal personality, but they do not qualify for other benefits.

Religious instruction is mandatory and is publicly funded for children belonging to one of the officially recognised religious societies. Some schools offer Ethics courses for students who opt out of religious education. Both ethics and religious education look at the tenets of different religious groups.

The Federal Agency for Sect Issues (*Bundesstelle für Sektenfragen*), supervised by the Federal Ministry for Family and Youth, provides information and advice relating to “sects” and “cults.” Several similar “anti-sect and cult” offices in various provinces also received public funding.¹⁴ The NGO Forum for Religious Freedom Europe has criticised the agency and the local organisations for fostering discrimination against unrecognised religious groups.¹⁵

Incidents

Related to Christianity

The 2014 hate crime report (the most recent available) Produced by the Organisation for Security and Co-operation in Europe (OSCE) and the Office for Democratic Institutions and Human Rights (ODHIR), highlighted that police do not record whether hate crimes or incidents have an anti-Christian motivation. An arson attack on a church, six incidents of damage to property and one instance of anti-Christian graffiti were noted during the period.¹⁶

As a new development, according to Christian Solidarity International (CSI) among other sources, is that Christian refugees have been repeatedly discriminated against in Austrian refugee centres since 2015. Elmar Kuhn, the general secretary of CSI, said the State was unable or unwilling to put an end to this behaviour. Christian refugees have been threatened and harassed by Muslim refugees as they have made their way on the refugee route to Austria and this behaviour has continued in refugee centres. Kuhn noted that even some supervisory staff who are Muslim participate in the harassment of Christians. The threat is worst for converts as conversion from Islam to another religion is regarded as a crime in some Islamic countries.¹⁷

Many Christian refugees have reported being mobbed by Muslim refugees.

Christian testimonies have included reports of individuals enduring physical violence for defending their beliefs; being harassed by a Mullah preaching at them; being forbidden to read the Bible and being hit for refusing to stop reading it. During Ramadan they were told it would be sinful to even smell their food during the hours of fasting.¹⁸

As in the previous years, churches supporting pro-life groups were frequently the target of hate speech when speaking out on the issue. On a legal level Members of the Green Party in Austria have submitted in 2016 a Parliamentary Question to explore the possibility of stopping “pro-life” workshops as part of religious education.¹⁹

Related to Islam

Because of the large number of migrants and refugees who arrived in Austria in the period covered by this report, many of whom are Muslim, it is difficult to determine, in many cases, whether an incident is specifically motivated by an anti-Muslim bias, or a more general xenophobic bias.

As stated in the 2014 OSCE report, Austrian police recorded 17 anti-Muslim crimes that year. Incidents were not divided by type of crime, and most were probably incitement to hatred or hate speech. However data from civil society groups noted 9 violent attacks, and 15 attacks against property.²⁰

The Documentation Centre for Muslims reported five physical assaults in 2014, including one against a Muslim woman which required in hospital treatment and one carried out by a group that also caused serious injuries. All the victims of the attacks were women wearing headscarves.²¹

In November 2014, more than 500 police officers raided a string of mosques, prayer meetings, and homes after a two-year investigation targeting suspected jihad recruiters. Terrorist propaganda material was seized, and thirteen people were arrested, including a Bosnian preacher.²²

In February 2015, the Austrian government passed a controversial reform to the 1912 law on Islam. It granted more legal protection for the observance of Islamic religious holidays, but required increased university training, as well as German language skills for imams, and instituted a ban on foreign funding for mosques and imams.²³ The Islamic Religious Authority of Austria approved the law, while other organisations denounced its restrictions as “discrimination.”²⁴

In February 2015, OGM (the Austria Society for Marketing Corporation) released polling data that found that 58 percent of Austrians believed the “radicalisation of the nation’s Muslims was underway.”²⁵ In the same month, a poll by Unique Research for the *Heute* newspaper found that out of 500 Austrians questioned, 40 percent felt that Islam was a threat to the country.²⁶

According to a report presented by the Documentation Office for Muslims in Austria, produced in partnership with the Islamic Faith Community in Austria on 21st April 2016, there were 156 incidents against Muslims in Austria in from December 2014 to the end of 2015. According to this report, about 95 per cent of those incidents were directed at women. 40 percent of the reported incidents were verbal attacks, 12 percent were physical attacks on people; 5 percent were incidents of discrimination, and 3 percent graffiti.²⁷

Examples provided in the report included: “a Muslim student being spat at in a hospital in Vienna by a pensioner and called a terrorist. In another incident, a five-year-old being picked up from kindergarten by her Muslim mother was spat at by a man who then imitated a machine gun with his hands”.²⁸

The organisation framed the increase in attacks and loss of inhibition about attacking Muslims in the context of the refugee movement. Similarly, the Austrian Interior Ministry announced the country saw a massive increase in xenophobic crimes in 2015. The BVT (Federal Office for the Protection of the Constitution and Counterterrorism) received 1,201 criminal complaints about racist and xenophobic crimes between January and September, compared to 750 in the same period the previous year – an increase of 60 percent. However, it is not clear how many of those were directed at Muslims, and of those, how many were motivated by religious bias, rather than xenophobia.²⁹

Related to Judaism

According to the 2014 OSCE/ODHIR hate crime report, police recorded 58 anti-Semitic crimes. Incidents were not divided by type of crime, and most likely include incitement to hatred.³⁰ However

data from civil society groups for the period noted 10 violent attacks, 7 threats, and 91 attacks against property.³¹

The government funds Holocaust education initiatives and strictly enforces laws against neo-Nazi activity, public denial, belittlement, approval, or justification of the Nazi genocide or crimes against humanity. The police provide extra protection to the Vienna Jewish Community's offices, as well as Jewish schools and museums, to protect against anti-Semitic acts, given Austria's history with anti-Semitism.³²

The United Nations High Commissioner for Refugees and anti-racism organisation ZARA gave a report to OSCE about a physical attack on an Israeli football team in which several members were injured. ZARA also reported a threat against a man, who was visibly identifiable as Jewish, on a bicycle, and 34 incidents of graffiti, including one on the wall of a Jewish cemetery and two on a Holocaust memorial site in Mauthausen. The Forum Against anti-Semitism reported nine physical assaults, six threats and 57 incidents of damage to property or graffiti.³³

In the wake of the attack on the Israeli football team, Chancellor Werner Faymann held a meeting in August 2014 with the leaders of the 16 recognised religious societies to try to end religious tensions. During the meeting, the head of the Jewish community said there had been an increase in anti-Semitic incidents committed by Muslims.³⁴

The Forum Against anti-Semitism reported that the number of anti-Semitic incidents in 2015 increased more than 80 percent from the previous year, with 465 incidents recorded, over 200 of which were cases of internet hate speech. Because internet postings are generally anonymous, it was difficult to know who had committed the offense, but according to the Secretary General of the Jewish Communities of Austria, there was a "clear trend of increasingly hostile behaviour against the 15,000 Jews living in Austria from Muslims" and "There is an increasing concern in our community that – if the proportion of Muslims in Austria continues to rise due to immigration, due to the refugees – this could become problematic for us."³⁵ In January 2015, the walls of the former Nazi concentration camp Mauthausen were vandalised with four swastikas and the word "Hitler".³⁶

Prospects for Freedom of Religion

Based on incidents and on the political and societal development in Austria during 2014-2016 it seems that there is no notable change regarding religious freedom, but some tendencies indicate negative prospects.

While it appears that there were no significant incidents of increased governmental restrictions on religious freedom during the period under review, there appears to be an increased risk of societal intolerance against both majority and minority religions, some of which may be a backlash to global terrorism or geopolitical conflicts attributed to religious groups, as well as new, more radical forms of secularism in western Europe. And there is also the new phenomenon of bullying and physical threats against Christian refugees by other asylum seekers.

¹ http://www.thearda.com/internationalData/countries/Country_15_2.asp
and <https://de.wikipedia.org/wiki/%C3%96sterreich#Religionen>

² <http://www.bbc.com/news/world-europe-17405422>

³ German (official nationwide) 88.6%, Turkish 2.3%, Serbian 2.2%, Croatian (official in Burgenland) 1.6%, other (includes Slovenian, official in South Carinthia, and Hungarian, official in Burgenland) 5.3%;
<https://www.cia.gov/library/publications/the-world-factbook/geos/au.html>

⁴ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>

⁵ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>

⁶ http://www.thearda.com/internationalData/countries/Country_15_6.asp

⁷ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>

⁸ <http://www.austria.org/religion/>

⁹ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>

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- ¹⁰ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>
- ¹¹ <http://www.austria.org/religion/>
- ¹² <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>
- ¹³ <https://www.bka.gv.at/site/3405/default.aspx>
- ¹⁴ <http://www.bundesstelle-sektenfragen.at/>
- ¹⁵ <https://foref-europe.org/2014/12/24/austrias-violations-of-freedom-of-religion/>
- ¹⁶ <http://hatecrime.osce.org/austria>
- ¹⁷ http://www.csi.or.at/images/CiN/CiN_05_2016_PRINT_HP.pdf
and <http://kath.net/news/55166>
- ¹⁸ Testimonies of Christians from the Syrian-Orthodox Church in Austria: Pfarre Heilige Maria Mutter Gottes, A-1210 Wien.
- ¹⁹ <http://www.kath.net/news/55151>
- ²⁰ <http://hatecrime.osce.org/austria>
- ²¹ <http://hatecrime.osce.org/austria>
- ²² <http://www.dailymail.co.uk/news/article-2852886/Austria-13-radical-Islamic-suspects-arrested.html>
- ²³ <http://www.bbc.com/news/world-europe-31629543>
- ²⁴ <http://www.telegraph.co.uk/news/worldnews/europe/austria/11435388/Austria-passes-controversial-reforms-to-Islam-law-banning-foreign-funding.html>
- ²⁵ <http://www.telegraph.co.uk/news/worldnews/europe/austria/11435388/Austria-passes-controversial-reforms-to-Islam-law-banning-foreign-funding.html>
- ²⁶ <http://www.thelocal.at/20150209/poll-islam-does-not-belong-in-austria>
- ²⁷ <http://www.thelocal.at/20160422/women-targeted-in-anti-muslim-assaults-in-austria>
- ²⁸ <http://www.thelocal.at/20160422/women-targeted-in-anti-muslim-assaults-in-austria>
- ²⁹ <http://www.thelocal.at/20160422/women-targeted-in-anti-muslim-assaults-in-austria>
- ³⁰ <http://hatecrime.osce.org/austria>
- ³¹ <http://hatecrime.osce.org/austria>
- ³² <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>
- ³³ <http://hatecrime.osce.org/austria>
- ³⁴ <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2014&dclid=238354>
- ³⁵ <http://www.reuters.com/article/us-austria-crime-antisemitism-idUSKCN0X31SE>
- ³⁶ <http://www.thelocal.at/20150202/neo-nazis-daub-swastikas-onto-mauthausen-memorial>