



Austria



Stable / Unchanged —

Religion

Population

Area

- Christians : **73.2%**
- Agnostics : **18.0%**
- Atheists : **2.0%**
- Muslims : **6.4%**
- Others : **0.4%**

8,570,000

83,871 Km²

Legal framework on freedom of religion and actual application

Freedom of religion is a statutorily and constitutionally protected right. Past laws, treaties, conventions and modern constitutional amendments guarantee freedom of “conscience and creed” and include the right to join, leave, or abstain from any Church or religious community.^[1] By its very nature, the Austrian legal system is religiously neutral. The principle of religious neutrality prohibits any identification of the state with a specific Church or religious community. For historical reasons, Austria nevertheless maintains a special relationship with the Roman Catholic Church, regulated by a concordat with the Holy See ^[2] (1933/34, supplement 1962), which includes special agreements about educational and financial issues.

The law prohibits discrimination on the basis of religion, and public incitement to hostile acts against a Church group, religious society, or other religious group is prohibited “if perceivable by a larger number of persons”^[3] Further, incitement, insult, or contempt against such groups is similarly prohibited if the “action violates human dignity”. The law permits alternative service for conscientious objectors.^[4]

Under the law, religious groups are divided into three categories (in descending order of status): officially recognised religious societies, religious confessional communities, and associations.^[5] Officially recognised religious societies have the right to practise public worship, to autonomous administration of their internal affairs, to found private schools (financially supported by the state) and to provide religious instruction with public funding in private and public schools. Legal recognition endows a Church or religious community with the status of a corporate body and private legal capacity.^[6] Further, recognition as a religious society includes the right to receive mandatory Church contributions by members and to bring religious workers into the country as ministers, missionaries or teachers.^[7]

To be recognised as a religious society, groups must either have been recognised as such before 1998, or must have

membership equalling 0.2% of the population and have been in existence for 20 years (10 of which as an organised group, and five as a “confessional community”).^[8] An exception to the membership requirement applies to the following officially recognised religious societies in Austria: the 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 Churches (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.^[9]

Religious groups not recognised as societies may seek recognition as “confessional communities”. This endows them with a certain level of legal status, but without the financial, immigration, and educational benefits available to recognised religious societies. Groups must have at least 300 members and submit their governing statutes and a written description of their religious doctrine. The Office for Religious Affairs (in the Federal Chancellery) determines if a group qualifies as a confessional community.^[10]

There are eight such confessional communities legally recognised by Austrian law: the Bahais, the Movement for Religious Renewal-Community of Christians, the Pentecostal Community of God, Seventh-day Adventists, the Hindu community, the Shia community, Old-Faith Alevs, and the Unification Church.^[11]

Religious groups that do not qualify as either societies or confessional communities may apply to become legal associations to obtain legal recognition, but do not qualify for other benefits. Examples include the Church of Scientology and the International Society for Krishna Consciousness.

Religious instruction is mandatory until the age of 14 and is publicly funded on a proportional basis for children belonging to one of the officially recognised religious societies. Ethics courses are offered in some schools for students who opt out of religious education. Both religious and ethics instruction include explanation of the tenets of different religious groups.^[12]

The Federal Agency for Sect Issues, supervised by the Federal Ministry for Women, Family and Youth, provides information and advice relating to “sects” and “cults”. In various provinces, several similar “anti-sects and cults” offices also receive public funding.^[13] Some groups have criticised the agency and local organisations for fostering discrimination against unrecognised religious groups.^[14]

The Austrian Criminal Code contains a conscience clause for medical staff with regard to abortion.^[15] However, pharmacists do not enjoy an explicit right to conscientious objection. Catholic Christians have objected to the rules governing pharmacists in relation to abortifacient drugs. The professional association of pharmacists holds the position that there is no such right and that pharmacies must dispense the so-called “morning after pill”, which may result in an early abortion. Because there is no explicit law protecting the right of conscientious objection for pharmacists, the practical effect is that many pharmacists or employees of pharmacies do not dare to withhold the abortifacient drug for conscience reasons.^[16]

| Incidents

The Observatory on Intolerance Against Christians (OIDAC) reported 19 anti-Christian incidents in Austria, including assaults, burglaries, and vandalism of churches and public Christian statues during the reporting period.^[17] The cases include a 22-year-old man from Afghanistan who stabbed a Christian woman when he heard her reading the Bible at a refugee centre in Vöcklamarkt (Upper Austria).^[18] According to the 2016 OSCE/ODHIR (Organisation for Security and Cooperation in Europe/Office for Democratic Institutions and Human Rights) hate crime report (the most recent available), Austrian police still do not issue specific reports or collect records on anti-Christian hate crimes or incidents. This

lack of information makes it difficult to evaluate or classify crimes with an anti-Christian bias. Civil society contributions of data for 2016 included seven attacks against Christians' property [19] and at least four attacks against people, not including crimes committed in refugee shelters where the authorities generally do not collect data about their residents' religion.

According to Christian Solidarity International (CSI) and other sources, since 2015 Christian refugees have repeatedly been victims of discrimination in Austrian refugee centres.

Christian refugees are often threatened and harassed by Muslim refugees along the refugee flight route and this behaviour can continue in the centres. The general secretary of

CSI, Elmar Kuhn, said the Austrian state has been unable or unwilling to find a solution to this problem. He noted that even some Muslim staff of the centres participate in the harassment of Christians. It is reported that the threat is worst for converts from Islam as conversion is seen as a crime in some Islamic countries.[20]

As in previous years, Christian politicians, academics and leaders of pro-life groups were

frequently subjected to hostile speech because of their views.[21] At a political level, a lawmaker for the Green Party in 2016 submitted a question in parliament asking the government

to evaluate possible actions to stop "pro-life" workshops in religious education classes.[22]

It is sometimes difficult to determine whether an attack of Muslim refugees or migrants is motivated by hostility to Muslims in particular or by a more general xenophobia.

As indicated by the most recent OSCE hate crime study, Austrian police reported 28 anti-Muslim crimes in 2016. Incidents were not divided by type of crime. Civil society contributions of data for 2016 include 20 violent attacks or threats against individual Muslims, mostly against women wearing headscarves.[23]

In 2016, a state-funded study into religious education in several of the 150 Muslim kindergartens in Vienna found some links with extremist Islamist groups. The report said, "intellectual Salafists and political Islamists are the dominant groups in the Islamic kindergarten scene in Vienna". As a result, the Integration Minister proposed tighter controls to prevent the danger of "parallel societies emerging" because of "theologically-motivated isolation". The president of Vienna's Muslim community called the allegations of "Salafist" education in kindergartens "ridiculous"[24]

A ban on full-face coverings, which includes Muslim veils and burkas, came into force in Austria in October 2017. The new law states that faces must be visible from hairline to chin in public places, arguing that a safe public life and a tolerant society demand open interaction and visibility. Austrian police are allowed to use force to make people show their face and can impose fines of €150 (US\$175)[25] The government continued to apply a policy of banning headwear in official identification papers, except for religious reasons, as long as the face is sufficiently visible to allow for identification of the wearer.

According to the 2016 OSCE/ODHIR hate crime study, police reported 41 anti-Semitic crimes. Incidents were not divided by type of crime. Civil society contributions of data for 2016 included four violent attacks, one threat, and four attacks against property.[26]

The government continued to fund Holocaust education and strictly enforce laws against neo Nazi activity, as well as the public denial, belittlement, approval, or justification of the Nazi genocide or crimes against humanity. The police continued to provide extra protection to the Vienna Jewish Community's offices, as well as Jewish schools and museums, to protect them against anti-Semitic acts, given Austria's own history of anti-Semitism.[27]

The Forum Against anti-Semitism reported in July 2017 that the number of anti-Semitic incidents in 2016 (477) was

nearly identical to that of the previous year. Some 153 of these incidents were online hate speech, which is more difficult to classify. Because online postings are generally anonymous, it was difficult to determine who had committed the offence, but according to various leaders of the Jewish Communities of Austria, there was a clear trend of increasingly hostile behaviour against the country's 15,000 Jews from Muslims.^[28] For Ariel Muzicant, President of European Jewish Congress (EJC), "Anti-Semitism driven by Islamism is life-threatening and a danger for all Europe, not just for us"^[29]

Prospects for freedom of religion

In the reporting period, there was no notable change to the situation of religious freedom in Austria, but some trends signal negative prospects. While there were no significant increased governmental restrictions on religious freedom, there appears to be an increased risk of societal intolerance against both majority and minority religions. Some of these tensions may be a backlash against global terrorism or be attributable to hostility towards immigrants or refugees, rather than having a specifically religious motive. They may also derive in part from more radical forms of secularism in western Europe. The relatively new phenomenon of bullying and physical threats against Christian refugees by other asylum seekers is still of concern.^[30]

Endnotes / Sources

[1] Bureau of Democracy, Human Rights, and Labor, 'Austria', International Religious Freedom Report for 2016, U.S. State Department, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, (accessed 2nd May 2018).

[2] Austria – Holy See: Concordat with Protocol, https://www.bmbwf.gv.at/fileadmin/user_upload/wissenschaft/naric/english/austria_holysee_conc-protocoll.pdf, (accessed 30th May 2018).

[3] Bureau of Democracy, Human Rights, and Labor (2016), op. cit.

[4] Bundesrecht konsolidiert: Gesamte Rechtsvorschrift für Zivildienstgesetz 1986, Rechtsinformationssystem des Bundes, <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetze-snummer=10005603>, (accessed 2nd May 2018); Austria's Constitution of 1920, Reinstated in 1945, with Amendments through 2013, constituteproject.org, https://www.constituteproject.org/constitution/Austria_2013.pdf?lang=en, (accessed 30th May 2018).

[5] Bureau of Democracy, Human Rights, and Labor, 'Austria', International Religious Freedom Report for 2016, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2016&dclid=238354>, (accessed 30th May 2018).

[6] Austrian Embassy in Washington, Facts and Figures Austria's Religious Landscape, <http://www.austria.org/religion/>, (accessed 30th May 2018).

[7] Bureau of Democracy, Human Rights, and Labor (2016), op. cit.

[8] Ibid

[9] Austrian Embassy in Washington, op. cit.

[10] Bureau of Democracy, Human Rights, and Labor (2016), op. cit.

[11] <https://www.bka.gv.at/site/3405/default.aspx>

[12] Rechtsinformationssystem des Bundes (RIS), Bundesgesetz vom 13. Juli 1949, betreffend den Religion-sunterricht in der Schule (Religionsunterrichtsgesetz). StF: BGBl. Nr. 190/1949, <http://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10009217>, (accessed 30th May 2018); Austria's Constitution of 1920, op. cit.

[13] Homepage, Bundesstelle für Sektenfragen, <http://www.bundesstelle-sektenfragen.at/>, (accessed 30th May 2018).

- [14] "Austria's Violations of Freedom of Religion", Forum for Religious Freedom Europe, <https://foref-europe.org/2014/12/24/austrias-violations-of-freedom-of-religion/>, (accessed 30th May 2018).
- [15] § 97 StGB Straflosigkeit des Schwangerschaftsabbruchs, <https://www.jusline.at/gesetz/stgb/para-graf/97>, (accessed 30th May 2018); Austria's Constitution of 1920, op. cit.
- [16] Compare: Imago Hominis, Ethik des Apothekers; IMABE, Band 15, Heft 2, 2008, ISSN 1021-9803, or Klement A., Die orale Notfallkontrazeption, Österreichische Apothekerzeitung (2003); 57(5): 230-232.
- [17] Observatory on Intolerance Against Christians (OIDAC), <https://www.intoleranceagainstchristians.eu/index.php?id=3&txtSearch=&radSearchFilterType=cases&selCountry=2&selTimeFrame=custom&txtDateStart=06%2F01%2F2016&txtDateStop=05%2F14%2F2018#searchResults>, (accessed 11th May 2018).
- [18] "Woman attacked for reading from Bible", Observatory on Intolerance and Discrimination against Christians in Europe, <https://www.intoleranceagainstchristians.eu/index.php?id=12&case=1944>, (accessed 30th May 2018).
- [19] Office for Democratic Institutions and Human Rights, 2016 Hate Crime Reporting – Austria, Organization for Security and Co-operation in Europe, <http://hatecrime.osce.org/austria>, (accessed 30th May 2018).
- [20] "Christenverfolgung auch in österreichischen Asylrichtungen", Katholischen Nachrichten, 13th May 2016, <http://kath.net/news/55166>, (accessed 30th May 2018).
- [21] "Sozialisten-Angriff auf Lebensrechtlerin", Katholischen Nachrichten, 8th May 2018, <http://kath.net/news/63716>, (accessed 30th May 2018).
- [22] "Grüne fordern Verbot von Lebensschutz-Vorträgen an Schulen", Katholischen Nachrichten, 12th May 2016, <http://www.kath.net/news/55151>, (accessed 30th May 2018).
- [23] Office for Democratic Institutions and Human Rights, op. cit.
- [24] "Muslim preschools 'linked to Islamist groups'", The Local AT, 29th February 2016, <http://www.thelocal.at/20160229/muslim-preschools-linked-to-islamist-organisations>, (accessed 30th May 2018).
- [25] Mike Wright and AP, "Austria's 'burka ban' comes into force, prohibiting face veils in public places", The Telegraph, 1st October 2017, <https://www.telegraph.co.uk/news/2017/10/01/austrias-burka-ban-comes-force-prohibiting-face-veils-public/>, (accessed 30th May 2018).
- [26] Office for Democratic Institutions and Human Rights, op. cit.
- [27] Bureau of Democracy, Human Rights, and Labor (2016), op. cit.
- [28] Lukas Kapeller, "Muslimischer Antisemitismus: Diese Weltbilder sitzen tief", Kurier, 29th December 2017, <https://kurier.at/politik/inland/muslimischer-antisemitismus-diese-weltbilder-sitzen-tief/303.868.490>, (accessed 25th April 2018).
- [29] Margaretha Kopeining, "Islamistisch motivierter Antisemitismus ist eine Gefahr für Europa", Kurier, 27th November 2017, <https://kurier.at/politik/inland/islamistisch-motivierter-antisemitismus-ist-eine-gefahr-fuer-europa/299.814.842>, (accessed 25th April 2018).
- [30] "Christian Refugees Face Discrimination in Austria", Observatory on Intolerance Against Christians (OIDAC), <https://www.intoleranceagainstchristians.eu/index.php?id=12&case=1777>, (accessed 30th May 2018).