

**AUSTRIAN DELEGATION TO THE
HUMAN DIMENSION IMPLEMENTATION MEETING
September 29 – October 09 2009, Warsaw**

Working Session 10, Monday Oct. 5
Tolerance and non-discrimination II

Written contribution by Austria

Austria fully respects the right to establish places of worship

During the discussion in Working Session 10 a participant criticized Austria for discriminating the muslim community especially by not allowing the erection of mosques in the federal provinces of Kärnten and Vorarlberg.

It has to be emphasized that there is no legal ban at all on constructing religious premises, mosques included. Thus every religious or belief community has the right to build his own place of worship.

However, nobody is free to raise a building where and how he wants. Strict construction laws have to be respected, adopted by the appropriate authorities. Austria being a federally organized state building matters fall within the competence of the provincial and local authorities.

As every other constructor, also a religious group has to obey to these building laws. These regulations are not only related to purely technical specifications, but also comprise inter alia designing specifications. the respect of zoning laws, protection of historic monuments and the preservation of sites of cultural heritage.

Thus, according to the local building regulations it would be not possible to build a skyscraper in front of Schönbrunn Castle in Vienna.

In a more rural province like Carinthia or Vorarlberg, a new building must fit into the overall appearance of the locality for a building permit to be granted.

Obeying to the rule of law, Austrian authorities have to apply these regulations equally to all applicants when issuing or denying a building permit, be the applicant a government agency, a private investor, an "ordinary citizen" or - a religious community. Or regardless whether the building to be constructed should serve as a hotel or as a mosque. This basic principle of good governance is strictly watched by the highest courts, the Administrative Court and the Constitutional Court, where every applicant has a right to appeal to.

To summarize it, Austria is, within the limitation of the law, fully committed to respect the right of religious or belief communities to establish and maintain freely accessible places of worship.