



Statement by Bürgerbewegung Pax Europa-Austria

OSCE Human Dimension Implementation Meeting

to the Austrian Delegation

Warsaw, October 1, 2012

To the Austrian Delegation

BPE-Austria is gravely concerned about the introduction of even tighter blasphemy rules both in the OSCE region as well as specifically in Austria (§ 188 denigration of religious teachings, among others). We believe that the truth needs no defense, and blasphemy laws infringe on our freedom of speech. We remind the Austrian delegation that it is freedom of speech that makes freedom of religion possible, and not the other way around.

In this context, we refer to a statement on Austrian television January 2011 by Mr. Josef Cap, the parliamentary leader of the Social Democrats, who said:

“We do not want Islam's political manifestation [here in Austria].”

He echoed then-interior minister Maria Fekter, who had said that Austrian laws are above any religion. She also stated that “freedom of religion is the right of an individual (Vienna 1989, freedom of the individual to profess his religion) and not the right of any religion to extend itself in detriment of any secular way of life or any other religion (One Law for All).

We also remind Austria of its commitments with respect to freedom of thought, conscience, religion or belief **considering**

1. “Vienna 1989” which states that

[...]

(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, *inter alia*,

(16.1) - take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;

(16.2) - foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

(16.3) - grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;

(16.4) - respect the right of these religious communities to

- establish and maintain freely accessible places of worship or assembly
- organize themselves according to their own hierarchical and institutional structure,
- select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,

[...]

(17) **The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments.** They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

2. “The Council Framework Decision 2008/913/JHA on combating racism and xenophobia” related to the threat to life by followers of the Islamic faith to all “Non-believers” reflected in various passages of the holy scriptures of Islam. Are these threats punishable as intentional conduct to “publicly inciting to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, color, **religion**, descent or national or ethnic origin?”

Austria has granted the Islamic faith legal status of a recognized faith community (akin to that of the Catholic and Protestant Churches or the Jewish Faith Community). The Law on Islam 1912 states that “Islam, its teachings and institutions and customs are protected enjoy protection insofar as they are not in conflict with Austrian law.” To this date, there has not been any inquiry into the teachings of Islam. The Austrian authorities have not received an official translation of the Koran; as a result, the authorities do not know what Islam teaches and whether its teachings are compatible with Austrian laws.

Recommendation to the Austrian Delegation

- BPE-Austria recommends that Austria take seriously its OSCE commitments with respect to implementing the Law on Islam in Austria. We ask that the Austrian authorities demand a certified German copy of the Koran to check whether Islamic teachings are indeed compatible with Austrian laws.