



## **Institute on Religion and Public Policy: Religious Freedom in Austria**

### **Executive Summary**

(1) Chapter 1, Article 7.1 of the Constitution, states that: "All nationals (Austrian citizens) are equal before the law. Privileges based upon birth, sex, estate, class or religion are excluded." In Austria, religions are classified into three different categories, each with their own political and economic privileges or lack thereof. Not only are there different classifications for religions and religious groups, the stringent regulations and prerequisites for attaining the higher status deter many groups from registering. Austria also maintains a list of religious groups deemed as "sects" and monitors them closely. In addition, Muslims residing in Austria face a high level of societal and legal discrimination.

### **Institute on Religion and Public Policy**

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

### **Introduction to the Legal Situation**

(3) Chapter 1, Article 7, Section 1 of the Austrian constitution, states that "All nationals (Austrian citizens) are equal before the law. Privileges based upon birth, sex, estate, class or religion are excluded."

(4) The Austrian government uses a three-tiered classification system to group religions into legal categories. In descending order, there are religious societies, religious confessional communities, and associations. The framework for these classifications comes from two legal documents, the 1874 Law on Recognition of Churches and the 1998 Law on the Status of Religious Confessional Communities.

(5) The 1874 Law on Recognition of Churches serves as the religious law for the country of Austria. Set forth in this law are the guidelines and regulations for recognition as a religious society. These include participation in the “mandatory church contributions program,” the right to offer religious instruction in the country’s public schools, and the ability to bring missionaries into the country.

(6) The 1874 law gives “public corporation status” to officially recognized religious societies. Having “public corporation” status entitles religious societies the rights to receive government-allocated fiscal support for religious instructors in the school system (both public and private) and places of worship.

(7) The 1998 Law on the Status of Religious Confessional Communities instituted the notion of “confessional communities” in Austria and enforced more stringent guidelines for a religious group to attain status as a religious society. Under the 1998 law, religious groups can seek official status as a “confessional community” or can apply to become an “association,” which does not carry with it official status. “Confessional communities” do not enjoy the economic and political privileges bestowed on religious societies.

(8) In order to become a religious society under the 1998 law, a religious group must have existed for a minimum of 20 years (and during at least 10 of those years the group must have had status as a “confessional community”), and have a membership “equaling at least two one-thousandths of the country’s population (approximately 16,000 people).” The 1998 law allowed previously registered religious societies to retain their legal standing. Had this not been the case, only four of the 13 religious societies in Austria would qualify under the new criteria. For a religious group to be able to register as a “confessional community,” it must have a minimum of 300 members and submit a signed affidavit attesting to the group’s “goals, rights, and obligations of members, as well as membership regulations, officials, and financing.” An official religious doctrine that is distinct from all other doctrines must be submitted and the Ministry of Education examines it to ensure that beliefs do not “violate public security, public order, health and morals, or the rights and freedoms of citizens.” If a religious group does not meet the aforementioned qualifications, it can apply to be an association which is a corporation under law and is eligible to own real estate.

(9) The current registration stipulations make it very difficult for unrecognized groups to attain religious society status, these guidelines are so strict that even current religious societies do not fit their prerequisites. This classification system fosters a second-class sentiment toward those groups that do not have the correct number of adherers or have existed for the specified number of years.

(10) In addition to unjustly grouping religions, the Austrian government has discriminatory practices against groups labeled “sects,” which are usually organizations with less than 100 members. The State of Lower Austria and Vienna funded a center called the Society Against Sect and Cult Dangers, which

at one point was receiving government funding to “educate” the public about the dangers of sects and counsel those who have been “negatively affected by cults or sects.” One of Austria’s conservative political parties, the People’s Party (OVP), claims that “party membership is incompatible with membership in a ‘sect’ if the sect holds a fundamentally different view of man from what the Party believes, advocates opinions irreconcilable with the ethical principles of the party, or rejects the basic rights granted by progressively minded constitutional state and an open society.” In 1998, this belief was carried out through a resolution that bans “sect” members from registering for the OVP.

(11) Religious education in both the private and public school sector is funded by the government for any of the religious societies. Attendance in these classes is mandatory for students, but the classes can be taken at either school or an off-campus site arranged by the religious groups.

### **Societal Discrimination Against Muslims**

(12) In February 2008, the provincial parliament in Carinthia, a southern Austrian province, passed a bill banning the construction of mosques and minarets under the auspices of a ban on “unusual architecture.” Joerg Haider, leader of the right-wing Freedom Party, was the leading proponent for the legislation. Floor leader Kurt Scheuch of the Alliance for Austria’s Future (another right-wing party advocating the bill) was quoted as saying that the move is to “prevent the creeping Islamization by radical forces” and that “we prefer church bells to the muezzin’s chants.” Mosques were publicly referred to as “institutions of cultural community” and therefore could not be likened to churches. The semantics of the law state that any building of “extraordinary architecture or size” needs to be approved by a commission prior to construction, meaning that mosques must always await approval before obtaining a building permit.

(13) Muslim women have also filed complaints about harassment in public arenas as well as societal discrimination. There have been numerous reports of women experiencing difficulty in attaining jobs when their interviewers learn of their headscarves.

### **Conclusion**

(14) The country of Austria has reduced religion down to arbitrary, quantifiable terms. It has generated its own caste system of religion that disenfranchises members of religious communities that do not meet all of the standards necessary to be allowed to register as a religious society. By ordaining government monies to go towards specific religions and not others, the government is inherently discriminating against minority religions. In addition, the attitude towards the Muslim community in Austria is blatantly discriminatory. The bill passed in Carinthia, while under the auspices of preventing “unusual architecture,” is clearly aimed at mosques, as public comments from party

officials indicate. In order to be in compliance with the constitution and guarantee that one's religious status does not interfere with the enjoyment of civil liberties, Austria must do away with the guidelines set forth for religious society registration and ensure that all religions are given the same treatment on a societal and governmental level.