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AUSTRIA: Policies on religion at variance with OSCE Standards and the European Convention on Human Rights

Forum for Religious Freedom – Europe (30.09.2015) - FOREF expresses its concern about policies of the Austrian federal state that violate Human Dimension commitments undertaken by the participating States in the Helsinki Final Act and in the Madrid, Vienna, Copenhagen, and Maastricht documents, as well as Article 18 of the ICCPR, particularly as regards equal treatment of religious communities and neutrality.

Austria has embraced policies and practices that demonize "sects" and "cults," while cooperating with the established churches, and finances private anti-cult organizations, which spread biased and distorted information stigmatizing new religious movements and their members. Most recently the government has promoted legislation imposing grossly unequal treatment on the Austrian Muslim community.

- The executive director of the "Federal Agency for Sect Issues" (Bundesstelle für Sektenfragen, BSS), Dr. German Müller, is a former co-worker of the association GSK (Gesellschaft gegen Sekten und Kultgefahren), the Austrian branch of FECRIS. His longstanding mentor, Friedrich Griess (a technical engineer by profession), is the co-founder of FECRIS (1), an anti-cult lobby that is supported by militant atheists and traditionalist Roman Catholic campaigners. (2)
- Since its inception, the BSS rejects an open exchange of information with civil society. As an "office for observation and documentation" its main source of information are the church offices for world views (kirchliche Referate für Weltanschauungsfragen) as opposed to professional scholars of religion. However, the BSS continually purports to work confessionally "neutral". (3) (According to the Ministry of Finance the BSS is publically funded by an annual amount of 500,000 EUR. (4)) The notion "sect" (cult) is insufficiently defined by the BSS and continues to be used pejoratively. State recognized churches are exempt from observation and documentation by the BSS, although cases of abuse occur on a larger scale in churches that have accumulated power and influence. (5)
- The following aspects and activities of the BSS do not comply with the ICCPR or even the Austrian constitution: a) Special religious groups within the mainstream churches are excluded from observation by this agency; b) The law is not applied to state-recognized churches and is therefore discriminatory; c) The BSS

organizes and sponsors regular meetings (Fachtagungen) with Protestant and Catholic sect offices.

- There has been a remarkable proliferation of anti-sect bureaucracies: Austria, with a population of 8.4 million has no less than 29 anti-sect offices operating in the country. Proportionally, this marks an unmatched record in Europe and even on a global scale. Including the BSS, there are four state sponsored sect observation offices; ten Catholic sect offices; seven Protestant sect offices; one private sect office; and seven offices for family counseling with special emphasis on "sectarian issues."
- Most high-school students are obliged to attend lessons on cults (Sektenaufklärung), which in reality present a biased message on several religious minorities in religious, political, and social classes. The information contained in the teaching material is largely outdated and especially discriminatory against children, whose parents are members of targeted religious minorities are suffering under these circumstances. So far, the Ministry of Education has done little to prevent the use of stigmatizing anti-sect teaching materials, that is often developed by apologists of the Catholic or Protestant Churches.
- The Austrian government proposed a revision of the law on Islam on 02 October 2014 (Islamgesetz 1912, Änderung), which received in total around 160 mostly critical responses (6) during the revision phase. Ever since the release of the first draft in October 2014, representatives of Muslim and non-Muslim religious communities as well as external judicial experts (7) have raised their concern that regardless of severe objections the new law on Islam would be pushed through parliament without adequate consideration of its implications for human rights. (8) The UN Human Rights Committee (113th session, 7–31 October 2014) has also raised concerns about the compliance of the revised law on Islam with international freedom of religion standards and the principle of non-discrimination. The National Assembly issued the revised law on Islam on 30 March 2015, including only minor changes compared to the original draft.

Austria's constitutionally granted neutrality of the state in religious matters is nullified by these facts. Members of religious minorities report numerous cases of religious discrimination in schools, communities and in their workplace.

Recommendations

- Remove the pejorative cult term in the title of the BSS and all state sponsored observation offices or information centers.
- Revise the unconstitutional federal law to install a documentation and information center for cult issues (Bundesgesetz über die Einrichtung einer Dokumentations- und Informationsstelle für Sektenfragen (EDISG) 1998).
- Install a confessionally independent, scientific center for the purpose of collecting information and providing professional counseling on religious, spiritual and esoteric communities, regardless of their legal status. (e. g. the British model of INFORM – information network focus on religious movements, which encompasses experts from psychology, sociology and religious studies.)
- Introduce transparency and publicity as guiding principles of state documentation on religious minorities and inhibit state collaboration with established churches in emanating information on non-established religious minorities.

- Inhibit state collaboration with and monitor FECRIS-affiliated private information centers (e. g. GSK).
- Enable a due legal process for religious groups to present their standpoint, in the case that they are named in state reports.
- Introduce a reformed legislation on religion that fully respects the principle of equality, the autonomy of religious communities and the free practice of religion (cf. Art. 9 ECHR).

(1) FECRIS is the French acronym for Fédération Européenne des Centres de Recherche et d'Information sur le Sectarisme, cf. <http://www.fair-news.org/archive.php?id=42> (2014-12-23).

(2) The organization receives more than 90% of financial subsidies from the French government. Cf. FECRIS Financing, p. 256, <http://www.hrwf.net/images/reports/2012/2012fecrisbook.pdf>. Leading representatives of FECRIS have received court sentences, e.g. Mr. Friedrich Griess (President of FECRIS, 2005-2009) or Ms. Heide-Marie Cammans (Co-founder of FECRIS). Cf. *ibid.*, p. 188-193.

(3) Cf. <http://www.bundesstelle-sektenfragen.at/> (2014-12-23).

(4) Cf. Bericht des Bundesministeriums für Finanzen vom April 2014, [https://www.bmf.gv.at/budget/das-budget/Ausgliederungen_und_Beteiligungen_des_Bundes_\(April_2014\).pdf?4jwmog](https://www.bmf.gv.at/budget/das-budget/Ausgliederungen_und_Beteiligungen_des_Bundes_(April_2014).pdf?4jwmog), 31.

(5) The overall assessment of Prof. Brünner on the law on facilitating an office for documentation and information concerning sects/cults (BSS) may be viewed here: <http://www.hrwf.net/images/reports/2012/2012fecrisbook.pdf>, p. 307 f. FOREF was informed by the Vienna Office for Protecting the Constitution and Fighting Terrorism (LVT) that there have been hardly any criminal cases within the 600 religious minority groups throughout the past 15 years.

(6) These statements have been listed on the website of the Austrian parliament: http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00069/index.shtml (2014-12-23).

(7) Cf. the common statement signed by constitutional experts Bernd-Christian Funk, Heinz Mayer und Theo Öhlinger, specialist in religious law Richard Potz, theologians Ernst Furlinger und Martin Jäggle and specialist for migration Gudrun Biffl, amongst others.

(8) A comparable recent case has been the amendment of the law on confessional communities in July 2011.

Unification Church recognized as confessional community

FOREF (20.06.2015) – <http://foref-europe.org/2015/06/20/unification-church-recognized-austria/> - The Austrian branch of the Unification Church (UC) has officially been registered by the Office of Religious Affairs (Kultusamt) on June 15, 2015. About 40 years after the administrative interdiction of the community in Austria its members welcome the step by the federal government to grant the legal status of a „confessional community“.

With its newly acquired legal personality the UC has been granted “state recognition without privileges“. The church is currently the eighth confessional community that is

officially registered in Austria. The constitutional lawyer Prof. Bruenner, who has accompanied the procedure of the petition, appreciates the recognition of the UC by the government. "This is a sign of a pluralistic state under the rule of law. One of the most essential rights in a functioning democracy, namely the right to the freedom of religion, has hereby been granted", Prof. Bruenner explained.

The alleged "threat of public security and order" through the teachings and practices of the UC – as it has often been purported by so-called cult experts – has been exposed by sociologists and scholars of religion as myth already in the early 1980s. Such prejudiced attributions have now been rebutted also on the part of the Austrian Federal Government.

Milestones of the UC's legal status in Austria

Since May 1965 the Korean new religious movement has been active in Austria. The Unification Church was legally registered as the „Society for the Unification of World Christianity“ in April 1966 in Vienna. Especially young people of the middle class were attracted to the community, as they found it to offer an inspiring worldview and idealistic initiatives, the church's officials assert. In January 1974 the legal status of the growing community was suspended through the Security Agency of Vienna, allegedly due to "formal reasons". A renewed formation of an association was prohibited. However, despite the ongoing administrative and public discrimination the young movement continued its activities. In the years to follow the criminal investigation department and tax officers repeatedly executed raids on the sites of the religious group. The state intended to intimidate the members of the UC and to interrupt their activities.

Appeals against the repeated interdiction to register an association under the name „Association for the Promotion of the Unification Church“ raised against the Federal Ministry of Internal Affairs, turned out to be futile despite several attempts. In April 1975 a face-to-face visit of their representatives with then Federal President Kirchsclaeger remained without impact. Moreover, then Federal Minister of Internal Affairs, Otto Roesch, has been personally involved with the administrative reprisals against the Austrian UC. The daughter of a befriended official in Graz joined the religious group in the early 1970s and thus the wholesale tracking of the UC was ordered by state authorities.

The discrimination on the part of the Austrian authorities in the 1970s however did not inhibit the mission activities of the UC in Austria: The church claims to have sent twenty missionaries into countries of the Communist Eastern bloc during the Cold War at the outset of the 1980s. Furthermore, several hundred Austrian members are reported to have been sent out for missionary work to Germany, Britain and the United States. Due to its seeming strategic significance for the worldwide organization, the history of the UC in Austria has become a topic of research in a long-term study by local scholars of religion (see reference below).

The current head of the international religious movement is Dr. Hak Ja Han Moon, the wife of its departed founder Rev. Sun Myung Moon. On the occasion of the 50th anniversary of the European UC she visited Vienna, Austria's capital city, on the 10th of May. The following day Dr. Moon spoke in the Vienna International Centre at the United Nations' 70th anniversary on the importance of resolving the tensions on the Korean peninsula.

Religious Caste System?

The constitutional lawyer Heinz Mayer indicated that Austria's current legislation on religion ought to be classified as unconstitutional. In order to receive full state

recognition, the UC would need to prove a membership of 16,000 according to a law that came into effect in 1998. However, in fact only six of in total 17 legally registered religious communities fulfill this requirement. The principle of equal treatment seems to make a convulsive prostration in front of Austria's "religious caste system".

Officials of the Austrian UC state that the registration of their church as a confessional community is only a preliminary step on the way to full state recognition.

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Austria's Islamic reforms

New York Times (06.04.2015) - In February, the Austrian Parliament amended the country's century-old "Islam Law." The new legislation, though controversial, is a significant achievement. In promoting a moderate, homegrown Islam compatible with democratic values, [Austria](#) has taken a positive step to combat extremism while protecting religious liberties.

The original Islam law, passed in 1912, sought to integrate thousands of Muslims who officially came under the rule of the Austro-Hungarian Empire following its annexation of Bosnia and Herzegovina in 1908. Predominantly Roman Catholic, Austria-Hungary extended Muslims the same rights of worship as other official religions, and granted state protection to Islamic customs, doctrines and institutions. But the empire's breakup following World War I left just a few hundred Muslims in Austria, and the Islam Law became irrelevant.

The current landscape is vastly different. A 2014 University of Vienna report put the number of Muslims in Austria at over 550,000, or about 7 percent of the national population as of 2012.

The number of Muslims first began to increase in the 1960s and 1970s, with the arrival of tens of thousands of guest workers from the Balkans and Turkey. Refugees from Bosnia and Kosovo followed in the 1990s; more recently, Austria absorbed thousands of asylum-seekers from Syria, Afghanistan and Iraq. There has also been natural expansion among second- and third-generation immigrants; as of 2009, about half of the country's Muslims were Austrian nationals.

The reforms follow years of lobbying by Muslim leaders, who argued that their people have effectively remained second-class citizens. The updated law confirms Islam's official status and expands Muslim rights. Muslims will be allowed time off from work to observe Islamic holidays and be able to receive spiritual care and halal meals in hospitals, prisons and the armed forces. The law also establishes a theological program for imams at the University of Vienna, where instruction will reinforce European social values.

But other reforms, which Vienna says are aimed at counteracting extremism, are contentious. The updated law bans other countries from financing Islamic groups, and bars foreign clerics from leadership positions in Austrian mosques. All imams must speak German, and Muslim clergy must prove "professional suitability," either by completing the University of Vienna program, or demonstrating equivalent training. Stressing that Austrian law takes precedence over [Shariah](#), it requires Muslim organizations to show a "positive attitude toward society and state," or risk closure. (It remains unclear exactly what constitutes a "positive attitude," or how this will be monitored.)

Austria's reforms set a precedent in Europe, where concerns about extremism have been echoed by other governments. The French prime minister, Manuel Valls, has voiced disapproval of a "reflexive" reliance on foreign funding by France's Muslim institutions. Sebastian Kurz, Austria's integration minister, says German and Swiss officials have expressed interest in similar financing controls.

Austrian reactions have been mixed. Muslims have generally — if grudgingly — accepted the reforms. The Islamic Religious Community in Austria, an umbrella group that helped draft the amendments, conceded that the outcome "probably comes closest to the needs of both parties."

But because Austria's Christian and Jewish groups do not face language restrictions, and may receive foreign financing, others find these measures highly discriminatory. Some Muslim organizations have vowed to bring complaints to Austria's Constitutional Court. On the other end of the spectrum, the anti-immigration Freedom Party opposed the law, deeming it ineffective in curbing extremism.

Some objections have merit. A blanket ban on foreign financial support is a blunt instrument that risks alienating Muslims by subjecting them to special rules. And while many Islamic institutions depend on foreign funding, not all of these donors have extremist ties. But the law eschews any attempt to differentiate between foreign sources, and some moderate Islamic groups are unlikely to survive. Even the Organization for Security and Cooperation in Europe, reviewing the proposed bill, found the ban unnecessarily broad.

The language requirements may not achieve much: Extremism is as likely to spread in German as in any other language.

But these measures respond to a real concern. A small yet growing number of Austrian Muslims is embracing radical Islam; officials say nearly 200 have left the country to join jihadist movements in the Middle East. With the reforms, Vienna is acknowledging the current climate while striking a balance between civil liberties and national security.

Freezing foreign revenue streams remains the best way to encourage the development of an independent Austrian Islam. The ban is aimed especially at Turkey and Saudi Arabia, which are vying for leadership of the Sunni Muslim world and whose governments have exported their competing versions of Islam to Austria for decades. Saudi Arabia, which has been accused of sponsoring the spread of Salafism and Wahhabism — anti-Western ideologies that seek to impose Shariah — has financed the construction of mosques in Austria and operated schools and cultural centers. Turkey's president, Recep Tayyip Erdogan, has urged Austria's Turkish Muslims to reject assimilation. According to Mr. Kurz, at least 60 Muslim clerics currently working in Austria are Turkish civil servants paid by Ankara's religious affairs directorate.

Funding by Saudi Arabia, Turkey and other foreign governments is often aimed at shoring up their broader geopolitical interests. Preserving this patron-client relationship will only impede the full integration of Austria's Muslims. The financial restrictions are necessary in order to break these ties, and will help foster greater self-determination.

Austria's updated Islam Law may be imperfect, and Muslims have a right to request more nuanced legislation. But to the extent that the reforms broaden the rights of Austria's Muslims, and help thwart extremist foreign influence, they are essential. One century ago, Austria officially recognized Islam. Today it may again be at the vanguard of Muslim integration.

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Will Austria's experiment with Islam work for grassroots believers?

The Guardian (26.02.2015)

<http://www.theguardian.com/commentisfree/2015/feb/26/austria-experiment-islam-grassroots-believers> - Austria has [passed controversial reforms](#) to the country's 1912 law on Islam that made it an official religion of the country. Is this a step forward or backward?

In Britain, although we have an established church, the idea of officially recognising several religions seems strange. However, it has been common practice in other parts of Europe. The 1912 Austrian law hails from the end of an age when territories in eastern [Europe](#) and the Balkans, with mixed Christian and Muslim populations, were regularly fought over and changed hands between empires and kingdoms such as the Ottoman, Serbian, Russian and Austro-Hungarian.

Between the 15th and 19th centuries, the Ottomans operated the millet system of [self-governing autonomous religious communities](#): mainly Muslims, Orthodox Christians and Jews. Islam was [recognised as an official religion](#) in Russia as far back as the 18th century, with large Muslim communities in the Caucasus and central Asia. This recognition continued throughout the Soviet era until today. And in Egypt, once an Ottoman province, only the [three Abrahamic faiths are officially recognised](#). An alternative, recent approach is the strictly secular constitution of the new Republic of Kosovo, despite the fact that its population is over 90% Muslim: a possible solution in a country that has had shifting Christian and Muslim populations and rulers for centuries.

The new Austrian law is partly aimed at tackling Islamist extremism: there are thought to be between 50 and 100 Austrian foreign fighters with Islamic State, [a percentage of](#)

[Muslim citizens comparable to that of Britain](#). The law also confirms legal recognition for Islam as a faith, but bans foreign funding for mosques and imams.

'We want to give [Islam](#) the chance to develop freely within our society and in line with our common European values.'

The Austrian foreign minister, Sebastian Kurz, has stated that "We don't want our Muslim community to be dependent on foreign funding," and that "what we want is to reduce the political influence and control from abroad and we want to give Islam the chance to develop freely within our society and in line with our common European values."

Such sentiments are shared by large numbers of Muslim organisations and individuals across Europe, [including in Britain](#), who wish to see an organic, integrated form of Islam develop, avoiding foreign influence and funding from countries such as Saudi Arabia, Iran and Libya under Gaddafi, all of which have been busy exporting their versions of Islam abroad for the past few decades.

However, there are a number of issues with this approach: firstly, is this laudable ideal of an authentic, local Islam to be brought about via legislation, or should it come authentically from within communities? It is the job of government and legislation to help nudge society in positive directions, but if there's much government interference we run the risk of creating an official form of religion co-opted by the state but distrusted by many grassroots believers, thereby increasing the risk of extremism. Ironically, this is the situation in many Middle Eastern dictatorships, and one that Europe would do well to avoid. In the US, and increasingly in the UK, Muslim communities have funded their own institutions as they have become wealthier.

Secondly, our "common European values", in the words of Kurz, presumably include freedom of religion and universal human rights; state control of, or interference in, religion may not sit well with these values. It will be interesting to see the reactions of UN and EU rapporteurs on religious freedom.

Thirdly, the ban on foreign funding, when not applied to, for instance, Roman Catholics and Jews, is clearly discriminating against Muslims, again violating common European values. Proponents of the ban might argue that this is a tactical move: perhaps if the Middle East and House of Islam can sort itself out soon, there would be no need for such a ban. However, legislation is by its nature not tactical, and it will be difficult to change the law in the future. A better way to address the problem of extremism might be to have proper standards for mosques and imams, such that activity harmful to society is filtered out, irrespective of the funding.

There are other problems with banning foreign funding: for instance, does this apply to other EU states? It also ignores the fact of dual nationality and multiple aspects of people's identity, a valuable resource that many nations fail to exploit positively, especially in an increasingly globalised world. For Muslims, I'm thinking of the majority south Asian links of British Muslims, north African links of French Muslims and Turkish links of German Muslims. It is foolish to ignore these connections.

Another aspect of the Austrian reform, the requirement for a single German translation of the Qur'an is critiqued [here](#).

We have come a long way since xenophobic notions of "the terrible Turk at the gates of Vienna", inspired by two separate Ottoman sieges of the Austrian capital. The success or otherwise of the new experiment of Vienna will have important implications around Europe and the world.

Austria passes 'Law on Islam' requiring Austrian Muslim groups to use German-language Qurans

Huffington Post (25.02.2015) http://www.huffingtonpost.com/2015/02/26/austria-law-on-islam_n_6754012.html - Austria's parliament passed a law on Wednesday that seeks to regulate how Islam is administered, singling out its large Muslim minority for treatment not applied to any other religious group.

The "Law on Islam" bans foreign funding for Islamic organizations and requires any group claiming to represent Austrian Muslims to submit and use a standardized German translation of the Koran.

The law met with little opposition from the overwhelmingly Roman Catholic population, was backed by Austria's Catholic bishops, and was grudgingly accepted by the main Muslim organization. But it upset Turkey's state religious establishment.

"We want an Islam of the Austrian kind, and not one that is dominated by other countries," said Sebastian Kurz, the 28-year-old conservative foreign minister - formally the minister for foreign affairs and integration - who is easily Austria's most popular politician.

Austria's half a million Muslims make up about 6 percent of the population and are overwhelmingly the families of Turkish migrant workers. Many of their imams are sent and financed by Turkey's state religious affairs directorate, the Diyanet.

Mehmet Gormez, head of the Diyanet, said before the law was passed that "with this draft legislation, religious freedoms in Austria will have fallen back a hundred years."

Austria's biggest Islamic organization, IGGiO, accepted the law, but its youth arm opposed it, as did the Turkish-financed Turkish-Islamic Union in Austria (ATIB), which runs many mosques and has vowed to challenge the bill in the Constitutional Court.

Austria passes controversial reforms to 1912 Islam law

BBC News (25.02.2015) <http://www.bbc.com/news/world-europe-31629543> - The Austrian parliament has passed controversial reforms to the country's century-old law on Islam.

The bill, which is partly aimed at tackling Islamist radicalism, gives Muslims more legal security but bans foreign funding for mosques and imams.

Austria's Integration Minister, Sebastian Kurz, defended the reforms but Muslim leaders say they fail to treat them equally.

The 1912 law made Islam an official religion in Austria.

It has been widely held up as a model for Europe in dealing with Islam.

Austrian Foreign Minister Sebastian Kurz: "We don't want our Muslim community to be dependent on foreign funding"

The new measures, first proposed three years ago, include the protection of religious holidays and training for imams.

But Muslim groups say the ban on foreign funding is unfair as international support is still permitted for the Christian and Jewish faiths.

They say the legalisation reflects a widespread mistrust of Muslims and some are planning to contest it in the constitutional court.

Mr Kurz told the BBC the reforms were a "milestone" for Austria and aimed to stop certain Muslim countries using financial means to exert "political influence".

"What we want is to reduce the political influence and control from abroad and we want to give Islam the chance to develop freely within our society and in line with our common European values," he said.

The Islam law was introduced by Habsburg Emperor Franz Joseph in 1912

Mr Kurz also stressed the bill was not a reaction to recent attacks by Islamic extremists in France and Denmark.

Meanwhile the legislation has drawn wide reaction from Muslims across the world, with Turkey's head of religious affairs, Mehmet Gormez, adding his condemnation on Tuesday.

"Austria will go back 100 years in freedom with its Islam bill," Mr Gormez said, according to Turkey's state-funded Anadolu news agency.

Roughly half a million Muslims live in Austria today, around 6% of the population. Many of them have Turkish or Bosnian roots.

The parliamentary vote in Austria came as the French government announced plans to improve dialogue with France's Muslim community.

French Interior Minister Bernard Cazeneuve said the government would increase consultations with Muslim leaders.

It would also double the number of university courses for imams - making them obligatory for Islamic chaplains in prisons and the armed forces - to ensure they are "faithful to the values of the Republic", he said.
