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## **Report to the United Nations Human Rights Committee**

### **Austria's Violations of the International Covenant on Civil and Political Rights (ICCPR) respecting Freedom of Religion**

**Submitted by the Forum for Religious Freedom – Europe (FOREF)**

**23 December 2014**

#### **1. Brief information about FOREF**

The Forum for Religious Freedom Europe is an independent, secular, nongovernmental organization based in Vienna. FOREF was founded in 2005 by the internationally recognized jurist and expert on freedom of religion Professor Christian Bruenner, who served as Dean of the School of Law and Rector of Graz University and also in the Austrian Parliament, and human rights activist Peter Zoehrer.

FOREF's website ([www.religionsfreiheit.at](http://www.religionsfreiheit.at)) was initiated in 1998 "out of necessity", since the government has just introduced two new laws, severely curtailing the rights of religious minority groups: First, the establishment of a "federal sect observatory office," and second, the introduction of a law for "confessional communities".

FOREF regularly reports to the media, OSCE, US-State Department, Human Rights Without Frontiers and various other human rights organizations on religious freedom violations in Austria and other countries. FOREF has established an international scientific board of experts as well as an interdenominational religious board. Since its establishment, FOREF has achieved a number of important victories in helping

victims of religious intolerance to gain respect for their rights and vindicated from injustice, discrimination or persecution. FOREF's Facebook community numbers over 1000 members.

In 2014, FOREF named international human rights activist Dr. Aaron Rhodes president. Recent actions have included, *inter alia*, a successful campaign against a discriminatory resolution in the Parliamentary Assembly of the Council of Europe; a critical analysis of Hungary's religion law presented to the OSCE; a critical analysis of the decision by the European Court of Human Rights to uphold France's ban on the burqa; a detailed report on actions by German authorities against a minority Christian group; and an analysis of Austria's proposed law on Islam.

## **2. Brief Summary of Concerns**

Austria's population is over 80 percent Catholic. Islam, with around 600,000 Muslims constitutes the second largest faith community. There are approximately 600 religious minority groups. Only 17 faith communities enjoy special privileges by the state.

The Concluding Observations of the Human Rights Committee on Austria following its review in 2007 made no reference to problems of freedom of religion. FOREF wishes, in this brief report, to express concern about policies of the Austrian federal state that violate the spirit and letter of Article 18 of the Covenant, particularly as regards equal treatment of religious communities and neutrality. Austria has embraced policies and practices that demonize "sects" and "cults," and most recently has promoted legislation imposing grossly unequal treatment on the Austrian Muslim community. Austria also finances anti-cult organizations such as GSK (a branch of FECRIS), which spread biased and distorted information stigmatizing new religious movements and their members.

## **3. Anti-Cult Efforts of the Austrian Federal Office of Sect Issues<sup>1</sup> (Bundesstelle für Sektenfragen)**

The Austrian government's campaigns against so-called "sects" and "cults," especially through the establishment and actions of a "federal office of sect issues," (BSS) have demonized religious minorities and placed the state in opposition to these groups, while cooperating with more established religions.

- The executive director of the 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.<sup>2</sup>
- FECRIS (*Fédération Européenne des Centres de Recherche et d'Information sur le Sectarisme*), is an anti-cult lobby that is supported by militant atheists

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<sup>1</sup> hereinafter BSS.

<sup>2</sup> Cf. <http://www.fair-news.org/archive.php?id=42> (2014-12-23).

and traditionalist Roman Catholic campaigners. The organization receives more than 90% of financial subsidies from the French government.<sup>3</sup> Various representatives of FECRIS have been convicted due to breaches of law.<sup>4</sup>

- 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".<sup>5</sup> (According to the Ministry of Finance the BSS is publically funded by an annual amount of 500,000 EUR.<sup>6</sup>)
- According to Austrian expert on constitutional law, Prof. Christian Brünner, the law to install the BSS does not meet constitutional standards and violates the principle of equal treatment. Furthermore, it has to be critically addressed that the notion of "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.<sup>7</sup>
- 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 Family Counseling Offices with special emphasis on "sectarian issues."<sup>8</sup>

### **Violation of equal rights and the principle of church/state separation**

The following aspects and activities of the BSS do not comply with ICCPR or even the Austrian constitution: a) Special religious groups within the mainstream churches are excluded from observation by this office; 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.

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<sup>3</sup> Cf. FECRIS Financing, 256 f., <http://www.hrwf.net/images/reports/2012/2012fecrisbook.pdf>

<sup>4</sup> 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).

<sup>5</sup> Cf. <http://www.bundesstelle-sektenfragen.at/> (2014-12-23).

<sup>6</sup> 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.

<sup>7</sup> The overall opinion 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. 330 f. FOREF was informed by Chief Inspector Ulrich Hlava of 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.

<sup>8</sup> Source: <http://www.bundesstelle-sektenfragen.at/beratungsstellen/> (2014-12-23).

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. Victims hold the state responsible for creating an atmosphere of religious intolerance and spiritual apartheid.<sup>9</sup>

#### **4. Circulation of 43 Anti-Sect Videos in Austrian Schools**

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 provided by the *Landesbildstelle* (a pool of teaching materials for schools) is not only largely outdated but it is also discriminatory and biased since it is often produced by the apologetic quarters of the mainstream churches in order to defend themselves against competing small religions.

However, teachers in public schools use the material of the Catholic Church and Protestant Church to allegedly “educate and warn” the youth. They also use a number of the 43 anti-sect videos which are being circulated nationwide in schools and the content of a former government brochure against so-called “sects” which also contained a blacklist of religious groups. Especially 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.

#### **5. Austria's Proposed Law on Islam**

The Austrian government proposed a revision of the law on Islam on 2 Oct 2014 (*Islamgesetz 1912, Änderung*), which received in total around 170 mostly critical responses<sup>10</sup> during the revision phase. Ever since the release of the first draft in October 2014, representatives of Muslim and non-Muslim religious communities as

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<sup>9</sup> Even established NGOs with consultative status at the UN (ECOSOC), who are running peace initiatives or relief projects in line with the UN-Millennium goals, reported to FOREF that their work has been severely hampered by the interventions of the so called “sect experts”.

To its credit the Austrian government has to a degree responded constructively to criticism of its discriminatory “anti-sect” initiatives: In 2002 the Ministry of the Interior closed the police sect observation office in the Vienna headquarters of the Federal Police; In 2002/3 the Ministry of Social Affairs stopped the reprint, online publishing and distribution of its widely criticized and discriminatory “sect brochures”, which blacklisted a number of religious minority groups and was distributed in schools and public institutions; In 2003 the State Government of Upper Austria stopped the production and distribution of the “CD-ROM on sect dangers”, which attacked over 350 religious minority groups. The deputy-governor has surrendered to the pressure of FOREF after a one year long campaign; In 2006 the Federal Ministry of Social Affairs stopped financing GSK, the Austrian FECRIS group (yet, GSK is still receiving financial subsidies from the office for family issues of Lower Austria).

<sup>10</sup> 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](http://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00069/index.shtml) (2014-12-23).

well as external experts<sup>11</sup> have been concerned that regardless of severe objections the new law on Islam would be pushed through parliament without adequate consideration of its implications for human rights.<sup>12</sup> The government bill that only included minor changes to the original draft has been published on 12 December 2014.

Critical aspects around the draft of a reformed law on Islam include following issues:

- The neutrality of the secular state concerning religious issues is being undermined by the current bill. Due to the discriminatory treatment of Islam by the Austrian government, mistrust and fear is fueled against a large part of the population (an estimated 574.000 Muslims live in the country).
- The inter-religious forum *Plattform Religion ohne Gewalt* criticizes that Muslims living in Austria have not been involved in the drafting process. Instead there were only confidential talks between the Office of Religious Affairs (*Kultusamt*) and some individual associations.
- The prohibition of financial support of Muslim communities from foreign countries is highly discriminatory and unconstitutional. Experts instead demand to enshrine the requirement of transparency concerning foreign financial support for all state-recognized religious communities.
- The bill neglects the principle of equality as well as the autonomy of religious communities and the free practice of religion (cf. Art. 9 ECHR).

Further changes of the current draft are not intended according to government officials, despite massive protests from mostly younger Muslims who accuse the government of discriminating against Muslims and taking a tougher stance against Islam compared to other religious communities. The bill is expected to pass the parliament in January.

FOREF hopes that this cursory information about the proposed law will nonetheless be useful in alerting the Human Rights Committee to the serious abrogation of the Covenant by Austria should this misguided law come into effect.

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<sup>11</sup> 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 Biffli](#), amongst others.

<sup>12</sup> A comparable recent case has been the amendment of the [law on confessional communities](#) in July 2011.