

AUSTRIA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and a bicameral parliament (Federal Assembly). In practice the multiparty parliament and the coalition government it elects exercise most day-to-day governmental powers. National parliamentary elections in 2008 and presidential elections in 2009 were free and fair. Security forces reported to civilian authorities.

There continued to be reports that police at times used excessive force, particularly against members of minority groups. Societal discrimination persisted against ethnic minorities, including Muslims of immigrant origin, Roma, Jews, and foreigners of African origin.

Other reported abuses included shortcomings in detention centers, particularly those holding persons awaiting deportation. Laws restrict freedom of speech by criminalizing the public denial, belittlement, approval, or justification of Nazi genocide; and by laws that forbid incitement, insult, or expressions of contempt toward a group because of its members' race, nationality, or ethnicity. Public corruption remained a problem, as did violence against women and children. There were some anti-Semitic incidents, including physical attacks, taunting, property damage, and vilifying and threatening letters and telephone calls. Laws mandating access for persons with disabilities were insufficient or not adequately enforced.

The government investigated public officials for suspected wrongdoing. A parliamentary committee examined alleged government corruption and adopted new transparency laws for political financing.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no new reports that government officials employed them. The government investigated allegations of such practices and prosecuted cases in which credible evidence existed. A Human Rights Advisory Council monitored police respect for human rights and made recommendations to the interior minister.

In the 2006 case of police brutality against a Gambian asylum seeker, the Federal Chancellery's disciplinary commission decided in April to dismiss three police officers who had received suspended prison sentences in 2009.

Prison and Detention Center Conditions

Prisons and detention center conditions generally met international standards, and the government permitted visits by independent human rights observers.

Physical Conditions: According to January statistics from the Justice Ministry, there were 8,770 persons in prison, including 573 women and 650 juveniles. The official prison capacity was 8,868 prisoners. Human rights groups criticized the high proportion of foreigners in prison, 4,121 according to the Justice Ministry. The reported incidence of death in prison or pretrial detention centers was low. Prisoners had access to potable water.

Administration: There were detailed recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for the offense with which they were charged. There are sentencing alternatives for nonviolent offenders. The federal ombudsman monitors the situation in prisons. Prisoners and detainees had reasonable access to visitors and religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. The government investigated and monitored prison and detention center conditions. The federal ombudsman's office can investigate on behalf of prisoners and detainees.

Monitoring: Nongovernmental organizations (NGOs) monitored detained prisoners on a regular basis. Human rights groups continued to criticize the

incarceration of nonviolent offenders, including persons awaiting deportation, for long periods in single cells or inadequate facilities designed for temporary detention.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and information available during the year suggested that the government generally observed these prohibitions.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the police and army, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

NGOs continued to criticize the police for allegedly targeting minorities for frequent identity checks. Racial sensitivity training for police and other officials continued with NGO assistance.

Arrest Procedures and Treatment While in Detention

Arrests are based on sufficient evidence and documentation issued by a duly authorized official. Authorities bring the arrested person before an independent judiciary. In criminal cases the law allows investigative or pretrial detention for no more than 48 hours, during which a judge may decide to grant a prosecution request for extended detention. The law specifies the grounds for investigative detention and conditions for bail. There were strict checks on the enforcement of pretrial detention restrictions and bail provisions, and the judge is required to evaluate investigative detention cases periodically. The maximum duration for investigative detention is two years. There is a functioning bail system. Police and judicial authorities generally respected these laws and procedures in practice.

Detainees have the right to a lawyer. Although indigent criminal suspects have the right to an attorney at government expense, the law requires an attorney be appointed only after a court decision to remand such suspects into custody (that is, 96 hours after apprehension). Criminal suspects are not legally required to answer questions without an attorney present. Laws providing for compensation if unlawfully detained are enforced.

There were isolated reports of police abuse, which authorities investigated.

Detention of Rejected Asylum Seekers or Stateless Persons: In rare cases authorities detained unsuccessful applicants for asylum pending deportation. Some NGOs criticized the government for protracted detention in such cases. The government provides free legal counsel for persons awaiting deportation. On September 27, a Chechen refugee died of apparently natural causes in a pre-detention facility after officials rejected his asylum application. An NGO claimed the individual had not received proper medical care. The government took no reported action other than a routine postmortem examination.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence in practice.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

Persons charged with criminal offenses are presumed innocent until proven guilty; they are informed promptly and in detail of the charges with free interpretation if required. Trials must be public and conducted orally; juries are used in trials for major offenses. Attorneys are not mandatory in cases of minor offenses, but legal counsel is available at no charge for needy persons in cases where attorneys are mandatory. Defendants and their attorneys are granted adequate time and facilities to prepare defense and have access to government-held evidence relevant to their cases. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. They cannot be compelled to testify or confess guilt. A system of judicial review provides multiple opportunities for appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations. Administrative and judicial remedies were available for redressing alleged wrongs. Individuals could appeal adverse decisions to the European Court of Human Rights (ECHR).

Regional Human Rights Court Decisions

During the year, the ECHR decided 22 cases involving the country and found violations in eight. The cases concerned freedom of expression, the right to the respect of private and family life, the right to a fair trial, the prohibition against torture, and the prohibition against discrimination. The government complied with the ECHR orders and decisions.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press. The independent media were active and expressed a wide variety of views with few restrictions. Individuals generally could criticize the government publicly or privately without reprisal.

Freedom of Speech: The law prohibits incitement, insult, or contempt against a group because of its members' race, nationality, or ethnicity if the statement violates human dignity. The government strictly enforced these laws (see section 6, Anti-Semitism).

Freedom of Press: The law prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in a print publication, a broadcast, or other media. The government strictly enforced these laws (see section 6, Anti-Semitism).

Libel Laws/National Security: Strict libel and slander laws discouraged reporting of governmental abuse. For example, many observers believed that the ability and willingness of the police to sue for libel or slander discouraged individuals from reporting abuse by police.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups engaged in the peaceful expression of views via the Internet, including by e-mail.

Authorities continued to try to restrict access to Web sites containing information that violated the law, such as neo-Nazi and child pornography sites. Authorities restricted access to banned Web sites by trying to shut such sites and forbidding the country's Internet service providers to carry them.

On July 31, a 26-year-old man received an 18-month sentence, of which 12 months were to be served, for posting that his favorite book was Hitler's *Mein Kampf* and linking to Nazi material on his Facebook page.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

In-Country Movement: Asylum seekers' freedom of movement was restricted to the district of the refugee camp where authorities assigned them for the duration of their initial application process, up to the point when the country's responsibility for examining the application is determined. Under the law asylum seekers must be physically present in the centers of first reception for up to 120 hours during the initial application process. Authorities have 20 days in which to determine Austria's responsibility and jurisdiction. A September report by the Council of Europe's commissioner for human rights saw a potential conflict between the presence requirement and the right to freedom of movement, although the report stated it did not encounter a case in which the law was enforced.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Rejected asylum seekers have recourse to the Federal Asylum Court, a special court mandated to process asylum cases, and the right to appeal to the Constitutional Court when constitutional issues arise. Some asylum advocates criticized the limited time and limited right of asylum seekers to appeal their cases. During the year, the Federal Asylum Court issued 7,607 rulings, which included multiple rulings on some individual cases. The most recent statistics (from 2008 to 2011) show that the Federal Asylum Court confirmed the first instance court 67 percent of the time and overruled it 20 percent of the time. The other 13 percent consisted of decisions based on legal matters not addressed in the lower court.

Safe Country of Origin/Transit: The government requires asylum seekers who transit a country determined to be "safe" to return to that country to seek refugee status. Authorities consider all signatories to the 1951 refugee convention and its 1967 protocol to be safe countries of transit. Human rights groups urged the authorities to use discretionary authority to return asylum seekers within Europe, particularly to countries where protection is not guaranteed or in which a transfer would result in humanitarian hardship because of health and family reasons. In response to a ruling by the ECHR and the recommendations of the UN special rapporteur on torture, the government in February 2011 effectively halted the return of asylum seekers to Greece; the ruling remained in force during the year.

In January the government stopped the transfer of an asylum seeker from Austria to Hungary as an interim measure due to concern for adequate access to asylum proceedings in Hungary.

Refoulement: Authorities continued forced deportations to Kosovo despite NGO and intergovernmental criticism. In 2011 Human Rights Watch criticized the deportation back to Kosovo of Roma, Ashkali, and Egyptians by a number of European countries, including Austria, because adequate reception conditions for safe and dignified returns had not been established. Similarly, in 2011 the Council of Europe's commissioner for human rights urged European states to stop forced returns until Kosovo could provide adequate living conditions, health care, social services, and employment.

Employment: While asylum seekers and refugees are legally restricted from seeking regular employment, they are eligible for seasonal employment, low paying community service jobs, or professional training in sectors that require additional apprentices.

Access to Basic Services: Asylum seekers and refugees are entitled to state medical care, a subsistence allowance, and housing. Asylum seekers and refugees between the ages of six and 15 are eligible to go to school. NGOs complained that authorities confined some children to refugee camps for months without a chance to attend school.

Temporary Protection: According to the Interior Ministry, the government provided temporary protection during the year to 1,964 individuals who might not qualify as refugees.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The country held national parliamentary elections in 2008 and presidential elections in 2009; there were no reports of serious abuse or

irregularities in either election, and credible observers considered them free and fair.

Participation of Women and Minorities: The parliament consists of the National Council, which is popularly elected, and the Federal Council, whose members are named by the federal states. At year's end there were 52 women in the 183-seat National Council and 19 women in the 62-member Federal Council. There were six women in the 14-member Council of Ministers (cabinet).

There appeared to be little representation of ethnic minorities at the national level. The Federal Council includes one Muslim woman. State and local parliaments have small numbers of ethnic minority members.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and anticorruption laws and regulations extend to civil servants, public officials, governors, members of parliament, and employees and representatives of state-owned companies. The Central Public Corruption Prosecution Department has countrywide authority to prosecute cases. The government generally implemented these laws effectively, but a number of high-profile cases have dragged on for years during lengthy investigations without charges being filed. Late in the year, courts tried on corruption charges a deputy governor and, separately, a former Interior Minister and member of parliament. A court convicted and sentenced both to prison time.

A parliamentary committee created in October 2011 to investigate corruption charges against former government officials and managers of government-affiliated companies exposed unethical behavior and collusion. The committee concluded work in October. The public prosecutor investigated corruption charges against former ministers and the chancellor. Several investigations continued, and a trial of a former minister started in November. In October a court in the province of Carinthia convicted a former deputy governor of breach of trust and sentenced him to five-and-a-half years in prison. At year's end he had appealed the verdict.

Public officials are subject to financial disclosure laws, and there were no reports of failure to comply with disclosure requirements. Politicians must publicly disclose biannually when they earn more than 1,142 euros (\$1,507) for certain activities, but they do not have to disclose the amounts earned. The law does not require public officials to file upon leaving office. Assets and incomes of spouses and dependent children are not included.

The courts are responsible for adjudicating corruption cases. Parliamentary committees oversee ethics rules for elected officials.

The law provides for full public access to government information, and the government generally respected this provision in practice. Authorities may only deny access if it would violate substantial data protection rights or involve national security information. Petitioners could challenge denials before the Administrative Court.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: A human rights ombudsman's office consisting of three independent commissioners examines complaints against the government. In July parliament broadened the ombudsman's mandate to monitor and inspect places of detention, such as police stations, prisons, reception centers for asylum-seekers, and psychiatric facilities. A report by the Council of Europe's human rights commissioner released on September 11 expressed concern at the ombudsman's limited budgetary independence. There is a parliamentary human rights committee.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for protection against discrimination based on race, gender, disability, language, sexual orientation and/or gender identity, or social status, and the government generally enforced these protections. On September 11, the Council of Europe's human rights commissioner criticized the country's antidiscrimination legal framework, describing it as overly complex.

Women

Rape and Domestic Violence: Rape, including spousal rape, is punishable by up to 15 years' imprisonment under the law. The government generally enforced the

law. Government statistics on rape and sexual coercion included 1,303 reported occurrences and 278 convictions in 2011.

Domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury. However, there were reports of violence against women, including spousal abuse. According to the Ministry of Women's Affairs and Civil Service, between 10 and 20 percent of adult women suffered from violence in a relationship during their lifetimes. Fewer than 10 percent of women abused by an intimate partner filed complaints. Police can issue a two-week order barring abusive family members from contact with the victim, and courts may extend the order for up to six months.

According to Justice Ministry statistics released in February, courts issued injunctions prohibiting abusive family members from returning home in more than 7,700 cases in 2011.

Under the law, the government actively provides psychosocial care, in addition to legal aid and support throughout the judicial process, to survivors of gender-based violence. Police training programs addressed sexual or gender-based violence and domestic abuse.

The government funded privately operated intervention centers and hotlines for victims of domestic abuse. The centers provided for victims' safety, assessed the threat posed by perpetrators, helped victims develop plans to stop the abuse, and provided legal counseling and other social services. NGOs observed that these centers were generally effective in providing shelter for victims of abuse.

Female Genital Mutilation/Cutting (FGM/C): Authorities can prosecute FGM/C under the criminal code's general bodily injury provisions. It is punishable by up to five years' imprisonment.

Sexual Harassment: The law prohibits sexual harassment, and the government generally enforced the law. The labor courts may order employers to compensate victims of sexual harassment on the basis of the Federal Equality Commission's finding in a case; the law entitles a victim to a minimum of 1,000 euros (\$1,300) in financial compensation. Of the 3,215 cases of discrimination brought to the ombudsman in 2011 for reasons of gender, 345 involved sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and do so free from

discrimination, coercion, and violence. The government offered free access to contraception. Mandatory health insurance provided skilled attendance during childbirth, prenatal care, and essential obstetric and postpartum care.

Discrimination: Women enjoy the same legal rights as men, and the Federal Equality Commission and the ombudsman for equal treatment of gender oversee laws requiring equal treatment of men and women. The ombudsman provides advice in discrimination cases and can file complaints with the Federal Equality Commission on behalf of persons who assert discrimination against them. The minister for women's affairs and civil service is responsible for promoting the legal rights of women.

To establish greater transparency and reduce the pay gap between the genders, in 2011 the government began to require reporting on salaries by position and gender for all companies with more than 1,000 employees. During the year this requirement was extended to all companies with more than 500 employees, which must file biannual reports. The participation rate for women between the ages of 15 and 64 in the labor force was 66.5 percent as compared to 77.8 percent for men. Approximately 44.5 percent of employed women worked part time, compared with 32 percent in 2000.

Female employees in the private sector may invoke laws prohibiting discrimination against women. Depending on the Federal Equality Commission's findings, labor courts may award the equivalent of up to four months' salary to women found to have experienced gender discrimination in promotion. The courts may also order compensation for women denied a post despite having equal qualifications.

Children

Birth Registration: By law children derive citizenship from one or both parents. Officials register births immediately.

Child Abuse: According to Interior Ministry statistics 1,663 cases of child abuse were reported to authorities in 2011, most involving intercourse with a minor. Child abuse is punishable by up to five years' imprisonment, extendable to 10 years if the victim dies because of negligence. Severe sexual abuse or rape of a minor is punishable by up to 20 years' imprisonment, which may be increased to life if the victim dies because of the abuse. Statistics Austria reported in that prosecutors obtained convictions in 331 cases of child abuse in 2011.

The government continued its efforts to monitor child abuse and prosecute offenders. The Ministry for Economics, Family, and Youth estimated that close family members or family friends committed 90 percent of child abuse. Officials noted a growing readiness to report instances of child abuse.

Child Marriage: The minimum age for legal marriage is 18. Adolescents between 16 and 18 may contract a legal marriage if they obtain a special permit for this purpose. During the year the media occasionally reported underage marriages, primarily in the Muslim and Romani communities, but such cases were undocumented.

Harmful Traditional Practices: There were unconfirmed reports by NGOs that some immigrant families practiced female genital mutilation/cutting (FGM/C), but no information on the incidence of this practice was available. There were no reports of police or judicial reluctance to pursue FGM/C cases.

Sexual Exploitation of Children: The law provides up to 10 years' imprisonment for an adult convicted of sexual intercourse with a child under the age of 14, which is the minimum age for consensual sex. If the victim becomes pregnant, the sentence may be extended to 15 years. In 2011 according to government statistics, 695 cases were reported and 291 convictions obtained for sexual abuse and severe sexual abuse of minors.

It is a crime to possess, trade, or privately view child pornography. Exchanging pornographic videos of children is illegal. Possession of child pornography is punishable by up to two years' imprisonment; trading in child pornography is punishable by up to 10 years' imprisonment. According to government statistics, 440 instances of these abuses were reported, and prosecutors obtained 167 convictions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's country-specific information at www.travel.state.gov/abduction/country/country_3781.html.

Anti-Semitism

According to 2001 census figures and 2011 estimates from the Vienna Institute of Demography, a branch of the Austrian Academy of Sciences, the Jewish community in the country numbered approximately 7,000.

The NGO Forum against Anti-Semitism reported 135 anti-Semitic incidents during the year, including six physical assaults in addition to name-calling, graffiti and defacement, threatening letters, dissemination of anti-Semitic writings, anti-Semitic Internet postings, property damage, and vilifying letters and telephone calls. The Vienna Jewish Community's offices and other Jewish community institutions in the country, such as schools and museums, continued to receive extra police protection.

The law banning neo-Nazi activity prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in print publication, broadcast, or other media. The government strictly enforced these laws.

In 2011 authorities arrested three men connected to a neo-Nazi Web site that displayed links to Hitler's *Mein Kampf*, called for actions to preserve the "German heritage," and denounced opponents of right-wing extremism. Authorities charged the suspects under the law banning neo-Nazi activity. Their trial started in May and continued at the end of the year.

Vandals desecrated 43 Jewish graves at a central Vienna cemetery in June. A police statement described tombstones and slabs found toppled or damaged at the cemetery. Austria's Jewish Community stated it was "deeply affected" by the vandalism, which included graves of a number of persons killed during World War II. The police investigation did not identify the perpetrators.

The Vienna Office for Special Investigations examined allegations of inaction by three police officers for failing to intervene when a rabbi was taunted with anti-Semitic slogans at a Vienna square in August. The rabbi claimed soccer fans shouted taunts such as "Jews out!" and raised their arms in Hitler salutes, but police took no action and told him to calm down, saying it was "only soccer." In February, Vienna police opened an internal investigation of officers who stood by while a former politician was physically assaulted by assailants he described as neo-Nazis.

In August, Freedom Party Chairman Heinz-Christian Strache posted a cartoon on his Facebook page depicting a portly banker with a hooked nose and Star of David cufflinks feeding from the government treasury, while nearby an emaciated figure representing the public went hungry. The Vienna Prosecutor's Office launched an

investigation on charges of incitement to religious or ethnic hatred. The investigation continued at the end of the year.

School curricula included Holocaust discussions, the tenets of different religions, and advocated religious tolerance. The Education Ministry offered special teacher training seminars on Holocaust education and conducted training projects with the Anti-Defamation League.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law protects persons with physical, sensory, intellectual, and mental disabilities from discrimination in housing, education, air travel and other transportation, employment, and access to health care and other government services. The government had a mixed performance in enforcing these provisions.

Federal law mandates access to public buildings for persons with physical disabilities; however, NGOs complained that many public buildings lacked such access due to insufficient enforcement of the law and low penalties for noncompliance. Persons with disabilities generally had access to information and communications. They generally were able to vote and participate in civil affairs.

The law prohibits the sterilization of minors; however, the law provides for involuntary sterilization of adults with mental disabilities in cases where a pregnancy would be considered life-threatening. Authorities maintained there were no such cases during the year. In September the Innsbruck Prosecutor's Office announced it was investigating allegations of forced sterilization of a woman with disabilities at the Innsbruck University Clinic in 2009.

The Ministry of Labor, Social Affairs, and Consumer Protection handles disability-related problems. The government funded a wide range of programs for persons with disabilities, including providing transportation and other assistance to help integrate schoolchildren with disabilities into regular classes and employees with disabilities into the workplace. Children with disabilities attend primary, secondary, and higher education schools.

In July the government adopted the National Action Plan on Persons with Disabilities, which contains guidelines, policies, and 250 concrete measures for persons with disabilities to be implemented by 2020. The Action Plan focuses on disability mainstreaming in all legislative and administrative areas. Key projects include child rehabilitation programs, projects for crime victims, reforms of custody regulations, and expansion of employment programs for persons with disabilities. Some civil society organizations expressed dissatisfaction with their lack of input in formulating the plan.

National/Racial/Ethnic Minorities

Interior Ministry statistics released in September cited 479 neo-Nazi, right-wing extremist, xenophobic, or anti-Semitic incidents in 2011. The government continued to express concern over the activities of extreme right-wing and neo-Nazi groups, many with links to organizations in other countries.

An NGO operating a hotline for victims of racist incidents reported 706 complaints in 2011. It reported a large number of cases involving racial discrimination in housing, shops, or banks.

In October a former right-wing party official in Tyrol province settled a court case involving incitement charges stemming from a xenophobic election slogan in April's elections.

Federal law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities. Human rights groups continued to report that Roma faced discrimination in employment and housing. The Austrian Romani Cultural Association estimated the Romani community consisted of more than 6,200 indigenous and between 15,000 and 20,000 nonindigenous individuals. The head of the association reported that the situation of Roma continued to improve. Government programs, including financing for tutors, helped school-age Romani children move out of "special needs" and into mainstream classes.

Carinthia Province implemented its 2011 agreement with minority groups and the federal government to double the number of bilingual German-Slovene town signs and make other improvements to allow the Slovene minority to use its own language when dealing with authorities.

NGOs reported Africans living in the country experienced verbal harassment in public. In some cases black Africans were stigmatized for perceived involvement in the drug trade or other illegal activities.

The government continued training programs to combat racism and educate the police in cultural sensitivity. The Interior Ministry renewed an agreement with a Jewish group to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Poor German-language skills were a major factor preventing minorities from entering the workforce. The Labor Ministry continued efforts to combat this situation by providing German-language instruction and skilled-labor training to young persons with immigrant backgrounds. Moreover, compulsory preschool programs, one-year and two-years for some pilot programs, seek to remedy language deficits for nonnative-German speakers.

In April 2011 the government appointed its first state secretary for integration. Reporting to the interior minister, the state secretary is responsible for coordinating the government's efforts to integrate the country's immigrants. In January the state secretary launched a dialogue on Islam that civil society received positively.

A legal change in September allows prosecutors more easily to initiate cases on behalf of persons suffering discrimination due to their ethnic origin. The authorities are no longer required to prove discrimination was "solely due to" ethnicity.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Antidiscrimination laws also apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was some societal prejudice against LGBT persons; however, there were no reports of violence or discrimination based on sexual orientation or gender identity. LGBT organizations generally operated freely.

In October a lesbian couple seeking to overturn the country's prohibition against adoptions by same-sex couples presented their case to the ECHR. New custody regulations released in October provide incrementally stronger rights for same-sex couples; however, the issue of joint custody for same-sex couples remained unresolved.

Other Societal Violence or Discrimination

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. It prohibits antiunion discrimination or retaliation against strikers, and provides for the reinstatement of workers fired for union activity. It allows unions to conduct their activities without interference. The Austrian Trade Union Federation was the exclusive entity representing workers in collective bargaining. Unions were technically independent of government and political parties, although some sectors had unions closely associated with parties.

There were few reports of antiunion discrimination or other forms of employer interference in union functions. The government recognized the right to strike. Laws providing for collective bargaining, protecting unions from interference and workers from retaliation for union activities were enforced. There were no reported instances of antiunion discrimination or employer use of short-term contracts to avoid hiring workers with union rights. There were no reported threats against, or targeting of, union leaders.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor; however, there were reports that women were subjected to involuntary domestic servitude and that children were subjected to forced begging. In addition to government-initiated forced-labor awareness campaigns and workshops, labor inspectors and revenue authorities conducted routine site visits to identify forced labor.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum legal working age is 15, with the exception that children at least 12 years old may engage in certain forms of light work on family farms or businesses. Children aged 15 and older are subject to the same regulations on hours, rest periods, overtime wages, and occupational health and safety restrictions as adults, except for additional limitations on hazardous forms of work or limitations for ethical reasons.

Laws and policies protect children from exploitation in the workplace and prohibit forced or compulsory labor, and the government generally enforced these laws and policies effectively. According to a report from the labor inspectorate, the government found four cases of child labor in 2011, mainly in the catering sector. This approximated the average over the past five years.

There were fewer reports than in previous years of trafficking of children for begging. In 2011 the Crisis Center for Unaccompanied Minors in Vienna assisted 17 children, primarily from Bulgaria and Romania, who were forced to beg in the country.

The labor inspectorate of the Ministry of Labor, Social Affairs, and Consumer Protection is responsible for enforcing child labor laws and policies in the workplace, and the inspectorate enforced the laws effectively.

d. Acceptable Conditions of Work

There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements with a coverage rate between 98% and 99% set minimum wages by job classification for each industry. All collective bargaining agreements provide for a minimum wage of 1,000 euros (\$1,300) per month. The official poverty level was 1,031 euros (\$1,360) per month. Where no such collective agreements exist, such as for domestic workers, janitorial staff, and au pairs, wages are generally lower than those covered by collective bargaining agreements. The law requires equal pay for equal work.

The law provides for a maximum workweek of 40 hours, but collective bargaining agreements also give more than half of all employees 38 or 38.5-hour workweeks. Regulations to increase flexibility in work hours allow firms to increase the maximum regular time from 40 hours to 50 hours per week with overtime. In special cases work hours can be increased to a maximum of 60 hours per week, including overtime, for a maximum of 24 weeks annually. However, these 24

weeks can only be in eight-week segments, with at least a two-week break between each eight-week period.

Overtime is officially limited to five hours per week and 60 hours per year; however, authorities did not enforce these laws and regulations effectively, and some employers exceeded legal limits on compulsory overtime. Collective bargaining agreements can specify higher limits. The law stipulates premium pay of 50 percent for overtime and requires time off on weekends and official holidays. An employee must have at least 11 hours off between workdays. Wage and hour standards were enforced equitably across all groups.

Foreign workers in both the formal and informal sectors make up approximately 13 percent of the country's workforce. Wage and hour regulations were not enforced effectively in the informal sector.

The labor inspectorate regularly enforced mandatory occupational health and safety standards. Its approximately 300 inspectors routinely checked the country's nearly 210,000 work sites. Workers could file complaints anonymously with the labor inspectorate, which could sue the employer on behalf of the employee. However, workers rarely exercised this option and normally relied instead on the nongovernmental workers' advocacy group, the Chamber of Labor, which filed suits on their behalf. According to Statistics Austria, there were 113,500 workplace accidents in 2011, 149 of which were fatal. Workers in the informal economy generally were excluded from social protections. To receive health care benefits, unemployment insurance, and pensions, workers must pay into the system (although nonworkers can qualify for coverage in certain cases).