

AUSTRIA 2014 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). The multi-party parliament and the coalition government it elects exercise most day-to-day governmental powers. National parliamentary elections in September 2013 and presidential elections in 2010 were free and fair. Authorities maintained effective control over the security forces.

There continued to be reports police at times used excessive force, particularly against members of minority groups. Societal discrimination persisted against ethnic minorities, including Muslims, immigrants, 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 forbidding denial of Nazi genocide as well as hate speech based on race, nationality, religion, or ethnicity. Official 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 or 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 and punished those who committed abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

There were no reports of politically motivated disappearances, abductions, or kidnappings.

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

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

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 8,842 persons in prison, including 516 women and 103 juveniles. The official prison capacity was 8,650 prisoners. Human rights groups criticized the disproportionately high number of prisoners who were foreigners, 4,301 according to the Justice Ministry. The reported incidence of death in prison or pretrial detention centers was low, although specific numbers were not available. Food provided to prisoners was adequate, and there were no reports of food shortages. Prisoners had access to potable water.

In reaction to a case involving the neglect of a mentally disabled prison inmate that became public in May, the justice minister announced a restructuring of the supervisory system of prisons.

Administration: There were detailed recordkeeping procedures to ensure prisoners did not serve beyond the maximum sentence for the offense which they were charged. There are sentencing alternatives for nonviolent offenders. The federal ombudsmen monitored 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 inhuman conditions. The government investigated and monitored prison and detention center conditions. The federal ombudsman's office can investigate allegations of inhuman conditions on behalf of prisoners and detainees.

Independent Monitoring: Nongovernmental organizations (NGOs) monitored detainees 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.

A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment conducted a periodic visit from September 22 to October 1, presenting preliminary observations to the authorities at the end of the visit. The delegation investigated various issues related to prisons, closely examining the treatment of persons in police custody as well as detention center conditions for immigrants. The committee also conducted a targeted visit to a psychiatric hospital to examine the use of restraints. Publication of the final report remained pending.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and 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 had effective mechanisms to investigate and punish abuse and corruption. The criminal courts are responsible for investigating any violations of the law by the police. 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 of Detainees

Authorities base arrests 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 time 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.

Detainees have the right to a lawyer. Although indigent criminal suspects have the right to an attorney at government expense, the law requires appointment of an attorney 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 were enforced.

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

Detention of Rejected Asylum Seekers or Stateless Persons: In some cases authorities detained unsuccessful applicants for asylum pending deportation. Some NGOs criticized the government for protracted detention in such cases. The government provided free legal counsel for persons awaiting deportation.

e. Denial of Fair Public Trial

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

Trial Procedures

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

The law presumes persons charged with criminal offenses are innocent until proven guilty; authorities inform them 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. The law grants defendants and their attorneys adequate time and facilities to prepare a 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 own behalf. They cannot be compelled to testify or confess guilt. A system of judicial review provides multiple opportunities for appeal.

The law extends the above rights to all citizens regardless of sex, gender, race, ethnicity, religion, or mental or physical disability.

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.

Regional Human Rights Court Decisions

Individuals could appeal adverse court decisions involving alleged violations of human rights by the state to the European Court of Human Rights (ECHR) once they had exhausted avenues of appeal available in domestic courts. The government complied with ECHR orders and decisions.

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

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

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. An independent press, an effective judiciary, and a functioning democratic political system combined to promote 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, religion, or ethnicity if the

statement violates human dignity. The government strictly enforced these laws (see section 6, Anti-Semitism).

Press Freedoms: The law 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 (see section 6, Anti-Semitism).

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

Internet Freedom

With limited exceptions, the government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Authorities continued to restrict access to websites containing information that violated the law, such as neo-Nazi and child pornography sites. Authorities restricted access to prohibited websites by trying to shut them and forbidding the country's internet service providers from carrying them.

The neo-Nazi website "Alpen-Donau.info," whose activists received prison sentences on charges of neo-Nazi activity in 2013, went online again in February. The website opposed the country's laws prohibiting neo-Nazi information and activities. The Interior Ministry reportedly monitored the website.

In July a Salzburg court convicted seven men on incitement charges after they made slanderous statements against Roma on Facebook in 2013.

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 the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) 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 reception center where authorities assigned them for the duration of their initial application process, until 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 the country's responsibility and jurisdiction. A 2012 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 commissioner 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.

The law gives the Federal Office for Immigration and Asylum (BFA) responsibility for handling asylum applications. The BFA head office is in Vienna, and there are nine regional directorates (one in each federal state), as well as three reception centers. The BFA was established on January 1 and is mainly responsible for processing asylum applications, alien police matters (return decisions and custody pending deportation), and certain decisions on humanitarian stay. The Federal Administrative Court is the appeals body for decisions of the BFA. It is based in Vienna and has branches in Linz, Graz, and Innsbruck. Access

to the administrative high court is limited, and the court deals only with asylum cases of general legal interest.

There were approximately 25,000 asylum seekers in the country as of August 15. Administrative proceedings were often lengthy, which critics attributed to several factors, including an overcrowding of the Federal Reception Center East at Traiskirchen, Lower Austria, and the 2014 restructuring of the entire procedure. As a preliminary measure, the government of Lower Austria froze admissions to Traiskirchen in August in an attempt to decentralize admission procedures and distribute asylum seekers more fairly among the country's states.

Safe Country of Origin/Transit: The government required asylum seekers who transited a country determined to be "safe" to return to that country to seek refugee status. Authorities consider signatories to the 1951 refugee convention and its 1967 protocol to be safe countries of transit. Human rights groups urged authorities to refrain from returning asylum seekers to countries where effective protection was not provided or in which transfer would result in humanitarian hardship for 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 2011 effectively halted the return of asylum seekers to Greece; the ruling remained in force during the year. In April the UNHCR assessed conditions in Bulgaria had improved but recommended vulnerable asylum seekers, in particular unaccompanied children, older persons, and persons with disabilities and other medical emergencies not be returned to Bulgaria.

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. A work permit is required for seasonal employment but not for professional training. An employer must request the work permit for the employee.

Access to Basic Services: Asylum seekers and refugees are entitled to state medical care, subsistence allowance, and housing. Asylum seekers and refugees between the ages of six and 15 are eligible to go to school.

Throughout the year a group of asylum seekers and refugees and their supporters staged protests in Vienna regarding living conditions, inability to access labor markets, and deportations. In late 2012 the UNHCR conducted inspections at 20 private accommodations in six states and found many to be inadequate on health or

other grounds. During the year the UNHCR repeated inspections at 60 facilities. If conditions were inadequate, the UNHCR alerted provincial authorities to take action.

Temporary Protection: According to the Interior Ministry, in the first half of the year the government provided temporary protection to 2,500 individuals who might not qualify as refugees under the 1951 refugee convention, principally through subsidiary protection.

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

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The country held national parliamentary elections in 2013 and presidential elections in 2010; there were no reports of serious abuse or irregularities in either election, and credible observers considered them free and fair. In May the country held free and fair elections for seats in the European Parliament.

Participation of Women and Minorities: The parliament consists of the popularly elected National Council and the Federal Council, whose members are named by the federal states. There were 56 women in the 183-seat National Council and 18 women in the 61-member Federal Council. There were five women in the 16-member cabinet.

There appeared to be little representation of ethnic minorities at the national level. The National Council included one Muslim man and three Turkish-born Muslim women, and the Federal Council had a Muslim man of Turkish origin. A total of 22 deputies at the federal and state level, or 3.2 percent of all representatives, had immigrant backgrounds.

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 or representatives of state-owned companies. The

government generally implemented the law effectively, but a number of high-profile cases have dragged on for years during lengthy investigations without authorities filing charges. The law criminalizes corrupt practices by citizens outside the country. The penalty for bribery is up to 10 years in prison.

Corruption: The courts are responsible for adjudicating corruption cases. In 2013 courts tried a former interior minister and member of parliament on corruption charges and, separately, telecom executives who were accused of funneling money to a ruling party in 2004. A court convicted and sentenced all defendants to prison terms. In the case involving the former interior minister, a retrial in March confirmed the prison sentence, which was again under appeal. In April a former member of the European Parliament accused of having charged illegal fees for legal counseling received a prison term on fraud charges.

The Central Public Corruption Prosecution Department has countrywide authority to prosecute corruption cases; it collaborated with civil society, operated effectively and independently, and was sufficiently resourced. Parliamentary committees oversee ethics rules for elected officials.

Financial Disclosure: Public officials are subject to financial disclosure laws, and there were no reports officials failed to comply with disclosure requirements. Politicians must publicly disclose biannually when they earn more than 1,142 euros (\$1,430) for certain activities, but they are not required to disclose the amounts earned. The law does not require public officials to file disclosure reports upon leaving office. Assets and incomes of spouses and dependent children are not subject to disclosure laws.

Public Access to Information: The law provides for full public access to government information, and the government generally respected this provision. Authorities may only deny access to information that would violate personal data protection rights by disclosing sensitive personal data on racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, or sex life, or would involve national security information. Petitioners could challenge denials of access to information 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. 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, sex, disability, language, sexual orientation and gender identity, or social status, and the government generally enforced these protections.

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. According to government statistics, 1,184 cases of rape and sexual coercion and 133 convictions were reported in 2013. Law enforcement response to rape and domestic violence was effective. According to a 2012 study of the EU Fundamental Rights Agency, 13 percent of women above the age of 15 had experienced at least one instance of physical and/or sexual violence. Women's NGOs estimated charges were filed in 10 percent of rape cases and only 13 percent of those led to convictions, due to lack of credible evidence.

Domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury. There were reports of violence against women, including spousal abuse. 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. In compliance with a Council of Europe agreement, the Justice Ministry eliminated court fees to obtain an injunction.

According to Interior Ministry statistics, police and courts issued injunctions prohibiting abusive family members from returning home in 7,810 cases in 2013. In the four months following a September 2013 amendment expanding injunctions prohibiting abusive family members' access to their children's schools and kindergartens, courts issued an additional 419 injunctions based on this amendment.

Under the law, the government provided 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 these centers were generally effective in providing shelter for victims of abuse.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C as deliberate bodily injury with severe lasting consequences. A 2012 law establishes extraterritorial jurisdiction over acts perpetrated in foreign countries that do not punish FGM/C, if the victims or perpetrators have residence in Austria.

Sexual Harassment: The law prohibits sexual harassment and the government generally enforced the law. Labor courts may order employers to compensate victims of sexual harassment based on the Federal Equality Commission's finding in a case; the law entitles a victim to a minimum of 1,000 euros (\$1,250) in financial compensation. In 2012, the last year for which figures were available, 301 of the 3,218 cases of discrimination brought to the ombudsman for reasons of gender cases involving sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health free from discrimination, coercion, and violence. The government offered free access to contraception. Mandatory health insurance provided skilled health attendance during pregnancy and childbirth, prenatal care, and essential obstetric and postpartum care, as well as emergency health care, including services for the management of complications arising from abortion.

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. The law requires equal pay for equal work.

To establish greater transparency and reduce the pay gap between the genders, the government required reporting on salaries by position and gender for all companies with more than 250 employees. The participation rate for women between the ages of 15 and 64 in the labor force was 71.1 percent, compared with 81.2 percent for men. Approximately 45 percent of employed women worked part time, compared with 32 percent in 2000 (2012 figures).

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, authorities received 1,789 reports of child abuse in 2013, most involving intercourse with a minor. Child abuse is punishable by up to five years imprisonment, which may be extended 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 imprisonment if the victim dies because of the abuse. Statistics Austria reported prosecutors obtained convictions in 367 cases of child abuse in 2013.

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

Early and Forced Marriage: The minimum legal age for marriage is 18 years. Adolescents between 16 and 18 years may legally contract a marriage if they obtain a special permit for this purpose. NGOs estimated there were approximately 200 cases of early marriage annually, primarily in the Muslim and Romani communities. In November 2013 a court in Lower Austria sentenced a couple to five years in prison on charges of sexual abuse of minors for bringing a 13-year-old Bosnian girl to Austria in 2011 to marry their 17-year-old mentally disabled son.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were unconfirmed reports by NGOs some immigrant families practiced FGM/C, but no information on the incidence of the 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, the minimum age for consensual sex. If the victim becomes pregnant, the sentence may be extended to 15 years. According to government statistics, there were 711 cases of sexual abuse or severe sexual abuse of minors reported to authorities in 2013. There were 144 convictions for sexual abuse of minors in 2013.

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, in 2013 authorities received 551 reports of abuses in 2013, and prosecutors obtained 180 convictions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information, see travel.state.gov/content/childabduction/english/country/austria.html.

Anti-Semitism

According to the Vienna Jewish Community's figures, the Jewish community in Austria numbered approximately 7,300.

The NGO Forum Against Anti-Semitism reported 137 anti-Semitic incidents during 2013. These included seven physical assaults in addition to name-calling, graffiti and defacement, threatening letters, dissemination of anti-Semitic writings, 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. At a meeting between government and religious organizations in August, Jewish officials reported a rise in anti-Semitic attacks by Muslims.

The law against 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 July protesters attacked Israeli soccer players at a match near Salzburg. Approximately 20 youth with flags and placards stormed the field shouting slogans concerning the Gaza conflict. Police continued to conduct investigations on charges of bodily injury, incitement, and coercion.

In April a Klagenfurt court convicted a 21-year-old man on charges of neo-Nazi activity and sentenced him to 16 months in prison, 12 months of which were suspended. The man shouted “heil Hitler” slogans and performed the Hitler salute at a local bar and gas station in 2012.

In December 2013 the mayor of a village resigned over racist comments he made during a discussion in the village council about building a home for refugees in his village. He had likened asylum seekers to excrement and said journalists should be “hanged like the Jews.”

School curricula included discussion of the Holocaust and the tenets of different religions and advocacy of 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/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in housing, education, air travel and other transportation, employment, access to health care, and other government services. The government did not effectively enforce these provisions (see section 7.d.).

While federal law mandates access to public buildings for persons with physical disabilities, NGOs complained 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.

While the law prohibits the sterilization of minors, it 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.

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

In 2013 the Committee on the Rights of Persons with Disabilities released a report that criticized the fragmentation of disability policy between federal and state governments, the lack of opportunities for the employment of persons with disabilities, and authorities' failure to integrate children with disabilities into the educational system.

The *UN Periodic Review of Austria on the Rights of Persons with Disabilities*, published in 2013, criticized aspects of the country's laws and institutional settings. Practices criticized included the use of net beds and other forms of nonconsensual practices in psychiatric hospitals and institutions. Laws allow a person to be confined involuntarily in a psychiatric institution when they have a psychosocial disability and were a risk to endanger themselves or others. The UN review also expressed concern the population of persons with disabilities who were institutionalized had increased over the previous 20 years. In the course of the year, the ombudsman for disabled persons and the minister of social affairs urged businesses to comply with quotas for employment of disabled persons.

National/Racial/Ethnic Minorities

Interior Ministry statistics released in March cited 574 neo-Nazi, right-wing extremist, xenophobic, or anti-Semitic incidents in 2013. 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 731 complaints in 2013. It reported a number of cases involving racial discrimination in housing, shops, or banks and pointed to problems involving discrimination by police and justice authorities. It noted the January 2013 case of a man who had pushed a woman of African descent off a subway platform onto the rails after uttering racial insults, in which a Vienna court imposed only a suspended 12-month prison sentence.

According to a 2012 poll conducted among persons of African descent, 52 percent said they had been harassed or insulted in public transportation in the previous 12 weeks, while 47 percent said they had been harassed or insulted on the street.

In August vandals painted swastika graffiti on the minaret and the entrance of a mosque in Tyrol. Police were investigating the incident as a case of neo-Nazi activity. At a meeting of religious leaders with the government in August, Muslim representatives reported an increase in Islamophobic attacks, for example toward women wearing headscarves.

Federal law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minorities. Human rights groups continued to report the Roma faced discrimination in employment and housing. In May assailants set fire to a temporary Romani settlement in the city of Salzburg. The city government and a Catholic charity provided mobile homes and shelters as accommodation to the Roma. The police undertook an investigation but had not identified the perpetrators. 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 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.

NGOs reported Africans living in the country experienced verbal harassment or were subject to violence in public. In some cases citizens stigmatized black Africans 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 annual 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 improve the situation by providing German-language instruction and skilled-labor training to young persons with immigrant backgrounds. Compulsory preschool programs, including some one- and two-year pilot programs, sought to remedy language deficiencies for nonnative German speakers. NGOs criticized the lack of a national action plan on racism and dismissed the national action plan on integration as too weak to fight discrimination effectively.

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

Antidiscrimination laws apply to lesbian, gay, bisexual, and transgender (LGBT) persons. There was some societal prejudice against LGBT persons but no reports of violence or discrimination based on sexual orientation or gender identity. Hate-crime legislation includes a prohibition of incitement, including incitement based on sexual orientation. LGBT organizations generally operated freely. Civil society groups criticized the lack of a mechanism to prevent service providers from discriminating against LGBT individuals.

In June a man attacked an LGBT politician at the Vienna Rainbow Parade with butyric acid. There were no injuries, but Vienna police opened an investigation on charges of property damage. They later terminated the investigation since the perpetrator was mentally disabled and could not be held legally responsible for his actions.

According to an EU Fundamental Rights Agency (FRA) study, the situation of LGBT rights in the country was “mediocre.” The study found 20 percent of openly homosexual employed persons reported labor discrimination based on their sexual orientation and 89 percent of openly LGBT persons under the age of 18 claimed to have been bullied in school or in apprenticeships because of their sexual orientation. According to the FRA study, the situation was different in Vienna, which was “at the vanguard” of LGBT rights.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides 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.

The government effectively enforced applicable laws. Resources, inspections, and remediation were adequate. The penalties required by law for violations were not available. Administrative and judicial procedures were not overly lengthy.

There were few reports of anti-union discrimination or other forms of employer interference in union functions. The government recognized the right to strike. Authorities enforced laws providing for collective bargaining and protecting unions from interference and workers from retaliation for union activities. There were no reports of anti-union 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. Forced labor occurred in several sectors.

The government effectively enforced the law, and resources, inspections, and remediation were adequate. Labor inspectors and revenue authorities conducted routine site visits to identify forced labor. Depending on the specific offense, penalties ranged from three to 20 years imprisonment and were sufficient to deter violations.

Traffickers subjected men, women, and children to forced labor in the agriculture, construction, and catering sectors. Traffickers subjected Romani children and physically and mentally disabled persons 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/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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

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. Penalties in the form of fines ranged from 70 to 1,090 euros (\$88 to \$1,362), or twice those amounts in case of repeated violation of the child labor code, and were sufficient to deter violations.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive (or other communicable disease) status, or social status. The government effectively enforced these laws and regulations.

Discrimination in employment and occupation occurred with respect to women, persons with disabilities, and certain minorities (see section 6).

e. Acceptable Conditions of Work

There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements covered between 98 and 99 percent of the workforce and set minimum wages by job classification for each industry. All collective bargaining agreements provided for a de facto minimum wage of 1,200 euros (\$1,500) per month for full-time jobs. The official poverty level was 1,090 euros (\$1,360) per month. Where no such collective agreements existed, such as for

domestic workers, janitorial staff, and au pairs, wages were generally lower than those covered by collective bargaining agreements.

The law provides for a maximum workweek of 40 hours, although collective bargaining agreements established 38- or 38.5-hour workweeks for more than half of all employees. Regulations to increase work hour flexibility allowed companies 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. These 24 weeks, however, 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. 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 for work on weekends and official holidays. An employee must have at least 11 hours off between workdays. Authorities enforced wage and hour standards equitably for all groups.

Foreign workers in both the formal and informal sectors made up approximately 13 percent of the country's workforce. Authorities did not enforce wage and hour regulations 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 worksites. Resources and remediation remained adequate. Penalties for violators range from 166 to 16,648 euros (\$208 to \$20,810). In the case of violations resulting in serious injury or death, the employer faces prosecution under the penal code. The government extended its Occupational Safety and Health Strategy 2007-2012 initiative until 2020. The initiative focused on educational and preventive measures, including strengthening public awareness of danger and risk assessment (plus evaluation); preventing work-related illnesses and occupational diseases; training as well as information on occupational safety and health; and improving the training of prevention experts. Workers could file complaints anonymously with the labor inspectorate, which could sue the employer on behalf of the employee. Workers rarely exercised this option and normally relied instead on the nongovernmental workers' advocacy group and the Chamber of Labor, which filed suits on their behalf. According to Statistics Austria, there were 108,353 workplace accidents in 2013, 168 of which were fatal. Workers in

the informal economy generally did not benefit from social protections. To receive health-care benefits, unemployment insurance, and pensions, workers generally had to pay into the system, although nonworkers could qualify for coverage in certain cases.

Workers can remove themselves from situations that endanger health or safety without jeopardy to their employment. The Employment and Labor Relations Federal Public Service protected employees in this situation.