

AUSTRIA 2015 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 multiparty 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. Civilian authorities maintained effective control over the security forces.

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, immigrants, Roma, Jews, and foreigners of African origin.

Other reported problems included laws restricting freedom of speech by forbidding denial of Nazi genocide as well as hate speech based on race, nationality, religion, or ethnicity. At times overcrowded and difficult conditions emerged at facilities for the thousands of refugees and asylum seekers who arrived in the country during the year. 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 not fully 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 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, but there were some reports that police used excessive force with detainees and psychiatric patients.

On November 9, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report on its September-October 2014 visit to police establishments, prisons, and a psychiatric establishment in the country. While the vast majority of detained persons interviewed by the CPT had been treated correctly in police custody, the CPT received several allegations of excessive use of force at time of apprehension. These included kicks and punches after police brought the concerned person under control and allegations that police used excessive force while transferring psychiatric patients to the Otto Wagner Psychiatric Hospital. The CPT also received a few allegations that police subjected detainees to physical mistreatment during questioning.

The government investigated allegations of such practices and prosecuted cases in which credible evidence existed. The Human Rights Advisory Council and the federal ombudsmen monitored police respect for human rights and made recommendations to the Minister of the Interior.

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: The reported incidence of death in prisons and pretrial detention centers was low, although specific numbers were not available. In its November 9 report, the CPT expressed "serious concern" about the almost total lack of medical confidentiality in all the establishments visited and the fact that prison officers with only basic health care training performed health-related tasks normally reserved for qualified nurses.

In reaction to a case that became public in 2014 involving the neglect of a prison inmate with mental disabilities, there was a restructuring of the prison system administration during the year, with a unit in the justice ministry taking over the overall management and supervision.

Administration: The government investigated and monitored prison and detention center conditions. The federal ombudsman's office may 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. The CPT conducted periodic visits to the country, most recently in September-October 2014 to examine the treatment of persons in police custody and prison as well as detention center conditions for migrants. The CPT also visited a psychiatric hospital to examine the use of physical restraints.

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 national police maintains internal security and reports to the Ministry of the Interior. The army is responsible for external security but also has some domestic security responsibilities and reports to the Defense Ministry. The criminal courts are responsible for investigating police violations of the law.

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

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 (96 hours after apprehension). Criminal suspects are not legally required to answer questions without an attorney present. Laws providing for compensation for persons unlawfully detained were enforced.

In its November 9 report the CPT found it unacceptable that authorities were continuing the practice of subjecting juveniles, some as young as 14, to police questioning and asking them to sign statements without having a lawyer or a trusted person present. The report also noted that indigent persons could not usually benefit from the presence of a lawyer during police questioning.

Protracted 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 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.

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.

Freedom of Speech and Expression: 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 and Media 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/Slander Laws: Strict libel and slander laws created conditions that discouraged 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 police abuses.

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 sites. The law barring neo-Nazi activity provides for one- to 10-year prison sentences for public denial, belittlement, approval, or justification of National Socialist crimes. The criminal code provision on incitement provides for prison sentences of up to five years. 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 members received prison sentences on charges of neo-Nazi activity in 2013, went online again in 2014. The website opposed the country's laws prohibiting neo-Nazi information and activities. The Interior Ministry reportedly monitored the website.

In August a Graz court convicted a man on charges of incitement and neo-Nazi activity after he denied the Holocaust and made derogatory statements against Muslims on a neo-Nazi website that he also helped to finance (see section 6, Anti-Semitism).

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, or other persons of concern.

In-country Movement: Asylum seekers' freedom of movement is 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 and whether they have purview.

Protection of Refugees

During the year many countries in the EU and Southeast Europe experienced an unprecedented wave of migration from the Middle East, Africa, and Asia, consisting of a mix of asylum seekers/potential refugees, economic migrants, and trafficking victims, among others. For simplicity, this report will refer to these populations as 'migrants and asylum seekers' if more specific information is not available.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees.

The law gives the Federal Office for Immigration and Asylum (BFA) responsibility for handling asylum applications. Established on January 1, the BFA operated nine regional directorates (one in each federal state) and three reception centers. In addition to processing asylum applications, the BFA is responsible for alien police matters (return decisions and custody pending deportation) and certain decisions on humanitarian stays. The Federal Administrative Court in Vienna is the appeals body for decisions of the BFA and

has branches in Linz, Graz, and Innsbruck. Access to the administrative high court is limited to cases involving principal legal policy questions.

As of December 10, approximately 81,900 persons had applied for asylum in the country during the year, compared with 28,000 in 2014. Administrative proceedings were often lengthy, particularly as the country became a major destination for migrants and asylum seekers from Syria, Iraq, Afghanistan, and other countries. During the year the government started to decentralize admission procedures and, with a law that entered into force in October, distribute asylum seekers more fairly among the country's states and municipalities.

The sharp increase in asylum seekers led to significant overcrowding of the private contractor operated Federal Reception Center East at Traiskirchen, Lower Austria. In August, Amnesty International criticized conditions there, in particular deficiencies in shelter, medical care, hygiene, and services for minors. During an August visit a UNHCR representative also characterized conditions in the camp as "inhumane" and appealed to authorities to stop accepting new arrivals as hundreds were sleeping outside without shelter due to overcrowding. On August 5, the government temporarily stopped accepting new arrivals there, with the Interior Minister calling the situation "no longer tolerable for the asylum-seekers," and authorities took measures to improve conditions. In September after the numbers of asylum seekers in the center decreased, a visiting EU commissioner gave a positive assessment of conditions at the center.

From October to November, the number of asylum seekers arriving daily at Traiskirchen decreased from to 600 to 80. As the center could provide heated accommodation for a maximum of 1,700-1,800 asylum seekers, additional persons, with the exception of minors, women, families with small children, and persons with special needs, were referred to emergency shelters or NGOs after their registration as asylum seekers. In December the Traiskirchen center set up a heated tent with a capacity for approximately 150 persons as an additional facility for arriving asylum seekers to register. Capacity at the Traiskirchen center was insufficient due to the difficulty of relocating record numbers of asylum seekers to housing across the country's nine provinces. The establishment of additional, smaller initial reception centers in other parts of the country in the course of the year provided some relief for Traiskirchen. Implementation of a federal law that went into effect in October, allowing the government to enforce distribution of asylum seekers in municipalities across the country, resulted in accommodation for additional 3,000 asylum seekers. As of December the Traiskirchen center housed 1,685 asylum seekers.

Durable Solutions: There are provisions for integration, resettlement, and returns, which the country is cooperating with UNHCR and other organizations to improve. The integration section in the Ministry for Foreign Affairs and Integration, together with the Integration Fund and provincial and local integration offices, coordinate measures for integration of refugees. In addition to the high number of asylum seekers, the country initiated a resettlement program for Syrian refugees. The country has bilateral agreements with several countries on implementing the return of rejected asylum seekers.

Safe Country of Origin/Transit: EU regulations provide that asylum seekers who transited a country determined to be “safe” on their way to Austria be returned to that country to apply for refugee status. Authorities considered signatories to the 1951 refugee convention and its 1967 protocol to be safe countries of transit. In response to a ruling by the European Court of Human Rights and recommendations of the UN Special Rapporteur on Torture, the government in 2011 effectively halted the return of asylum seekers to Greece. This practice remained in effect during the year.

Starting at the end of August, during a major wave of migrants and asylum seekers arriving in the country from Hungary and destined for Germany, authorities performed random checks and allowed refugees to transit to Germany. In August authorities increased vehicle checks along the border with Hungary after the discovery of 71 migrant bodies in a truck on an Austrian highway where the migrants were presumably en route to Germany from Hungary.

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.

Temporary Protection: According to the Interior Ministry, in 2014 the government provided subsidiary protection to 3,609 individuals who might not qualify as refugees.

Stateless Persons

According to UNHCR there were 570 persons in the country under its statelessness mandate at the end of 2014. Stateless persons in the country are largely Austrian-born children of foreign nationals who are unable to acquire citizenship through their parents due to the laws in their parents' country of origin. Authorities do not deport them because of their lack of a home country. There are laws to remediate statelessness partially. A stateless person born in the country may be granted citizenship within two years of reaching age 18 if he or she has lived in the country for a total of 10 years, including five years continuously before application, and are able to demonstrate sufficient income. Stateless persons can receive temporary residence and work permits that must be renewed annually.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

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.

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: In February parliament established an ad hoc investigative panel to clarify political responsibilities for multi-billion-euro losses accrued since 2000 by the then regional lender Hypo Alpe-Adria-Bank, owned by the Austrian province of Carinthia. In 2009 the federal government bought the bank for a token amount and nationalized it; covering the bank's losses was estimated to have cost the government more than five billion euros (\$5.5 billion).

Financial Disclosure: Public officials are subject to financial disclosure laws, and there were no reports officials failed to comply with disclosure requirements. Politicians must and do publicly disclose biannually when they earn more than 1,142 euros (\$1,260) 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. There are no sanctions for noncompliance.

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, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and gender identity, age, language, and HIV-positive status or other communicable diseases, and the government generally enforced these protections.

Women

Rape and Domestic Violence: Rape, including spousal rape, is punishable by up to 15 years' imprisonment. The government generally enforced the law. Law enforcement response to rape and domestic violence was effective. 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 survivors. The order can be extended to four weeks, and a court may further extend the order.

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 observing these centers were generally effective in providing shelter for victims of abuse.

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 (\$1,100) in compensation.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence.

Discrimination: Women enjoy the same legal rights as men, including under family, labor, property, nationality, and inheritance laws. Discrimination in employment and occupation occurred with respect to women (see section 7.d.).

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 1,623 reports of child abuse in 2014, 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.

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 cases of 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.

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 615 cases of sexual abuse or severe sexual abuse of minors reported to authorities in 2014.

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, while trading in child pornography is punishable by up to 10 years' imprisonment. According to government statistics, authorities received 465 reports of abuses in 2014.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/en/country/austria.html.

Anti-Semitism

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

The NGO Forum against Anti-Semitism reported 255 anti-Semitic incidents during 2014. These included nine 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 government provided extra protection to the Vienna Jewish Community's offices and other Jewish community institutions in the country, such as schools and museums, following the January terrorist attacks in Paris and Copenhagen, after Jewish officials reported a rise in anti-Semitic attacks by Muslims and increased fears of terrorist attacks within the community.

In September a Linz court convicted a Turkish man of neo-Nazi activity for posting pictures of Adolf Hitler on Facebook along with a statement praising the death of Jews and sentenced the man to a two-year suspended prison sentence. The case was initially closed because the prosecutor argued that the postings were a legitimate expression criticizing Israel at the time of the Israeli military operation against Hamas in 2014. In February the Linz chief prosecutor ordered the resumption of the investigation.

There were several cases of neo-Nazi-related vandalism and hate speech, including death threats, "hate speech" on the internet, and the hacking of the website of the Mauthausen Memorial, a former concentration camp.

School curricula included discussion of the Holocaust, 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, employment, education, air travel and other transportation, access to health care, and other government services. The

government did not effectively enforce these provisions. Employment discrimination against persons with disabilities occurred (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. 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.

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 employment opportunities for 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. Criticized practices included the use of net beds and other forms of nonconsensual practices in psychiatric hospitals and institutions. The law allows involuntary confinement in a psychiatric institution when a person has a psychosocial disability and is at risk of endangering themselves or others. The UN review also expressed concern that the population of persons with disabilities who were institutionalized had increased over the previous 20 years. During the year the ombudsman for persons with disabilities and the Minister of Social Affairs urged businesses to comply with quotas for employment of persons with disabilities.

National/Racial/Ethnic Minorities

Interior Ministry statistics released in March cited 357 neo-Nazi, right-wing extremist, xenophobic, or anti-Semitic incidents in 2014. 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 794 complaints in 2014. 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 that hate speech was most commonly directed against Jews, Muslims, and Roma, as well as asylum seekers, and displayed a suspicion of Muslims, who were increasingly victims of prejudice.

After attacks in Paris and Copenhagen by apparent Islamic extremists in January, there were several reported incidents of Islamophobic graffiti at mosques. A documentation center set up by the Islamic Faith Community for reporting Islamophobic incidents in 2014 noted that after mid-2014, Islamophobic incidents markedly increased.

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 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 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 members of 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.

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

Antidiscrimination laws apply to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There was some societal prejudice against LGBTI persons but

no reports of violence or discrimination based on sexual orientation or gender identity. Hate crime laws prohibit incitement, including incitement based on sexual orientation. LGBTI organizations generally operated freely. Civil society groups, however, criticized the lack of a mechanism to prevent service providers from discriminating against LGBTI individuals.

According to a 2013 EU Fundamental Rights Agency (FRA) study, the situation of LGBTI rights in the country was “mediocre.” The study found that 89 percent of openly LGBTI persons under age 18 claimed to have been bullied in school or in apprenticeships because of their sexual orientation. The study also found discrimination in employment against LGBTI persons (see section 7.d.). According to the FRA study, the situation was different in Vienna, which was “at the vanguard” of LGBTI rights.

In January the Constitutional Court ruled that the ban on adoption by same-sex couples in the adoption law was illegal and was to be lifted as of January 2016.

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 antiunion 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.

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.

There were some trafficked men and women working in the agriculture, construction, and catering sectors. There were also some traffickers who 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 that children who are at least age 12 may engage in certain forms of light work on family farms or businesses. Children who are age 15 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 (\$77 to \$1,200), or twice those amounts in cases of repeated violations 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 members of certain minorities.

The law requires equal pay for equal work. To establish greater transparency and reduce the pay gap between men and women, the government required reporting on salaries by position and gender for companies with more than 250 employees. The participation rate for women between the ages of 15 and 64 in the labor force was 67 percent, compared with 75 percent for men. Approximately 47 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.

According to a 2013 EU Fundamental Rights Agency study, 20 percent of openly homosexual employed persons reported labor discrimination based on their sexual orientation.

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 (\$1,320) per month for full-time jobs. Where no such collective agreements existed, such as for domestic workers, custodial staff, and au pairs, wages were generally lower than those covered by collective bargaining agreements. The official poverty risk level was 1,161 euros (\$1,280) per month.

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 may 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 (\$183 to \$18,300). 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 2007-12 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. 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.