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“Religions in Austria”: Information or disinformation?

Some reflections about a brochure published by the Federal Chancellery

Willy Fautré, *Human Rights Without Frontiers Int.*

“Religions in Austria”, a 56-page brochure published in 2004 in three languages (German, English, French) by the Federal Chancellery, is remarkable both by its informative contents and by its silences. By concealing the existing structural religious discrimination enshrined in legal and constitutional provisions, it mirrors a number of religious prejudices that are prevailing in the highest levels of the state.

Silences

The general introduction deals with the historical roots of the current legal and constitutional framework ruling the relations between the state and the 13 “legally recognized churches and religious communities” in Austria (1).

It is noteworthy that it silences the 1998 Law on Confessional Communities which created an intermediary category for a dozen religious communities (2) which in 1997 could suddenly qualify for access to the highest category of religions. Not a word either about the new discriminatory criteria imposed on them that are much stricter than those under which the 13 churches and religious communities were recognized by the state in due time: a 20-year period of existence (at least 10 of which must be as a group organized as a confessional community under the 1998 Law) and membership equaling two one-thousands of the country’s population (approximately 16,000 persons). Only 4 of the 13 state-recognized religions would meet this membership requirement (3). Of non-recognized religious groups, only the Jehovah’s Witnesses (around 23,000 members) now meet this latter requirement.

It must also be noted that the introduction of the brochure mentions the 2003 Law which was specifically drafted to allow the small Coptic Orthodox Church (membership: about 1600) to become a “legally recognized church” although it did meet the requirements of the 1998 Law.

Statistics

The statistics are presented in such a way that the “confessional communities” are not visible as such (4). The authors have however highlighted those of the Islamic Religious Community and of the Jewish Religious Association which are originally classified under “Non-Christian Communities” in the official census. Last but not least, the items “Catholic Church (Roman Catholic Church including the churches united with Rome)” and “Orthodox and Oriental Churches” comprise small non-recognized religious associations.

With the exception of the Jewish Religious Association (8,140 members), all the “legally recognized churches and religious communities” (70% of them) that do not meet the new 16,000 membership requirement are not visible (5).

No profile of confessional communities

“Legally recognized churches and religious communities” have been requested to draft their own presentation. Their addresses, phone and fax numbers, email address and website, as well as a person of contact are publicized. Profiles of “confessional communities” are non-existent. Their existence only appears once, on page 51, under the item “List of registered confessional communities”: their addresses, phone and fax numbers are indicated but no person of contact, no website and no email. The reader is not informed about the place of this category of religious communities in the hierarchy of religions and about their limited rights.

Recommendations of Human Rights Without Frontiers Int.

Considering the discriminatory treatment of the confessional communities in the brochure “Religions in Austria” which is obviously meant to be distributed abroad and in international events,

Human Rights Without Frontiers Int. urges the Federal Chancellery

- to revise the contents of the next edition of the brochure in such a way that confessional communities are treated on the same footing as legally recognized churches and religious communities;
- to allow the confessional communities to draft their own profile and to have an item “Addresses and contacts” structured in the same way as for the legally recognized churches and religious communities;
- to include data on the 1998 Federal Law on the Status of Confessional Communities and to highlight membership statistics of each of the confessional communities and all legally recognized churches and religious communities.

Footnotes

(1) Category 1 of religions enjoying the most rights and membership

Roman Catholic Church	5,915,421
Protestant Churches (Augsburger and Helvetic Confessions and some others)	376,150
Greek Eastern Orthodox Churches (Russian, Greek, Serbian, Romanian and Bulgarian)	174,385
Armenian Apostolic Church	1,824
Syrian Orthodox Church	1,589
Coptic Orthodox Church	1,633
Old Catholic Church	14,621
Methodist Church	1,263
Church of Jesus Christ of Latter-day Saints (Mormons)	2,236
New Apostolic Church	4,217
Jewish Religious Association	8,140
Islamic Religious Community	338,988
Austrian Buddhist Religious Association	10,402

(Source: Statistik Austria, national census 2001)

(2) Category 2 of religions enjoying fewer rights than category 1 and membership

Baha'i Religious Community	760
Federation of Baptist Congregations	2,108
Federation of Evangelical Congregations	4,892
Christian Movement for Religious Revival	1,152
Federation of Free Christian and Pentecostal Congregations	7,186
Church of the Seventh-Day Adventists	4,220
Jehovah's Witnesses	23,206
Hindu Religious Society	3,629
Mennonite Free Church	381
The Pentecostalists in Austria	

(Source: Statistik Austria, national census 2001)

Six of these confessions show a higher membership than the smallest legally recognized church (Methodist Church: 1,263)

(3) See footnote nr 1.

(4) Statistics as they are presented in the brochure of the Federal Chancellery and not as they appear in the survey of the national census of 2001.

Catholic Church (Roman Catholic Church including the churches united with Rome)	5,917,274
Protestant Churches A. and H.C.	376,150
Islamic Religious Community	338,988
Orthodox and Oriental Orthodox Churches	179,472
Other Christian churches and communities	69,227
Non-Christian communities (excl. Islamic and Jewish)	19,750
Jewish Religious Association	8,140
No religion	963,263
Religion non stated (in the census survey)	160,662

(5) See footnote 4.

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The new restrictive 1998 law not applied for state-recognition of the Coptic Orthodox Church

Tina Hofstätter, *Human Rights Without Frontiers*

HRWF Int. (30.03.2004) - Email: info@hrwf.net - Website: <http://www.hrwf.net> - The state-recognition of the Coptic Orthodox Church in 2003 outside the legal framework of the 1998 Law on the Status of Religious Communities raises the issue of religious discrimination as other religious communities have been denied that privileged status on the basis of the provisions of the said law.

In 1998, the new religious legislation provided that state-recognition would only be granted if a number of conditions were fulfilled, suitably membership of at

least 0.2% of the population (approximately 16,000) and a 20-year period of existence, at least 10 of which must be as a confessional community.

Despite its limited membership (1,600), the Coptic Orthodox Church was however recognized by the State.

This church is the original Christian church of Egypt and is the biggest Christian minority in the Middle East with eight to ten million members worldwide. It has been active in Austria since 1976. 1,600 people stated their membership in the last census in 2001. Since 1985 this church has not succeeded in gaining status as state-recognized church although the Syrian Orthodox Church or the Armenian Apostolic Church had managed to secure such a status with a similar membership. In 1998 the Coptic Orthodox Church was registered as a confessional community.

Legal framework

Articles 14 and 15 of the Constitutional Act on General Human Rights of Citizens provide for freedom of religion and create a system of state-recognized and non-recognized churches and religious communities.

Three legislative acts provide the framework for legal recognition: the 1874 Law on Recognition of Churches and Religious Communities for state-recognized churches and religious communities, the 1998 Law on the Status of Religious Communities for confessional communities and the 2002 Law of Association for associations.

State-recognized religions are granted various privileges such as exemption from taxation, government funding, free broadcasting time, religious instruction in public schools and pastoral care in prisons and hospitals.

If the criteria of 0.2% was applied to the 13 state-recognized churches and religious communities, only four of them would have been recognized.

Confessional communities under the 1998 law are a separate group. Membership of at least 300 members is required. Their doctrine and statutes need to be submitted to the Federal Ministry of Education, Science and Culture for examination and decision. Their official status does not provide for fiscal and educational privileges enjoyed by state-recognized religious communities. Their legal status is similar to the status of associations under the 2002 Law, which entitles them to own property. Apart from that, they have some insignificant privileges, unlike associations.

Religious organizations can also choose to apply for a status as associations under the 2002 law. They only have private legal status.

Reasons for enacting the law

As it is said in the comments on the Law of the Oriental Orthodox Churches, the Armenian Apostolic Church, the Syrian Orthodox Church – which both have already enjoyed state-recognition – and the Coptic Orthodox Church belong “theologically to the same family of churches”, they all have “approximately the same number of members” and they “do not differ in their doctrine”. Therefore, with regard to the principle of equality the political decision makers thought the Coptic Orthodox Church needed to be state-recognized.

Consequently, the Coptic Orthodox Church was recognized by the state by the said law in April 2003, which was adopted for one voice.

If this special law had not been enacted, the Coptic Orthodox Church would not have had the possibility to apply for this status until July 2008. Only then it would have met the requirement of the 10-year period of existence as a confessional community. Furthermore, it would have needed a membership of at least 16,000 that would have been difficult to reach.

Even if the state-recognition of a church is possible by a special law bypassing the restrictive 1998 law, the confessional communities which do not “theologically belong to the same family of churches” are entitled to raise the issue of discrimination. It is not written anywhere in the law or in the constitution that “families of churches” can escape the requirements imposed on the access to the status of state-recognition.

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