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Jehovah's Witnesses win a case against Austria at the European Court

HRWF (16.10.2012) – On 25 September, Jehovah's Witnesses, a religious community established in Austria under the Religious Communities Act 1998 ("the applicant community") on 20 July 2005, won a tax discrimination case against Austria at the European Court of Human Rights. It had claimed that it had been discriminated against before May 2009 when it was a religious community, as it had been subject to laws concerning employees and tax from which it would have been exempt had it been a recognised religious society. In particular, it would have been able to employ two ministers from the Philippines in 2002 for the benefit of its Tagalog speaking members in Austria and it could have been exempt from inheritance and gift tax for a donation made to it in 1999.

The case originated in an application (no. 27540/05) against Austria lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention").

The applicant community was represented by Mr R. Kohlhofer, a lawyer practising in Vienna. The applicant community alleged, in particular, that it had been discriminated against in the exercise of its rights under Article 9 of the Convention and Article 1 of Protocol No. 1 to the Convention, as it had been subject to laws concerning the employment of foreigners and tax from which recognised religious societies had been exempted.

The Court unanimously held that there has been a violation of Article 14 of the Convention taken in conjunction with Article 9 of the Convention as regards the proceedings under the Employment of Aliens Act. It also held that Austria is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 12,834.45, plus any tax that may be chargeable.

Austria OKs circumcisions after multifaith appeal

By Michael Shields

Reuters (01.08.2012) - Doctors in Austria's westernmost province have been cleared to resume circumcisions after the Justice Ministry reassured them that they can perform the religious practice without risking criminal charges, officials said.

Spooked by a regional court ruling in neighbouring Germany that the practice supported by Muslims and Jews amounted to physical abuse, the governor of Austria's Vorarlberg province last week advised doctors to suspend it, triggering a heated debate.

Another state governor came out in favour of a national ban.

Austria's Catholic, Protestant, Jewish and Muslim leaders united in defence of circumcision on Friday, condemning calls to limit the practice as an attack on religion and demanding that the government clarify its legality.

A letter from Justice Minister Beatrix Karl giving the legal all clear has now helped assuage concerns, a spokesman for Vorarlberg Governor Markus Wallner said.

"We only wanted to get legal certainty for doctors so they can be clear whether they face legal consequences if they perform circumcisions for religious reasons," he said.

Doctors still have to decide for themselves whether to perform such voluntary operations, which are not covered by the public health system, he added.

A spokesman for Karl said the minister had simply put in writing to Vorarlberg state officials what she and her legal experts have said in public for days.

Austria is home to about half a million Muslims, most of whom are migrant workers from Turkey, Bosnia and Herzegovina, and about 9,000 Jews, down from about 200,000 before the annexation of Austria by Nazi Germany in 1938.

FECRIS/ Austria denounces 10-year old violations of child's rights by God's Children but keeps silent about 613 victims of child abuse now in the Catholic Church

FOREF (21.04.2012) - On 19 April, Friedrich Griess, the representative of FECRIS, the umbrella organization of about 25 anti-sect organizations in Europe, held a workshop as a side-event of the annual meeting of the EU Fundamental Rights Agency (FRA) in Vienna. More than 200 representatives of 180 civil society organizations were invited to the 5th Annual Meeting of the FRA Platform for NGOs but only a dozen attended that workshop during which Griess denounced the violations of children's rights by a small obscure religious group named The Family. This faith-based organization which has disappeared from the European religious landscape was accused by Griess of committing child abuse... 10 years ago. However, Griess could not mention any concrete case of prosecution against The Family or any other religious group in Austria. Moreover, he kept totally silent about the 613 victims of child abuse in the Catholic Church to whom the Church will have to pay a financial compensation of 8 million EUR.

Such double standards aiming at creating social panic about the so-called danger posed by "sects" discredit FECRIS in Europe and its affiliated organization in Austria.

Austria says crucifixes in public nursery schools not unconstitutional

Strasbourg Consortium (16.03.2012) - The Constitutional Court of Austria (Verfassungsgerichtshof, VfGH) has ruled that the display of crucifixes in classrooms of state-run nursery schools does not violate Austria's constitution. In Austria as elsewhere in Europe the European Convention on Human Rights enjoys the status of constitutional law, and interpretation of the Convention generally follows the ECtHR's case law. Hence, in this case, filed by an atheist following the ECtHR's *Lautsi* decision, a different result might have been expected.

Anti-Buddhism campaign: Buddhism in Austria, a wolf in the sheepfold!

HRWF (02.03.2012) - www.hrwf.net - On 12 February, the construction of the biggest Buddhist temple in Europe was rejected by 67% of the population of Gföhl who had been consulted on this issue. The ÖVP (Austrian People's Party) mayor, Karl Simlinger, accepted the decision of the population. In the newspaper Standard, Bop Jon Sunim, a Buddhist monk and initiator of the project, commented the result of the referendum as follows: "The fact that the inhabitants of Gföhl have finally voted against the Buddhist temple is the result of a hate campaign of political and religious opponents."

Among the promoters of this campaign, it is worth mentioning the "Austrian Society for the Protection of Tradition, Family and Private Property" (TFP) which distributed leaflets to incite the people against the Buddhist temple. "Buddhism in Austria, a wolf in the sheepfold".

Prof. Christian Brünner, a constitutionalist from Graz and former president of the conference of the rectors, unambiguously criticized the anti-Buddhist hate campaign and the popular consultation.
