



Statement by Bürgerbewegung Pax Europa-Austria

OSCE Human Dimension Implementation Meeting

To the Austrian Delegation

Warsaw, September 24, 2013

BPE-Austria continues to be gravely concerned about the introduction of even stricter blasphemy rules, both in the OSCE region as well as specifically in Austria (§ 188 denigration of religious teachings, among others). We believe that the truth needs no defense, and blasphemy laws infringe on our freedom of speech. We remind the Austrian delegation that it is freedom of speech that makes freedom of religion possible, and not the other way around.

In this context, we refer to a statement on Austrian television in January 2011 by Mr. Josef Cap, the parliamentary leader of the Social Democrats, who said:

“We do not want Islam’s political manifestation [here in Austria].”

He echoed then-interior minister Maria Fekter, who had said that interpretative sovereignty of Austrian laws rule over religions and their laws. She also stated that “freedom of religion is the right of an individual to change or leave a religion” (Vienna 1989, freedom of the individual to profess his religion) and not the authority of religious institutions to dominate other ways of life or religions.

This situation is manifest in this year's campaign for general elections. One political party's candidate is of Turkish origin with known connection to the Islamic Federation Vienna (IFW), which in turn is closely linked to Milli Görüs Movement. Milli Görüs is watched by the German Office for the Protection of the Constitution for its goal “to emphasize the moral and spiritual strength of Islamic faith”¹ and because of its goal to replace worldly government with an Islamic community.²

We also remind Austria of its commitments with respect to freedom of thought, conscience, religion or belief. Vienna 1989 states that

[...]

1 http://en.wikipedia.org/wiki/Mill%C3%AE_G%C3%B6r%C3%BC%C5%9F

2 <http://unzensuriert.at/content/0014011-SP-und-VP-setzen-auf-t-rkisch-islamistische-Kandidaten>

- (16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, *inter alia*,
- (16.1) — take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;
- (16.2) — foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;
- (16.3) — grant upon their request to communities of believers, practising or prepared to practise their faith within the constitutional framework of their States, recognition of the status provided for them in their respective countries;
- (16.4) — respect the right of these religious communities to
- establish and maintain freely accessible places of worship or assembly
 - organize themselves according to their own hierarchical and institutional structure,
 - select, appoint and replace their personnel in accordance with their respective requirements and standards as well as with any freely accepted arrangement between them and their State,
- [...]
- (17) **The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments.** They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief [emphasis added].

Austria has granted the Islamic faith the legal status of a recognized faith community (akin to that of the Catholic and Protestant Churches or the Jewish Faith Community). The Law on Islam of 1912 states that “Islam, its teachings and institutions and customs enjoy protection insofar as they are not in conflict with Austrian law.”³ To this date, there has not been any inquiry into the teachings of Islam. The Austrian authorities have not received an official translation of the Koran; as a result, the authorities do not know what Islam teaches and whether its teachings are compatible with Austrian laws.

Recommendation to the Austrian Delegation

- BPE-Austria recommends that Austria take seriously its OSCE commitments with respect to implementing the Law on Islam in Austria. We ask that the Austrian authorities demand a certified German copy of the Koran to check whether Islamic teachings are indeed compatible with Austrian laws.

3 Law on Islam 1912

Article 1: The adherents of Islam shall be granted recognition as a religious community in the kingdoms and crown-lands represented in the Imperial Council in the meaning of the Constitutional Law of 21 December, 1867... The religious community of the adherents of Islam according to the Hanafite rite shall... enjoy the same legal protection as is granted to other legally recognised religious communities. **The doctrines of Islam, its institutions and customs shall enjoy the same protection too, unless they are in contradiction to state law.**