

Islam Law 2015 – Summary

Initial situation

- The recognition of Islam has a long-standing tradition in Austria. An Islam Law was already passed in the time of the Habsburg-monarchy 103 years ago (more precisely in 1912).
- Following a strong immigration of Muslims (especially from Turkey and from former Yugoslavia), which began in the 1960's, the number of Muslims in Austria continued to grow.
- Currently, approximately 570.000 Muslims live in Austria.
 - That is about 7% of the total population.
 - Muslims are the second largest religious group in Austria, just after Christians.

Law on religion in Austria

- Basic Law on the General Rights of Nationals ('Staatsgrundgesetz') of 1867, which also allowed for freedom of religion and conscience, as well as the law on recognition of Religious Societies ('Anerkennungsgesetz für Religionsgesellschaften') of 1874 form the legal basis for the recognition of religions, respectively Religious Societies.
- The freedom of religion is secured in the Austrian Constitution – individually, collectively and cooperatively.
- There are 16 recognised Religious Societies in Austria.
 - Recognition, with exception of that of the Catholic Church (which is perceived as historically recognised), is based either on a special law or on a directive in accordance with the law of recognition ('Anerkennungsgesetz').
 - There is a law for:
 - the Jewish Community.
 - the Greek-Oriental Church.
 - the Protestant Church.
 - and a law for the Islamic Religious Societies.
- Moreover there are state-registered religious denominational communities.
Difference:
State-registered religious denominational communities have the possibility to have their creed entered into official documents (e.g. school report cards – children are therefore not "without religion").

- Religious Societies have, among others, the right to provide religious education in public schools. Furthermore a levied 'church tax' is tax-deductible and the religious sites are freed from real estate tax.

Islamic Religious Societies and Islamic state-registered religious denominational communities

Two Islamic Religious Societies in Austria:

- a) Islamic Community in Austria (IGGiÖ – recognised in 1979)
- b) Islamic Alevi Community in Austria (ALEVI – recognised in 2013)

One Islamic state-registered religious denominational community:

Shiite Muslim Religious Community in Austria (SCHIA – recognised in 2013)

Aims of the law

- The law aims at there being no contradiction in thinking of oneself as a pious Muslim and proud Austrian citizen at the same time.
- Austria, by means of this law, protects and makes possible the religious freedom of Muslims in Austria. The new version of the Islam Law in this sense is definitely in the best interest of the Muslim community and of the majority of the population.
- This new version defines rights and obligations for the Islamic Religious Societies– just like for all of the other 14 (in total 16) Religious Societies in Austria.

Why a new law on Islam?

- The Islam Law of 1912 hails from a time before the creation of the Austrian Federal Constitution and today's general legal regulations on religion (see below).
- After the end of the Habsburg-monarchy in 1918, this law continued to stay in effect, even after the founding of the Republic of Austria, although there practically were next to no Muslims living within the new borders. Only with the recruitment of foreign labourers in the 1960's did the number of Muslims in Austria continue to increase up to approximately 570.000 persons in 2015.
- Based on this development the necessity to legally regulate many areas of cohabitation arose. The "old" Islam Law only was two pages long and no longer fulfilled modern legal and societal expectations.

- It was the express wish of the Islamic Community in Austria that a new legal basis be created.

Creation process:

- Preliminary work and cornerstones for the new version were established in the "Dialogue Forum Islam" (2012) by the State Secretariat for Integration.¹
- The law on Islam was thus developed over a period of three years.
- All Islamic Religious Societies were included in all phases of development.
- Moreover civil society representatives as well as Islamic scientists and legal experts were included.
- The Islamic Alevi Community supported the draft law and all of its content completely from the beginning; the Islamic Community (IGGiÖ) consented after multiple negotiations.
- The Islam Law was enacted by the National Council on 25.02.2015.

The cornerstones of the Islam Law 2015

1. Right of assessment

The Religious Society has the right to transmit reports and suggestions on matters, concerning legally recognised Religious Societies to the organs of legislation and administration. It is even compulsory that laws and directives, concerning the outer legal situation of the Religious Society are, within an appropriate time limit, transmitted for comment.

2. Protection of religious nomenclature of Religious Societies

Nomenclature (e.g. of associations), establishing a contact to a Religious Society, may only be used with permission of said Religious Society– the name of the religion can thus be protected from misuse.

3. Regulation of "pastoral care" in state facilities (hospitals, military service, correctional facilities)

¹ A platform for dialogue, initiated by then State Secretary Kurz and the President of the IGGiÖ, who in seven working groups, and consultation of numerous experts, collaborated on all issues of cohabitation between Muslims and the majority of the population. The results were published early in 2013.

The respective "minister" must have an academic education as well as sufficient work experience and have the authorisation of an Islamic Religious Society.

4. Precedence of national law

This is true for all Religious Societies. Teachings, institutions and customs are not allowed to contradict statutory rules. The Religious Society must have a positive basic attitude towards society and the state. The recognition can also be revoked, especially if the Religious Society does not have a positive basic attitude towards the state and society (any more), respectively public order and security would be endangered.

5. Islamic-theological studies

Austria commits herself to secure a scientific education for clerical young academics. Thus, Muslims, who strive towards becoming an Imam, can achieve their theological knowledge at the University of Vienna. The practice part of the education is gained in cooperation with the Religious Societies.

6. Islamic graveyards

The law creates legal certainty for existing (at present 2) and future Islamic graveyards.

7. Protection of religious holidays

Holidays are protected, to the end that events of religious service will not be disturbed (no implication on labour law). For the duration of a religious service in the mosque, e.g. the permission for a rock-concert is not to be granted.

8. Regulation on the interdiction of foreign financing

The "ongoing operation" of a religious society must be financed inland (a one-time contribution of foreign origin, like an inheritance is generally not prohibited, but the administration of such an estate must be executed inland).

9. Dietary rules

The Islamic Religious Societies may have foods produced in accordance to their beliefs. Concerning meals for Muslims in the armed forces, in penitentiaries, hospitals, care facilities and public schools, dietary rules are to be taken into consideration.

10. Obligation to notify and report on all events, which are of concern to this federal law

The Religious Society must inform the Office of Churches and Religions on the important on goings (re-elections, changes of statutory documents, variations of teachings).

11. Presentation of teachings and sources of faith in German language

All new religious communities must differ in their teachings from already existing ones. In order to be able to examine this, the teachings of all communities have to be available. For registration as state-registered religious denominational community the religions must provide a presentation of their teachings and of the principle sources of faith (Quran) in German.