

# AUSTRIA 2020 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. Parliamentary elections in September 2019 and presidential elections in 2016 were considered free and fair.

The federal police maintain internal security and report 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. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses during the year.

Significant human rights issues included violence or threats of violence motivated by anti-Semitism.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings. Judicial authorities investigate whether any security force killings that may occur were justifiable and pursue prosecutions as required by the evidence.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities. The government has measures in place to ensure accountability for disappearances if one were to occur.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and there were no reports that government officials employed them. Impunity was not a significant problem in the security forces.

Amnesty International reported that in May 2019, police used excessive force against several climate activists while dispersing a spontaneous assembly in Vienna. At the end of 2019, an investigation by the Prosecutor's Office continued into the conduct of several law enforcement officials. Amnesty stated that the Ministry of Interior had informed it that an internal police investigation would be conducted once the Prosecutor's Office had concluded its investigation. The Ministry of Interior stated there were five complaints lodged against seven law enforcement officials, and investigations were still underway. The country's administrative court declared some actions by police during the incident as illegitimate.

### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by the Council of Europe's Committee for the Prevention of Torture.

### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **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 and, where warranted, prosecuted.

Detainees have the right to an attorney. 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.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The law provides for the right to a fair and public 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. Trials must be public and conducted orally; defendants have the right to be present at their trial. Attorneys are not mandatory in cases of minor offenses, but legal counsel is available at no charge for indigent persons in cases where attorneys are mandatory. The law grants defendants and their attorneys adequate time and facilities to prepare a defense. Defendants can confront or question witnesses against them and present witnesses and evidence on their own behalf. Free interpretation is available from the moment a defendant is charged through all appeals. Suspects 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 defendants regardless of sex, gender, race, ethnicity, age, religion, or 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. Individuals and organizations may appeal domestic decisions to regional human rights bodies.

### **Property Restitution**

For the resolution of Holocaust-era restitution claims, including by foreign citizens, the government has laws and mechanisms in place. Property restitution also includes an art restitution program. Nongovernmental organizations (NGOs) and advocacy groups reported that the government had taken comprehensive steps to implement these programs.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

### **f. Arbitrary or Unlawful 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 Expression, Including for the Press**

The constitution provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective

judiciary, and a functioning democratic political system combined to promote freedom of expression including for the press.

Freedom of Speech: 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, and imposes criminal penalties for violations. The law prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in print media, broadcast media, the publication of books, and online newspapers or journals and provides criminal penalties for violations. The law also prohibits disparagement of religious teachings in public. The government strictly enforced these laws (see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>).

Libel/Slander Laws: Libel, slander, defamation, and denouncement of religious teachings (blasphemy) are criminal offenses and are enforced. NGOs reported that strict libel and slander laws created conditions that discouraged reporting of governmental abuse. For example, many observers believed the ability and willingness of 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. There were no credible reports the government monitored private online communications without appropriate legal authority. Authorities continued to restrict access to websites 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 for violations. Authorities restricted access to prohibited websites by trying to shut them down and by forbidding the country's internet service providers from carrying them.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provide for the freedoms of peaceful 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 <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: Asylum seekers' freedom of movement was restricted to the district of the reception center assigned by authorities for the duration of their initial application process until the country's responsibility for examining the application was determined. By 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 for the case.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

### **f. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons for concern.

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

Amnesty International reported that in the first nine months of 2019, the Ministry of Interior repatriated more than 200 Afghan nationals to Afghanistan, sending them back to areas that Amnesty deemed unsafe. According to Amnesty, authorities also decided to repatriate several Syrian nationals to Syria, although the decisions had not been implemented at the end of the year. Between January and

June, the Ministry of Interior reported the deportation of 37 Afghan nationals. While opposition parties and human rights NGOs criticized this policy, the government's position is that it is repatriating Afghan nationals only to areas in the country that independent experts considered safe.

Safe Country of Origin/Transit: EU regulations provide that asylum seekers who transit an EU 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.

Employment: While asylum seekers are legally restricted from seeking regular employment, they are eligible for seasonal work, 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 prospective employee.

Durable Solutions: There are provisions for integration, resettlement, and returns, which the country was cooperating with the Office of the UN High Commissioner for Refugees 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, coordinated measures for integration of refugees.

Temporary Protection: According to the Interior Ministry, in 2019 the government provided temporary protection to approximately 2,246 individuals who might not qualify as refugees but were unable to return to their home countries. According to the Interior Ministry, between January and July, the government provided temporary protection to approximately 1,275 individuals.

### **g. Stateless Persons**

According to the government's statistical office, in January there were approximately 17,025 persons in the country registered as stateless, that is, having undocumented or unclear citizenship. Stateless persons in the country were largely Austrian-born children of foreign nationals who were unable to acquire citizenship through their parents due to the laws in their parents' country of origin. Authorities did not deport them because they lacked a home country.

The law allows some stateless persons to gain nationality. A stateless person born in the country may be granted citizenship within two years of reaching the age of

18 if he or she has lived in the country for a total of 10 years, including five years continuously before application, and is 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 held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country held early parliamentary elections in 2019 and presidential elections in 2016. There were no reports of serious abuse or irregularities in either election, and credible observers considered both to be free and fair.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. Women's participation in government at the national level increased due to the September 2019 federal elections. There are 72 female members of parliament out of 183, compared with only 63 during the 2017-2019 legislative term. The current coalition government has nine female cabinet members out of 17, whereas the 2017-2019 government had six.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Anticorruption laws and regulations extend to civil servants, public officials, governors, members of parliament, and employees or representatives of state-owned companies. The law also criminalizes corrupt practices by citizens outside the country. The penalty for bribery is up to 10 years in prison.

Corruption: Former finance minister Karl-Heinz Grasser and two lobbyists were found guilty of embezzlement and corruption charges on December 3 in the country's largest corruption case since World War II. In an indictment filed by the Federal Prosecutor against White Collar Crime and Corruption in 2016, Grasser and his codefendants were charged in connection with the 2.45 billion-euro (\$2.9 billion) auction sale of 62,000 state-owned apartments in 2004. The court found

that the information from the Finance Ministry under Grasser's leadership helped the eventual auction winner by signaling the size of the bid needed to acquire the properties. Grasser was sentenced to eight years in prison, although the case is expected to be appealed to a higher court.

A special unit of the Vienna Prosecutor's Office continued investigating a 2017 video in which the then leader of the Freedom Party promised a woman posing as a wealthy Russian that he could manipulate government procurement contracts to her benefit in exchange for her purchasing a major stake in a mass-tabloid newspaper and providing his party with positive media coverage. The political fallout from the case, known as the Ibiza scandal, ultimately led to the dissolution of the coalition government and new federal elections in September 2019. A parliamentary investigative committee also launched investigations into the case.

In September prosecutors closed investigations on charges of fraud, embezzlement, and venality related to channeling money to the Freedom Party from donors through associations linked to the party. They continued investigations regarding both party-affiliated personnel appointments in the partly state-owned Casinos Austria company and donations by private individuals who expected legal changes affecting private hospitals.

Prosecutors were also investigating allegations the former vice chancellor and former Freedom Party leader submitted private expenses of more than 500,000 euros (\$600,000) for reimbursement to the party (the Freedom Party and other leading political parties receive some government funding).

The Ministry of Interior's 2019 annual report disclosed there were 2,298 corruption cases in 2019, of which 1,903 were closed without prosecution, 216 resulted in convictions, and 77 resulted in acquittals.

Financial Disclosure: Public officials are subject to financial disclosure laws; there were no reports that officials failed to comply with disclosure requirements. Politicians must publicly disclose biannually when they earn more than 1,142 euros (\$1,370) for certain activities, but they are not required to disclose the amounts they earned. The law does not require public officials to file disclosure reports upon leaving office. There are no sanctions for noncompliance with financial disclosure laws.

Campaign finance laws set annual limits on campaign donations of 7,500 euros (\$9,000) for single donations and a maximum of 750,000 euros (\$900,000) in total

donations from all sources. The law provides for fines of up to 150 percent of the amount of an illegal donation for violations.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 examined complaints against the government. The ombudsman's office is completely independent and has its own budget; parliament appoints its members. The ombudsman's office effectively monitored government activities. A parliamentary human rights committee provides oversight.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

Rape and Domestic Violence: Rape of women or men, 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. Police referred victims of domestic violence to special shelters and imposed orders barring abusive family members from contact with the victims.

Domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury. Police can issue, and courts may extend, an order barring abusive family members from contact with survivors.

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.

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; the law entitles a victim to monetary compensation. The Women's Ministry and the labor chamber regularly provided information to the public on how to address sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: Women enjoy the same legal rights as men, but they were subject to some discrimination in remuneration and representation in certain occupations.

## **Children**

Birth Registration: By law, children derive citizenship from one or both parents. Officials register births immediately.

Child Abuse: Child abuse is punishable by up to five years' imprisonment, which may be extended to 10 years. 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. Officials noted a growing readiness by the public to report cases of such abuse.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18. Adolescents between the ages of 16 and 18 may legally contract a marriage by special permit and parental consent or court action. NGOs estimated there were 200 cases of early marriage annually, primarily in the Muslim and Romani communities.

Sexual Exploitation of Children: The law provides up to 15 years' imprisonment for an adult convicted of sexual intercourse with a child younger than 14, the minimum age for consensual sex for both girls and boys. It is a crime to possess, trade, or privately view child pornography. Possession of or trading in child pornography is punishable by up to 10 years' imprisonment. The government effectively enforced these laws.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

## Anti-Semitism

According to figures compiled by the Austrian Jewish Community (IKG), there were between 12,000 and 15,000 Jews in the country, of whom an estimated 8,000 were members of the IKG.

The IKG expressed concern that the COVID-19 crisis could lead to a further increase of anti-Semitism. The NGO Forum against Anti-Semitism reported 550 anti-Semitic incidents during 2019. These included physical assaults in addition to name-calling, graffiti and defacement, threatening letters, dissemination of anti-Semitic texts, property damage, and vilifying letters and telephone calls. Of the reported incidents, six concerned physical assaults, 18 threats and insults, 209 letters and emails, 78 vandalism, and 239 insulting behavior. The government provided police protection to the IKG's offices and other Jewish community institutions in the country, such as schools and museums. The IKG noted that anti-Semitic incidents typically involved neo-Nazi and other related right-wing extremist perpetrators.

In August a 26-year-old Syrian living in the country attacked the Graz Jewish community leader with a stick. The leader managed to escape to his car uninjured. The perpetrator was arrested and also confessed to having vandalized the Graz synagogue with spray paint in the weeks prior to the attack. The chancellor, vice chancellor, federal ministers, governors, opposition leaders, and religious representatives sharply condemned the attacks as an attack on all Austrians. Several hundred individuals attended a locally organized solidarity vigil at the Graz synagogue.

According to press reports, on November 26, a woman with a knife attacked a rabbi in Vienna, pulled his skullcap from his head, and yelled an anti-Semitic insult ("Slaughter all Jews!") before fleeing. Chancellor Kurz and Interior Minister Nehammer sharply condemned the attack, stating everything must be done to ensure the Jewish community's safety. The case was under investigation by the State Office for the Protection of the Constitution and Combating Terrorism.

School curricula included discussion of the Holocaust, the tenets of different religious groups, 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.

In August a 2019 amendment of the Citizenship Act entered into force extending citizenship to descendants of Austrian victims of National Socialism.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not always effectively enforce these provisions. Employment discrimination against persons with disabilities occurred.

While federal law mandates access to public buildings for persons with physical disabilities, NGOs complained many public buildings lacked such access. 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 mainstream classes and employees with disabilities into the workplace.

### **Members of National/Racial/Ethnic Minority Groups**

In response to a parliamentary inquiry, the Ministry of Interior published statistics citing 859 neo-Nazi extremist, racist, Islamophobic, or anti-Semitic incidents in 2019, down from 1,075 such incidents in 2018.

An NGO operating a hotline for victims of racist incidents reported receiving approximately 1,950 complaints in 2019. It reported that racist internet postings comprised 1,070 of the cases and were mostly directed against Muslims and migrants.

The Islamic Faith Community's documentation center, established for tracking anti-Muslim incidents, reported receiving 1,051 complaints in 2019, a 94.6 percent increase compared with the 540 complaints received in 2018. Some 700 of the reported incidents took place on digital media. Incidents included verbal abuse and anti-Muslim graffiti. According to the Islamic Faith Community's report, women

were more likely to face discrimination in person, while men were more likely to face discrimination online.

Human rights groups continued to report that Roma faced discrimination in employment and housing. Government programs, including financing for tutors, helped school-age Romani children move out of “special needs” programs and into mainstream classes. NGOs reported that Africans living in the country were also verbally harassed or subjected to violence in public.

NGOs continued to criticize police for allegedly targeting minorities for frequent identity checks. Racial sensitivity training for police and other officials continued with NGO assistance.

The Labor and Integration Ministries continued 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.

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.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

Antidiscrimination laws apply to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There were no cases of police or other government agents inciting, perpetrating, condoning, or tolerating violence against LGBTI individuals or those reporting on such abuse. There was some societal prejudice against LGBTI persons but no reports of violence or discrimination based on sexual orientation or gender identity. LGBTI organizations generally operated freely. Civil society groups criticized the lack of a mechanism to prevent service providers from discriminating against LGBTI individuals.

In August a 26-year-old Syrian living in Austria defaced the walls of an LGBTI community center in the Styrian capital Graz. Police arrested the perpetrator, who also attempted to attack the president of the Graz Jewish community. In September speakers at a demonstration against COVID-19 restrictions tore apart an

LGBTI flag, shouting, “Children need to be protected against child molesters.” A Vienna Green politician filed incitement charges against the speakers.

## **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. The law 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 that covered all categories of workers. Resources, inspections, and remediation were adequate. Penalties for violations were of civil nature, with fines imposed, and were commensurate with those under other laws involving denials of civil rights. Administrative, registration, 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 and employers recognized the right to strike and respected freedom of association and the right to collective bargaining. 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. 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. The government initiated forced labor awareness campaigns and workshops. Penalties ranged from six months’ to five years’ imprisonment for offenses involving an adult victim and from one to 10 years’ imprisonment for those involving a child victim and were commensurate with those for similar crimes.

NGOs noticed an upward trend in labor trafficking. Traffickers exploited men and women from Eastern Europe, Southeast Asia, and China in forced labor, primarily in restaurants, construction, agriculture, health care, and domestic service, including in diplomatic households. Seasonal migrants were especially vulnerable to labor trafficking, particularly during the harvest seasons. Traffickers exploited children, persons with physical and mental disabilities, and Roma in forced begging.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits all of the worst forms of child labor. The minimum legal working age is 15, with the exception that children who are at least 13 may engage in certain forms of light work on family farms or businesses. Children 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 they are subject to additional restrictions on hazardous forms of work or for ethical reasons. Restrictions for hazardous jobs include work with materials considered dangerous for children, work in the sawmill business, on high-voltage pylons, and specified jobs in the construction business.

The labor inspectorate of the Ministry of Labor, Family, and Youth is responsible for enforcing child labor laws and policies in the workplace and did so effectively. Penalties in the form of fines may be doubled in cases of repeated violations of the child labor code. Penalties were commensurate with those for other analogous crimes.

### **d. Discrimination with Respect to Employment and 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, religion, age, or world view. The government effectively enforced these laws and regulations. Penalties for violations were commensurate with laws relating to civil rights.

Discrimination in employment and occupation occurred with respect to women, persons with disabilities, and members of certain minorities. A Muslim

community office focused on documenting anti-Islamic acts reported discriminatory hiring practices against Muslim women wearing headscarves when trying to obtain a retail or customer service position. Companies sometimes preferred to pay a fine rather than hire a person with a disability.

The law requires equal pay for equal work, but women occasionally experienced discrimination in remuneration. Persons with disabilities had difficulty accessing the workplace. 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, despite being better qualified than their competitors. The courts may also order compensation for women denied a post despite having equal qualifications.

#### **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. 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 agreements set wages above the poverty line except in a few cases.

The law in general provides for a maximum workweek of 40 hours, although collective bargaining agreements establish 38- or 38.5-hour workweeks for more than half of all employees. Regulations to increase workhour flexibility allowed companies to increase the maximum regular time from 40 hours to 50 hours per week with overtime. A law that entered into force in 2019 allows work hours to be increased to a maximum of 12 hours per day and 60 hours per week, including overtime, but employees can refuse, without providing a reason, to work more than 10 hours per day.

Overtime is officially limited to 20 hours per week and 60 hours per year. The period worked must not exceed an average of 48 hours per week over a period of 17 weeks. Some employers, particularly in the construction, manufacturing, and information technology sectors, exceeded legal limits on compulsory overtime. Sectors with immigrant workers were particularly affected. Collective bargaining agreements can specify higher limits. An employee must have at least 11 hours off

between workdays. Wage and hour violations can be brought before a labor court, which can fine employers who commit violations. Penalties were commensurate with other similar crimes.

Foreign workers in both the formal and informal sectors made up approximately 19 percent of the country's workforce. Authorities did not enforce wage and hour regulations effectively in the informal sector.

The labor inspectorate effectively enforced mandatory occupational health and safety standards, which were appropriate for the main industries. The number of inspectors was sufficient to deter violations. Inspectors have the authority to make unannounced inspections and initiate sanctions. Resources and remediation remained adequate. In cases of violations resulting in serious injury or death, employers may be prosecuted under the penal code. Penalties are commensurate with those for other crimes, such as negligence.

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, risk assessment, and plus evaluation; preventing work-related illnesses and occupational diseases; providing training as well as information on occupational safety and health; and improving the training of prevention experts. In 2018 a total of 148 workers died in industrial accidents.

Workers could file complaints anonymously with the labor inspectorate, which could in turn 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. Workers generally had to pay into the system in order to receive health-care benefits, unemployment insurance, and pensions, although persons who were not working could qualify for coverage in certain cases.

Workers could 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.