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2022 Country Report on Human Rights Practices: Austria

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 2019 and presidential elections in October were considered free and fair.

The federal police maintain internal security and report to the Ministry of the Interior. The armed forces have some domestic security and disaster response responsibilities and report to the Defense Ministry. Civilian authorities maintained effective control over the security forces.

Significant human rights issues included credible reports of: crimes involving violence and threats of violence targeting Muslims and Africans; violence and threats of violence motivated by antisemitism; and crimes involving violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

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

Section 1. Respect for the Integrity of the Person

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.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

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. Human rights monitors report an average of 300 complaints of police mistreatment are filed in the country annually; these are generally investigated internally with minimal public information or oversight. Convicted police officers generally received only suspended sentences.

Media and nongovernmental organizations (NGOs) alleged police used excessive force against participants at a May Day rally in Vienna on May 1, with several injured. Those police involved were prosecuted on various charges, including bodily injury. They were found guilty; two were sentenced to prison terms and received suspended sentences.

Prison and Detention Center Conditions

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

Administration: Authorities conducted investigations of credible allegations of mistreatment.

Independent Monitoring: The government permitted visits by the 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. Pretrial detention may last up to one year for crimes punishable by a term of imprisonment less than five years, or up to two years for crimes punishable by a term of imprisonment exceeding five years. House arrest can be ordered in defined circumstances. There is a functioning bail system. Police and judicial authorities generally respected these laws and procedures.

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 (at most 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.

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 Seizure and 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. 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 in July 2020, can be found on the State 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

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Freedom of Expression: 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 the denunciation of religious teachings (blasphemy) are criminal offenses and are prosecuted. 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

The government did not restrict or disrupt access to the internet but occasionally censored online content in line with European Court of Justice jurisprudence. 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 or sites that incited violence. 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.

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. Some NGOs criticized the government for banning several demonstrations to protest COVID-19 pandemic measures. The government cited reports that previous gatherings organized by the same groups were marred by acts of violence and offenses under the law prohibiting Holocaust denial and minimization of Nazi atrocities.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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

Safe Country of Origin/Transit: EU regulations provide that asylum seekers who transit an EU country determined to be "safe" on their way to their destination country can be returned to the transit country to apply for refugee status. Authorities considered signatories to the 1951 Refugee Convention and its 1967 Protocol to be safe countries of transit.

Abuse of Migrants and Refugees: According to UNHCR, in October more than 1,000 unaccompanied minors were lodged in inadequate accommodations. Representatives from UNHCR, UNICEF and the International Organization for Migration expressed concern that minors' guardians were not qualified to minimize the risk of child trafficking. Minors were not systematically tracked until they were admitted to a provincial care facility, which could take several months. The government believed that most minors only transited the country, but was unable to track fully their movements, in part because of EU regulations prohibiting collection of biometrics for persons younger than 14.

Freedom of Movement: By law asylum seekers' may move freely only in the district of the reception center that processes their initial application,

until Austria's responsibility (vice that of a country transited by the applicant) for examining the application is determined. Authorities have 20 days in which to determine the country's responsibility for the case.

Employment: Asylum seekers are eligible for work three months after being admitted to the asylum procedure, provided they can obtain an employment permit, which must be requested by their potential employer. Without an employment permit, asylum seekers are eligible for seasonal work, low-paying community service jobs, or professional training in sectors that require additional apprentices.

Access to Basic Services: Asylum seekers receive accommodation and food and have access to health care services, education, counseling, subsidies for clothing and school supplies, and in some provinces may receive language training and a small allowance. The Ministry of Labor and the Ministry for Women, Family, Youth, and Integration continued providing German-language instruction and skilled labor training to young persons with immigrant backgrounds. Preschool programs, including some one- and two-year pilot programs, sought to remedy language deficiencies for non-native German speakers.

Durable Solutions: While the government processes and grants applications for asylum, there was no active program for resettlement of refugees, and UNHCR was not involved in the refugee or asylum process in the country. The integration section in the Ministry for Women, Family, Youth, and Integration at the Federal Chancellery, together with the government's Austrian Integration Fund, and provincial and local integration offices, coordinated measures for integration of refugees.

Temporary Protection: The government provided temporary protection to individuals who did not qualify as refugees but were beneficiaries of subsidiary protection, which is granted to an individual whose asylum application has been rejected but whose life or health is under threat in the country of origin. The status of subsidiary protection, initially valid for one year, can be extended if the adverse conditions continue to persist. According to the Ministry of Interior, between January and November, the government provided temporary protection to 4,950 individuals.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

According to the government's statistical office, as of January 1 there were 18,884 persons in the country registered as stateless or having unknown citizenship. The government categorized 4,491 of these individuals as stateless persons, 751 as having unknown citizenship, and 13,642 as persons of undetermined citizenship. Stateless persons in the country were largely Austrian-born children of foreign nationals who were unable to acquire their parents' citizenship 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 in the country. Stateless persons can receive temporary residence and work permits that must be renewed annually. On March 23, parliament amended the Austrian Citizenship Act so that those born in the country who would otherwise be stateless may apply for nationality after a three-year period, bringing the provision in line with the minimum requirement of the 1961 Convention.

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 parliamentary elections in 2019 and presidential elections in 2022. 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 historically marginalized groups in the political process, and they did participate. Women's participation in government at the national level has increased steadily, with their representation in the lower house of parliament growing from 27 percent in 2008 to 39 percent in 2019. Although gender quotas were not legally mandated, three of the country's largest political parties had longstanding voluntary quotas for their national candidacies. A 2019 law provides a 3 percent funding bonus to political parties whose parliamentary representation is more than 40 percent female. After the Green Party joined the coalition government in 2020, eight of 18 federal ministers and state secretaries were women, including the defense minister, justice minister, EU minister, and energy minister. Women's political leadership at the subnational level remained low; only one governor (out of nine) was a woman and only two of the country's 10 most populous cities had a woman mayor.

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.

There were reports of government corruption during the year. The Ministry of Justice's 2020 annual report disclosed that it had investigated 2,031 allegations of corruption in 2020, of which 1,594 were closed without prosecution, 249 resulted in convictions, and 93 resulted in acquittals. As of year's end, the 2021 report was not available.

Corruption: In August 2021, a Vienna court sentenced the former vice chancellor and former leader of the Freedom Party, Heinz-Christian Strache, to a 15-month suspended prison term for trying to initiate legislation to benefit the owner of a private hospital who donated 12,000 euros (\$12,900) to Strache's party. Strache appealed the verdict. In August the Higher Regional Court revoked the verdict because of insufficient consideration of exculpatory evidence, with the trial to be repeated. In a separate corruption case, in July a court acquitted Strache due to lack of evidence.

Following former Chancellor Sebastian Kurz's resignation in 2021 in the wake of corruption allegations, prosecutors expanded their investigations to include additional Kurz allies. In parallel with these criminal proceedings, parliament is conducting its own investigations of allegations of corruption in Kurz's Austrian People's Party. Prosecutors continued investigations into appointments of party affiliates to the partly state-owned Casinos Austria company and the government holding company Austria Holding PLC (ÖBAG).

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several 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 ombudsperson's office consisting of three independent commissioners examines complaints against the government. The Austrian Ombudsperson Board is independent and has its own budget. Each of the country's three largest political parties appoints one member, who are then confirmed by parliament. The board effectively monitored government activities, although civil society organizations have called for a single ombudsperson without ties to a political party.

In addition to the ombudsperson's board, a parliamentary human rights committee also provides oversight of the government's actions with

respect to human rights.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of a person, regardless of gender, including spousal rape, is punishable by up to 15 years' imprisonment; domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury. The government generally enforced the law, and the law enforcement response to rape and domestic violence was generally effective. Police can issue and courts may extend an order barring abusive family members from contact with survivors. Police referred survivors of domestic violence to special shelters.

Under the law, the government provides psychosocial care in addition to legal aid and support throughout the judicial process to survivors of gender-based violence. Police training programs addressed gender-based violence, including sexual and domestic violence. The government funded privately operated intervention centers and 24/7 hotlines for survivors of domestic violence.

Studies published by different NGOs in 2021 and 2022, including those by Vienna's Ludwig Boltzmann Institute for Fundamental and Human Rights and the Association of Austrian Women's Shelters, showed that the number of cases of domestic violence increased during the COVID-19 pandemic, while access to support services was hindered by lockdowns and similar preventive measures.

Sexual Harassment: The law prohibits sexual harassment of both men and women and the government generally enforced the law. Labor courts may order employers to compensate survivors of sexual harassment; the law entitles a survivor to monetary compensation. The Ministry for Women, Family, Youth and Integration and the labor chamber regularly provided information to the public on how to address sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. There are no legal barriers or government policies that adversely affected access to contraception. The government provided access to sexual and reproductive health services for survivors of sexual violence, and emergency contraception was available as part of the clinical management of cases of rape. Access to emergency health care, including services for the management of complications arising from abortion, was available.

Discrimination: The law provides the same legal status and rights for women and men, including under family, religious, personal status, and nationality laws, as well as in laws related to labor, property, inheritance,

employment, access to credit and owning or managing businesses or property. The government enforced the law effectively. Women, particularly women from historically marginalized communities, were subject to some discrimination in pay and employment in certain occupations (see section 7.d.).

Systemic Racial or Ethnic Violence and Discrimination

Laws to protect members of racial or ethnic minorities or groups from violence and discrimination are in place, and the government enforced them effectively. 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. (See section 2.a.).

At the beginning of 2021, a set of anti-hate crime laws came into effect, introducing new regulations in criminal, civil and procedural law. The Interior Minister's 2021 report on hate crimes listed 5,464 cases, of which 2,091 involved physical violence.

In 2021, the motives behind hate crimes (multiple motives can apply to one case) that were prosecuted were recorded as follows: Ideology/Worldview (2,052); National/Ethnic Origin (1,874); Religion (750); Skin Color (408); Sexual Orientation (376); Gender (354); Social Status (287); Age (266); and Disability (252). The NGO ZARA, which operated a hotline for victims of racist incidents, reported receiving 2,743 complaints of threats and harassment in 2021, down from 3,039 complaints in 2020. It reported that 2,125 of the cases were based on internet postings, compared to 2,148 in 2020. The volunteer-run Documentation Center on Islamophobia and Anti-Muslim Racism, known as Dokustelle, reported receiving 1,061 complaints of threats and harassment in 2021, a 33.4 percent increase over the 1,402 complaints received in 2020. Some 65 percent of the reported incidents took place online.

Human rights groups continued to report that Roma and Sinti faced discrimination in employment and housing. NGOs reported that Africans living in the country were also verbally harassed or subjected to violence in public.

NGOs continued to assert that police targeted members of minority groups for disproportionately frequent identity checks. The government continued training programs to combat racism among police forces and educate police in cultural sensitivity.

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. Some NGOs and the liberal political party NEOS demanded abolition of the early marriage exemption considering recorded cases in which girls aged 16 to 18 were forced by their parents to marry against their will.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation, sale, grooming, and offering or procuring children for commercial exploitation, including child sex trafficking and practices related to child pornography; authorities generally enforced the law effectively. 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. Possession of or trading in child pornography is punishable by up to 10 years' imprisonment. In 2021, 1,921 reported cases of child pornography resulted in 839 convictions. Although prostitution is legal, the government has taken robust action to combat child sex trafficking.

Antisemitism

According to figures compiled by the Jewish Community of Vienna (IKG), there were between 13,000 and 14,000 Jews in the country, of whom 12,000 were in Vienna and 8,000 were members of the IKG.

The IKG expressed concern that the COVID-19 crisis led to a further increase of antisemitism. The Reporting Office for Anti-Semitism of the IKG reported 965 antisemitic incidents during 2021, compared with 585 in 2020, an increase of 65 percent. These included physical assaults in addition to name-calling, graffiti and defacement, threatening letters, dissemination of antisemitic texts, property damage, and vilifying letters and telephone calls. Of the reported incidents, 12 were physical assaults, 22 involved in-person threats and insults, 261 were letters and emails, 95 were cases of vandalism, and 575 involved insulting/abusive behavior. The government enforced the laws against antisemitism effectively. The government provided police protection to the IKG's offices and other

Jewish community institutions, such as schools and museums. The IKG noted that a plurality of antisemitic incidents involved neo-Nazi and other related right-wing extremist perpetrators (48 percent of the cases) but reported that a substantial number of incidents involved left-wing (15 percent) or Muslim (11 percent) perpetrators.

In October 2021, a Syrian immigrant was sentenced to three years in an institution for mentally challenged offenders for a 2020 physical attack on a Graz Jewish community leader. Government officials roundly condemned antisemitic attacks when they occurred.

From September 2020 – the date a law extending citizenship to descendants of Austrian victims of National Socialism entered into force – to September 2022, approximately 14,000 foreign-born persons received citizenship under this law.

Trafficking in Persons

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

Acts of Violence, Criminalization, and other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: There were no reports of police or other government agents inciting, perpetrating, condoning, or tolerating violence against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals or those reporting on such abuse.

There were some reports of violence based on sexual orientation or gender identity, including during the Pride Parades. NGOs reported increased desecrations of LGBTQI+ symbols such as pride flags and pride-themed crosswalks.

The Federal Chancellery operates a 24/7 hotline for anonymous reporting of crimes against LGBTQI+ individuals and offers counseling to callers.

Discrimination: Federal law prohibits discrimination against LGBTQI+ persons by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognizes LGBTQI+ individuals, couples, and their families. The government enforced such laws. Laws at the provincial level prohibit discrimination by state and nonstate actors against LGBTQI+ persons, including with respect to essential goods and services such as housing, employment, and access to government services such as health care. There was some societal prejudice against LGBTQI+ persons. Civil society groups noted there was

no federal mechanism to prevent service providers from discriminating against LGBTQI+ individuals.

In May, the government lifted a de facto ban on gay, bisexual, and transgender persons donating blood.

In July the center-right People's Party, the Social Democratic Party, the Greens, and the liberal NEOS (name of the party, not an acronym) formed a Parliamentary LGBTQI+ Action Group.

Availability of Legal Gender Recognition: Citizens may change their gender legally on official documents. Individuals may self-identify without providing medical or other documentation. Intersex persons have a right to have their own gender category ("3rd gender"). The regulations require intersex persons to first provide a medical assessment of their sex characteristics.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Per a Constitutional Court ruling, intersex constitutes an alternative sex development and not an expression of a pathological development. As such, medical personnel should avoid sex-assignment medical interventions on newborns and children unless medically necessary.

Restrictions on Freedom of Expression, Association, or Peaceful Assembly: LGBTQI+ organizations generally operated freely. LGBTQI+ individuals faced no legal restrictions on freedom of expression. The government did not prevent LGBTQI+ organizations from legally registering or convening meetings. The City of Vienna provides financial and other support for Pride festivities. LGBTQI+ individuals and organizations held rallies and public meetings without major incident.

Persons with Disabilities

The law mandates that persons with disabilities can access education, health services, public buildings, and transportation on an equal basis with others. Government information and communication on disability issues is provided in accessible formats. The government generally enforced these aspects of the law effectively. While the federal ombudsperson for disabled persons has noted most buildings comply with these regulations, NGOs complained some public buildings still lacked such access.

The Ministry of Social Affairs, Public Health, Care, and Consumer Protection was responsible for implementing the law. 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.

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not always effectively enforce these anti-discrimination provisions. Employment discrimination against persons with disabilities occurred (see section 7.d.). There were no government actions that limited participation of persons with disabilities in civic life, including the ability to vote.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right 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. All enterprise-level unions are part of the Austrian Trade Union Federation, which supports the individual unions in collective bargaining negotiations. Unions were technically independent of government and political parties, although unions in some sectors were closely associated with parties.

The government effectively enforced the laws on freedom of association, collective bargaining, and the right to strike. Penalties for violations were of a 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 effectively enforced laws protecting unions from interference and workers from retaliation for union activities. Penalties were regularly applied against violators.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes 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 minor victim and were commensurate with those for similar crimes.

NGOs noticed an upward trend in labor trafficking in recent years due to organized crime in Eastern Europe. Traffickers were reported to exploit 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 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 who are 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 work or work that is detrimental to ethics and morals. Restrictions for hazardous jobs include work with materials considered dangerous for children, work in sawmills, on high-voltage pylons, and in specified construction jobs.

The labor inspectorate of the Ministry of Labor is responsible for enforcing child labor laws and policies in the workplace and did so through regular and thorough checks of workplaces and special youth advisors in companies. 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 analogous crimes.

Child labor occurred, but mostly in the context of working in a family business for longer than permitted hours. Minors were trafficked to the country and subjected to forced begging and occasionally sexual exploitation. Forced labor or exploitation of minors is treated under the criminal code as trafficking in persons, with criminal penalties of one to 10 years in prison, double the penalty for forced labor or exploitation of adults. Penalties were regularly applied to violators.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination based on race, color, sex (including pregnancy), gender, disability, language, sexual orientation, gender identity, HIV-positive or AIDS status, ethnicity, religion, age, world view, or refugee or stateless status. The law does not address national origin. The government effectively enforced these laws and regulations. Penalties for violations were commensurate with laws relating to civil rights. Penalties were regularly applied against violators.

Discrimination in employment and occupation occurred against women, persons with disabilities, and members of certain minorities (see section

6). Muslim women wearing headscarves sometimes encountered discrimination 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 pay discrimination. Persons with disabilities had difficulty accessing the workplace (see section 6). Women employees in the private sector may file suit against the employer or register a complaint with the Federal Equality Commission, which can 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

Wage and Hour Laws: There is no legislated national minimum wage. Nationwide collective bargaining agreements covered 98 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 or custodial staff, wages were generally lower than those covered by collective bargaining agreements. The agreements set wages above the poverty line except in a few cases, such as for apprentices early in their programs.

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 implemented in 2018 to increase workhour flexibility allow companies to increase work hours to a maximum of 12 hours per day and 60 hours per week, for a short period of time and if they can provide a valid reason. Overtime takes effect after 40 hours. Employees can refuse, without providing a reason, to work more than 10 hours per day. The law previously allowed work hours to be increased to a maximum of 50 hours per week.

Some employers, particularly in the construction, manufacturing, and information technology sectors, exceeded legal limits on compulsory overtime. 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.

Sectors with immigrant and migrant workers were particularly prone to violations of wage and hour regulations. Foreign workers in both the formal and informal sectors made up 19 percent of the country's workforce. They constituted 21 percent of officially employed persons and 35 percent of unemployed persons. There were concerns that some migrant workers, especially those in the childcare industry, were misclassified as independent contractors instead of employees.

Consequently, these workers did not have access to social safety net benefits, such as unemployment insurance, as well as other benefits, such as paid leave.

Occupational Safety and Health: In accordance with applicable federal laws, the labor inspectorate effectively established mandatory occupational safety and health (OSH) standards appropriate for the main industries. OSH experts actively identified unsafe conditions, including lack of COVID-19 protective equipment, in addition to responding to workers' OSH complaints. In cases of violations resulting in serious injury or death, employers may be prosecuted under the penal code. In 2021, 123 workers died in industrial accidents, up from 113 in 2020. Hazardous sectors where the most accidents occurred include construction, agriculture, and forestry.

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 a nongovernmental workers' advocacy group and the Chamber of Labor, which filed suits on their behalf.

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.

Wage, Hour, and OSH Enforcement: The labor inspectorate effectively enforced mandatory wage, hour, and OSH standards. 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. Penalties for wage, hour and OSH violations were commensurate with those for similar crimes. Penalties were regularly applied against violators.

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