



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Austria
<b>Title:</b>	Parliament passes "Anti-Face Covering Act", coming into force 1 October 2017
<b>Date:</b>	30 June 2017
<b>Expert:</b>	Schindlauer, Dieter
<b>Update of news report:</b>	Council of Ministers adopts bill on banning face-covering clothes from public spaces and buildings (11 May 2017)
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Ban on face-covering clothes in public
<b>Ground of discrimination:</b>	Religion/belief; ethnic origin
<b>Source:</b>	Official Federal Law Gazette; BGBl I Nr. 68/2017
<b>Field:</b>	All fields
<b>Applicable law:</b>	Anti-Face Covering Act, BGBl I Nr. 68/2017, from 8 June 2017, coming into force by 1 October 2017

### Content

On 16 May 2017, the Austrian Parliament adopted a law prohibiting face-covering in public. The bill was originally proposed by the Minister of Foreign and European Affairs and Integration and is called "Anti-face-covering Act" (Anti-Gesichtsverhüllungsgesetz; long title: Federal Act on the prohibition of covering the face) which aims to make it a punishable act (administrative fine of up to 150 Euros) "to cover one's facial features by means of clothing or other means in such a way that they are no longer recognisable in public space or public buildings." (§ 2 Anti-Face-Covering Act).

The Act was published in the Official Federal LAW Gazette on 8 June 2017 and will come into force on 1 October 2017.

**Key points of analysis:** The bill received an impressive amount of expressly negative statements and expert opinions during the official comments phase; nevertheless, the Parliament adopted it. In its preparatory explanatory notes and in its § 1, the bill says about its purpose: "The aim of this federal law is the facilitation of integration via the strengthening of participation in the societal living together. Integration is a process involving society at large while its success depends on the cooperation of all persons living in Austria. It is based on personal interaction." The law, therefore, is clearly targeting only Muslim headgear for women, like burqa or niqab. Although the provision does not explicitly refer to religious clothing, the public debate was entirely on a "ban on burqas". It is very obvious that the Act was modelled in detail after the legal situation set out in the ECtHR case *S.A.S. v. France* – where even the maximum administrative fine is set at the same amount of EUR 150.<sup>1</sup> It has to be stressed, though, that Austria, unlike France, Turkey, or Belgium can by no means claim to be a secular or even laicist system as the bonds between the Roman Catholic Church, hence the Holy See, and the state are

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<sup>1</sup> France; loi n° 2010-1192 du 11 octobre 2010 interdisant la dissimulation du visage dans l'espace public.

manifold and strong (e.g.: obligatory crucifixes in classrooms, public holidays reflecting Christian holidays, etc.).

**Internet link:**

[https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA\\_2017\\_I\\_68/BGBLA\\_2017\\_I\\_68.html](https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2017_I_68/BGBLA_2017_I_68.html) (Official Federal Law Gazette I Nr. 68/2017; German).