

March 2020 Edition

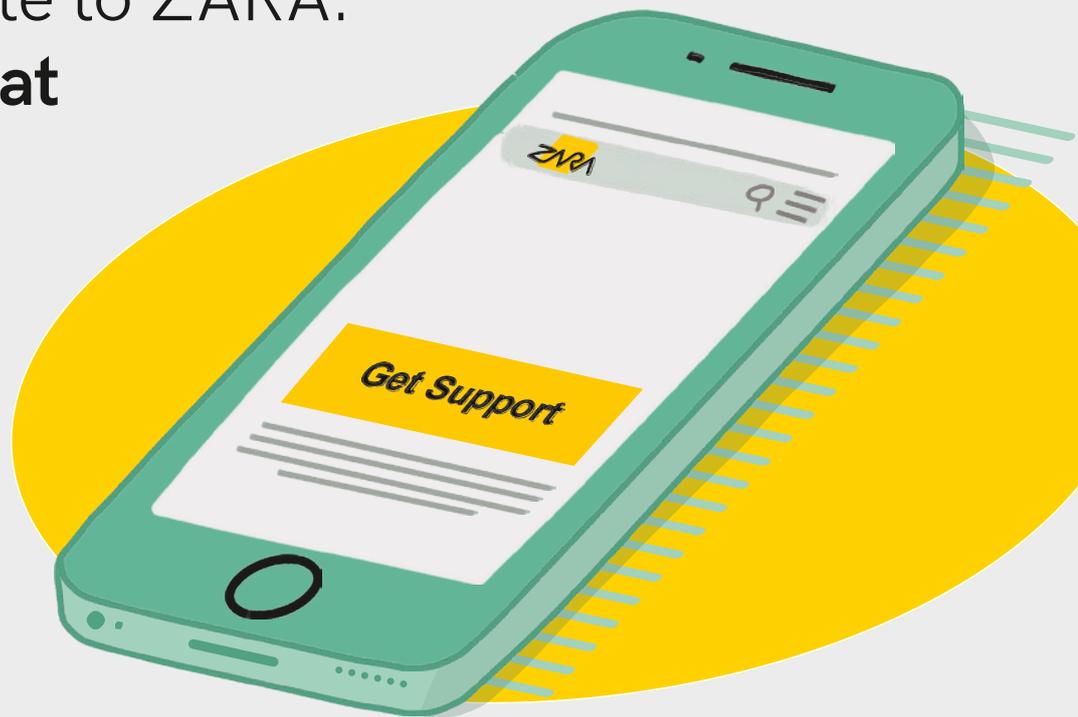
# Racism Report 2019

Analysis on racist attacks  
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## ZARA's Values

The interests of the people who contact the ZARA Counselling Unit are our first priority: Their statements are met with trust and understanding, and they are taken seriously. However, they are not adopted uncritically. As part of further steps, ZARA always endeavours to also take into account the "opposite party's" or a third party's point of view. Therefore, our counsellors cannot guarantee that the information provided to them – from various sides – is always "truthful." With the publication of individual case reports concerning incidents of racism, ZARA finds itself in the middle of the anti-racist dilemma, where it sometimes is necessary to reproduce racisms and racist language in order to make racism visible and, thereby, to be able to fight it.

The terms *Black* and *White*<sup>1</sup> are capitalised in this report to show that they do not refer to biological categorisations, let alone real skin colours. The term *Black* is a self-designation that relates to the shared experiences of people. The term *White* refers to the social, economic, and political privileges of certain people and their historically developed more powerful position within society.

→ ZARA's demands  
(→ ZARA's Demands 2020, p. 86)

→ Further information  
(→ Racist Incidents, p. 40)

1 For more information on this subject, see: Tupoka Ogette (2017): exit RACISM. rassismuskritisch denken lernen. Münster: UNRAST-Verlag. p. 77.

# There must always be space and time to say thank you.

The editorial team of the ZARA Racism Report 2019 would like to thank all the employees of the ZARA Counselling Unit for Victims and Witnesses of Racism. The ZARA counsellors work every day to ensure that people affected by racism are offered the support they need. This report is based on their counselling and documentation work and, thus, on their experiences and expertise.

A very special thank you goes to the ZARA volunteers. Without them, our work and the preparation of the Racism Report 2019 would not have been possible.

We also would like to say thank you to the ZARA trainers, who take ZARA's principles and priorities out into the world. With their prevention work, which takes place in so many different areas and places, they encourage critical reflection, convey what civil courage means, and, thereby, fight racism – both online and offline.

Furthermore, on behalf of the entire ZARA team, the editors would like to thank all partner organisations (near and far) and all the people who, in different ways, are committed to fight racism and to break up existing power structures. A special thanks goes to our guest authors who have significantly enriched this report with their contributions.

Last but not least, we would like to thank all those who have placed their trust in ZARA during the last 20 years, who have turned to our counselling unit in difficult situations, and who, thus, have contributed to fighting racism.

**Together and united, we can achieve even more.**

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# Contents

## **12 Editorial**

- 14 Statistics 2019
- 15 Case Data from 20 Years of Counselling

## **16 20 Years of Anti-Racism Work**

- 16 Between Stagnation and Change

## **20 20 Years of Racism in Austria**

- 20 Racism in a Globalised and Digitalised World
- 22 ZARA's Relationship with the Police
- 26 We Should Not Talk People Down, Making Them Weak and Unworthy,  
to Make Ourselves Stronger
- 28 20 Years of Racism in the Media

## **32 Racism in the Current Discourse**

- 32 More Racism, Integration Failed?
- 34 Why We ALL Have to Deal with Anti-Muslim Racism

## **36 Spheres of Life 2020**

## **40 Racist Incidents**

- 40 Public Sphere
  - Racist Smearings
- 46 Internet
- 50 Politics and the Media
- 53 Police
- 58 Public Authorities and Institutions
- 62 Employment and Entrepreneurship
- 66 Goods and Services
  - Living and Neighbourhood
  - Retail, Gastronomy, and Other Commercial Services
- 72 Racist Reactions to Anti-Racism Work
- 74 Best Practice Examples of Civil Courage

## **75 Training Materials: Civil Courage**

## **79 Glossary**

## **85 Partner Organisations**

## **86 ZARA's Demands 2020**

# Editorial

Dear readers,

**Caroline Kerschbaumer, Barbara Liegl, and Bianca Schönberger**

Managing Directors of ZARA and ZARA Training

**Mag.a Caroline Kerschbaumer, EMA,** is a legal expert, a graduate of the European Master for Human Rights and Democratisation, and a member of the Human Rights Advisory Board. Since 2009, she has been active at ZARA: She has been a trainer for many years, most recently, she was the head of the ZARA Counselling Unit, and since September 2019, she is one of the two managing directors of ZARA.

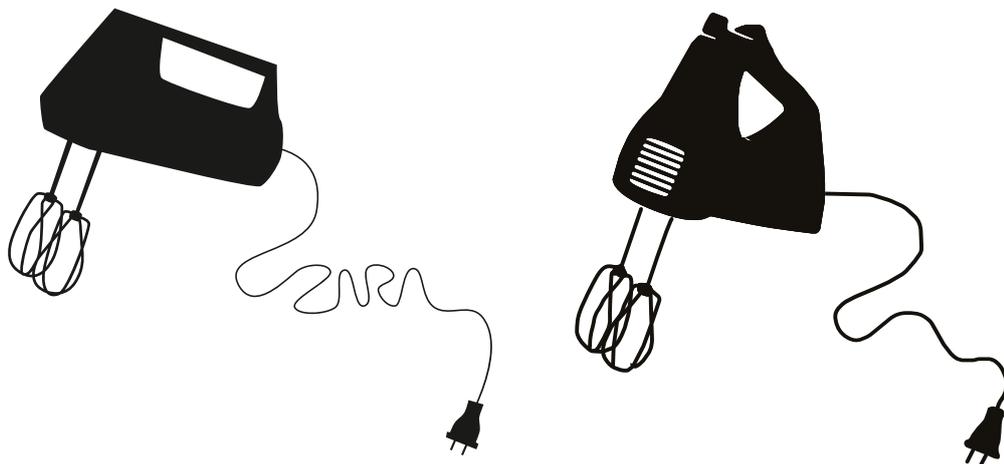
In your hands, you are holding the 20<sup>th</sup> ZARA Racism Report. 2019 was an anniversary year for ZARA, which we celebrated with a big, colourful, and loud party with the motto “Flout Racism” and and a much more serious symposium on the effectiveness of anti-racism work, where, among other things, the statement “Racism restricts the freedom of everyone” was coined. We would like to take the 20<sup>th</sup> anniversary of ZARA as an opportunity to look back on anti-racism work and the changes in racist discourses in Austria. It is our goal to counter racist discourses constructively, with ZARA being an important actor engaging in networking with like-minded people and organisations in the fight against racism.

There are various myths about the place where ZARA was founded. ZARA’s first support services for victims and witnesses of racism were offered in 1999 in a small side room of the office of SOS Mitmensch. As this year’s Racism Report shows, since then, the incidents reported to the ZARA Counselling Unit contentwise have not changed significantly, but ZARA changes all the time, rethinking and developing its services for victims

and witnesses of racism again and again. The EU Anti-Racism Directive, which was adopted in 2000, has improved the legal instruments for the fight against racial discrimination. But in view of new and increasingly occurring phenomena such as discrimination by algorithms, racism in social networks, and anti-Muslim racism, we see weaknesses in the existing legislation as well as in the application of the existing laws. Therefore, we always have to reconsider and develop our approaches and keep attentive. These constant adaptations are also reflected by our civil-courage emblem, which adorns the cover of this year’s Racism Report. In the beginning one-dimensional, the mixer has become more and more vivid over the years, lending even more emphasis to the call “Get active against racism.”

“Get active against racism” also became the maxim of a further field of work, which was soon added to ZARA’s portfolio of support services for victims and witnesses of racism: our educational work. This field of work grew rapidly – because civil courage is something that can actually be learned! Besides our focus on civil

**The evolution of the ZARA “Get involved against racism” mixer.**



courage, other fields of political and human rights-oriented educational work have been developed: projects, lectures, and workshops on the sensitive handling of diversity, argumentation trainings (which are not only helpful at the regulars' table of your local bar but also at family celebrations, parents' evenings, etc.), a workshop dealing with the Equal Treatment Act and further relevant legal texts, and finally, a few years later, for current – and sad – reasons, the workshop “Digital Civil Courage – Hatred on the Internet” (Digitale Zivilcourage – Hass im Netz), which was offered for the first time in 2013 to counter the rise of online incidents. Since 2014, our education work is independently organised through the ZARA Training GmbH and has been successively expanded from then on. In our anniversary year 2019, more people than ever took part in our trainings, educational projects, workshops, and lectures.

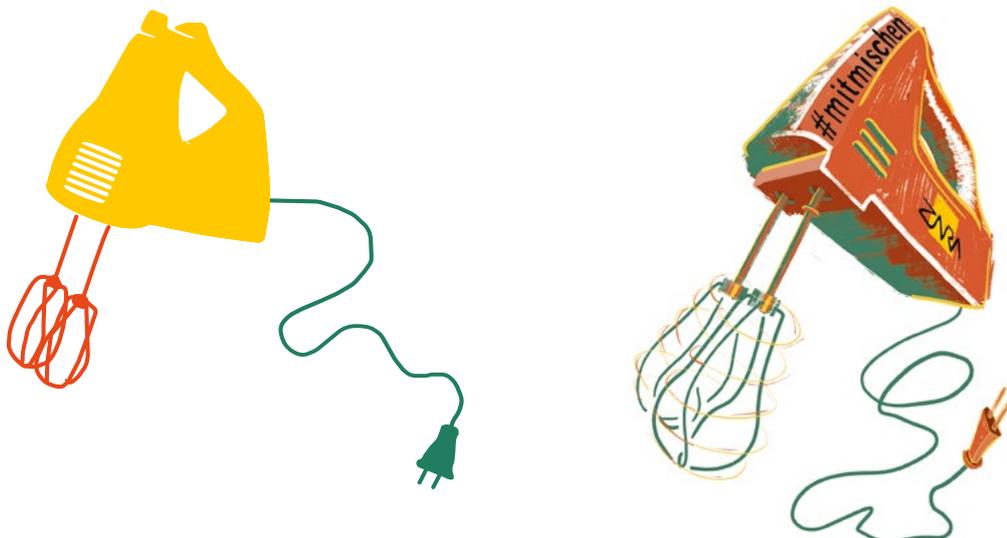
The year 2019 was characterised by a broad commitment to equal rights for all and against racial discrimination – a commitment that is carried by the wonderful ZARA team supported by members, donors, friends, and, most importantly, volunteers. As always, we owe them our greatest thanks!

It is exactly this commitment that is as important today as it was 20 years ago. In 1999, our main objective was to show that we have a problem with racism in Austria. Today, it is much more a question of paying attention so that racism does not become commonplace, that we do not get used to it, and that we do not stop seeing and perceiving racism. Above all, the flood of hateful language to which we are exposed daily – mostly through social media – has very serious effects on society as a whole. A study by the University of Warsaw<sup>1</sup> shows that the amount of hateful language that we encounter day by day has risen sharply in recent years. As a result, we are far less sensitive to discriminatory language and use it ourselves more often than just a few years ago. What we see is a “normalisation effect,” which means that, in the end, people begin to believe these statements and to change their views and opinions. This, in turn, leads to more prejudices and even aggression against discriminated groups. This is why we have to step up and do something – and that is exactly what we at ZARA see as one of our main tasks for the next 20 years. ■

**Dr.in Bianca Schönberger** studied contemporary history and politics in Tübingen and Oxford and has worked for various international and developmental organisations. Since February 2014, she is the managing director of ZARA Training.

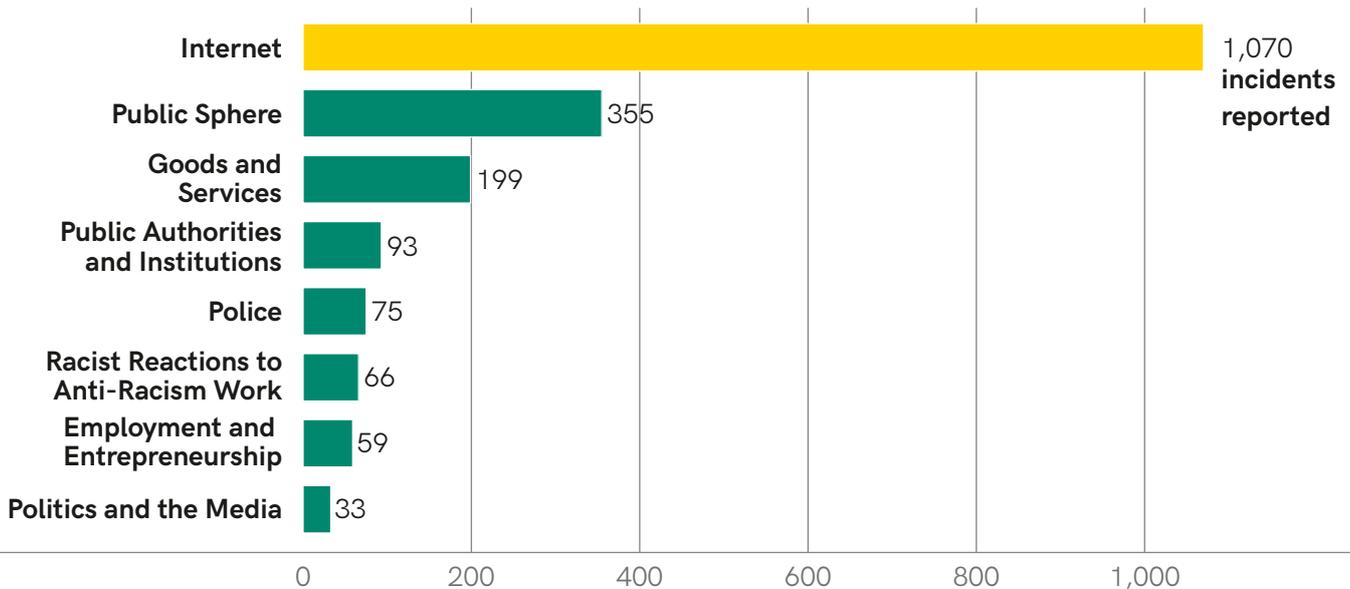
**Mag.a Barbara Liegl** is a political scientist and a human rights expert. Since November 2006, she is the head of the department Asylum, Anti-Discrimination and Diversity at the Ludwig Boltzmann Institute of Human Rights. In addition, she is one of the two managing directors of ZARA since 2019.

1 Wiktoria Soral / Michał Bilewicz / Mikolaj Winiewski (2017): Exposure to hate speech increases prejudice through desensitization. In: *Aggressive Behavior*, 2017, p. 1-17. <https://onlinelibrary.wiley.com/doi/epdf/10.1002/ab.21737>.

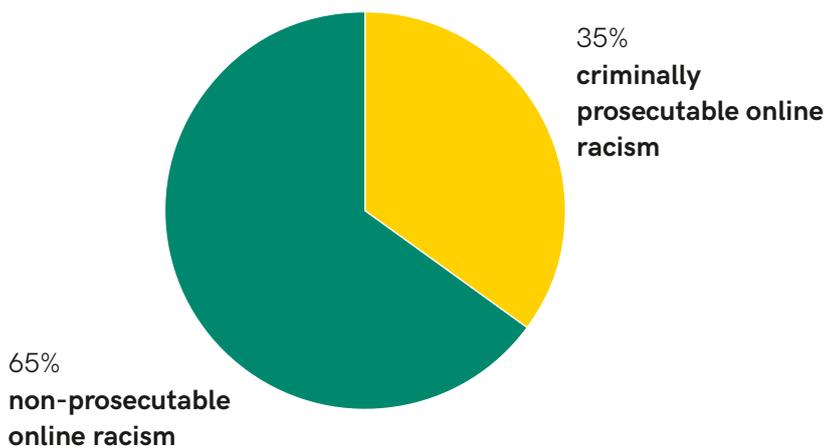


# STATISTICS 2019

**In 2019, ZARA dealt with a total of 1,950 racist incidents.**  
3 out of 5 racist incidents reported took place on the internet.



**More than one in three incidents of online racism reported are criminally prosecutable.**  
Racism on the internet calls for civil courage and objection.



*"The incitement to and the spread of hatred are the most common forms of online racism. Therefore, racism on the internet calls for online civil courage and objection. We advise and support in cases of online racism because nobody should deal with this alone."*

**Dilber Dikme,**  
Head of the ZARA  
Counselling Unit



# CASE DATA FROM 20 YEARS OF COUNSELLING

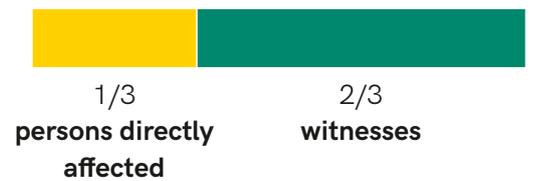
## Every incident is one too many.

Since its foundation in 1999, a total of 18,090 incidents of racism have been reported to the ZARA Counselling Unit.

**18,090**  
incidents reported

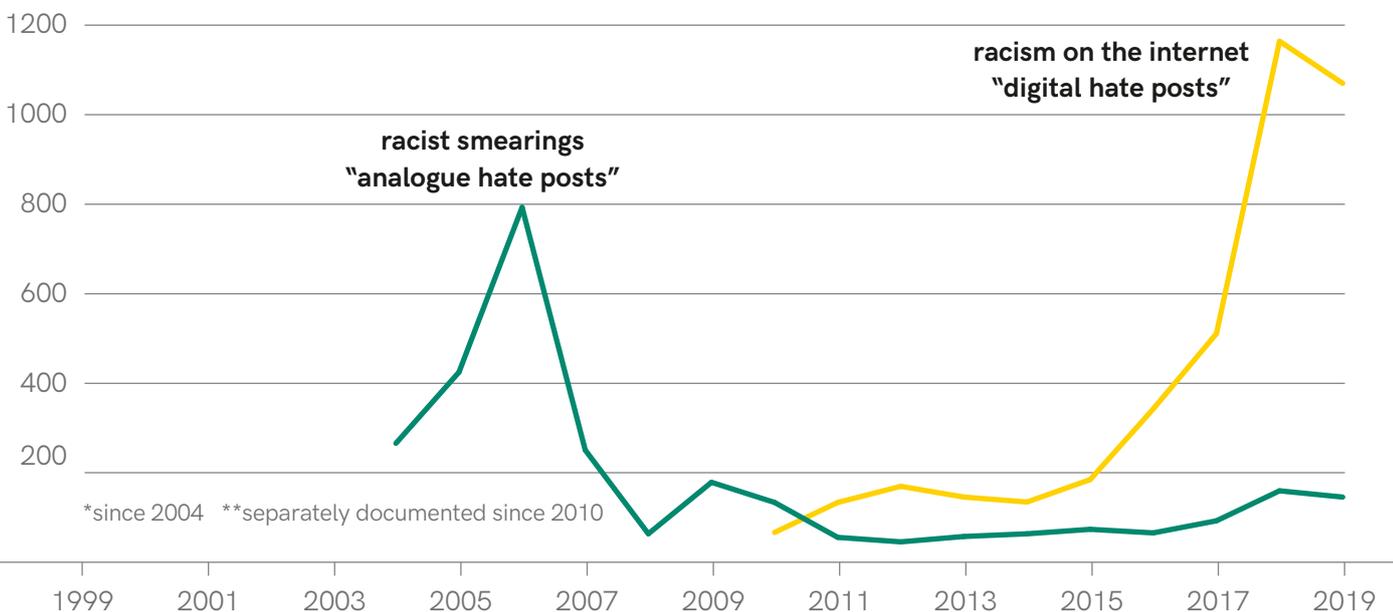
## Proportionately courageous.

Over the last 20 years, on average, one-third of the people that contacted ZARA were persons directly affected by racism and two-thirds were witnesses of racist incidents. This means that 18,090 times people have perceived racism, have made a stand against it, and have shown civil courage.



## Crime scene Public Sphere: from the walls to the internet

More than 40% of the racist incidents reported to ZARA took place in the Public Sphere. Reporting behaviour shows that the attention has shifted from racist smearings\* to racist hatred on the internet\*\* – from analogue to digital hate posts.



*"Since 2010, ZARA has been systematically documenting incidents on the internet. The number of incidents reported is increasing every year and has increased significantly after the establishment of the counselling unit #AgainstOnlineHate (#GegenHassimNetz) in 2017. The public awareness of the fact that the internet is not outside the law is increasing!"*

# Between Stagnation and Change

An insight into the field of anti-racism work in Austria

Many different people engage in anti-racism work, sometimes for years and decades, often on a voluntary basis. We have invited experts and representatives from different organisations to discuss and reflect on their work and to give insights into the phenomenon of racism. **Vanessa Spanbauer (ZARA) talked to Elif Adam (Dokustelle), Persy-Lowis Bulayumi (IDB), Mirjam Karoly (Romano Centro), and Denise Landau (formerly FGA) about groups of people affected by racism, the public discourse on racism, and their wishes for the future.**



**Elif Adam, MA, (Dokustelle)** is a cultural and social anthropologist. She works on a voluntary and professional basis at the intersection of anti-racism, political education, and empowerment, and is a co-founder and chairperson of the Dokustelle - Documentation and Counselling Centre on Islamophobia and Anti-Muslim Racism.

**Racism is still considered as something that comes from only a few "bad guys." How can we explain that it is a problem that concerns society as a whole?**

**Persy-Lowis Bulayumi:** Well, how do you, in general, explain an issue that concerns society as a whole? How do you break it down? What do I ultimately want to achieve? What is my goal in the conversation? And who is my target group? Racism is so complex that it is not easy to explain it in a minute. And it makes a difference whether I talk to experts or, for example, to a child who hears the term for the first time.

**Mirjam Karoly:** I think the key is personal consternation. Racism has many manifestations and is directed against different groups directly affected, but the system behind it is always the same. What it means when you are

affected somehow is maybe one way to explain why racism is a problem for society as a whole. We should move away from what is visible, like hate crimes, and instead create more awareness for the mechanisms within society and the discourses surrounding these. At the moment, the medial and political discourse is rather retrogressive, speaking very negatively about certain groups of people. This influences society. School is just as important because so much knowledge is passed on there, and "culture" is reproduced and represented.

**Elif Adam:** Incidents of racists who spit on someone or who verbally attack someone in an obviously racist way are individual racism and, therefore, only the tip of the iceberg. Underlying, there are many constructions that legitimise racism. The question is: How do these constructions arise? Who shapes our thoughts and opinions? Who can even speak for themselves? Which thoughts and opinions are racist per se? There is far too little talk about structural racism, which is partly responsible for and leads to "visible" racism. I think that there are people who deliberately do not want to be part of the debate and the discourse on this subject because this is how privileges are maintained. If we want to achieve equal opportunities throughout society, this means that privileges must be shared. When speaking about racism, what is often forgotten is the power component. Taking a look at these constructions, you

see that there is an imbalance – unequal distribution of resources and unequal opportunities as well as people who do not want to share.

**Denise Landau:** Talking to people who have not experienced racism personally or through friends or the media is very, very difficult. When we talk about racism as a problem for society as a whole, we also have to address the many idioms, which, unfortunately, are strongly anchored and are passed on from generation to generation. For example, if someone's grandfather said something inappropriate and nobody reflected on it, a person might think: "That's okay." But there are many idioms that are no longer okay today. Society as a whole does not see the problem because you only deal with a certain subject when it concerns you or when it is important to you and not when you are not directly affected.

**Persy-Lewis Bulayumi:** I would like to briefly come back to the topic of privileges: I find it very interesting what kind of privileges these are – because I think that if everything is fairly distributed, there is actually enough for everyone. Perhaps we should make that clear.

**Again and again, different constructed groups are brought into the focus of the medial debate: at the end of the 1990s, especially Black people, today, mostly Muslim women. Anti-Semitism and Antiziganism are permanent phenomena. How do you deal with these shifts in discourse, and what trends do you see?**

**Elif Adam:** I would like to explain this with a biographical experience. I attended school in Berlin, and already in primary school, actually also even before, we were socialised with ethnic categorisations being attributed to us – there were Poles, Turks, Russians, Germans, and so on –,

even though we were perhaps born in the same hospital in Germany. For me, it was clear: "I am Elif, and I come from Turkey." This was not actually the case, but the perception of others influences your self-perception. Then, with 9/11, there was a big shift. From then on, I had to learn to take a defensive position, to defend myself for being a Muslim, and to explain that Islam is not how it is portrayed everywhere. In the last years, there were more and more attacks against Muslims. There is a shift happening again, this time against the backdrop of the subject of the headscarf. Now, if you wear a headscarf during an anti-Muslim assault against yourself, you are sometimes seen as the perpetrator with people thinking that it was your own fault because you could simply have taken it off – in the past, women wearing headscarves were pitied rather than oppressed. This shows how the discourse is shifting again.

**Persy-Lewis Bulayumi:** The shift of focus is definitely something we can observe. And that shift is real. Right now, it seems like Black people are again more in the focus – because of the flight movements. It's a constant back and forth, and so we take turns. In my opinion, this has to do with the fact that certain ethnic groups simply haven't been represented with a certain number of people in Austria for a longer time. This influences the networking and the courage to say: "Hey, enough! I don't have to tolerate this anymore." There are, however, pioneers who have done things that we can base our work on now. However, there is no organisation for Black people in Austria that deals with these topics – that's why I'm here today. In Germany, there is an organisation representing Black people, the Initiative Black Germans (Initiative Schwarze Deutsche – ISD), but it took them about 30 years to get where they are now. I am currently working for a project where, in the end, an organisation like this is to be



**Persy-Lewis Bulayumi (IDB – Initiative for a Non-Discriminatory Education System)**

was born in Kinshasa and grew up in Vienna. It seems that it is already due to his identity that, as a pedagogue, he is always keen to point out the compatibility of the seemingly incompatible in his approaches. Among other things, he is active as a coach, trainer, and consultant.

developed, but this will still take some time. There are organisations like Jaapo in Upper Austria or the Black Women Community in Vienna, but we need to get together and talk more often as a Black community. In the end, we also have to think about how we talk about racism among ourselves and how we can get people who are not affected by it to understand that racism is a problem. This is necessary because many White people still believe that racism is something that nowadays can only be found in history books.



**Mag.a Mirjam Karoly (Romano Centro)** is a political scientist and an (inter)national expert in the field of human and minority rights. Until 2017, she was the head of the OSCE Contact Point for Roma and Sinti Issues. She is a board member of Romano Centro and the European Roma Rights Centre (ERRC) and is currently working as an independent consultant focusing on Roma policies – always with a focus on gender and diversity issues – for, among others, the EC and UN Women Kyiv. On an interim basis, she is a co-managing director of Romano Centro.

**Denise Landau:** When we talk about groups directly affected, it is equally important to understand that racism can also be the fear of something new. People want to differentiate themselves in order to define themselves and the “others.” This is, partly, why these images arise. Before the Holocaust, for example, according to their self-perception, many Jews simply were Jews and Austrians at the same time. But the distinction regarding their identity was at some point made and simply stayed then. When the war and the Nazi crimes were “over,” there was no reappraisal of the crimes, and the civil servants who were active during the Nazi era often remained in office. Because of this, certain double identities were hidden from then on. Due to the politics of the last few years, there is a lot that has become socially acceptable again with regard to, among other things, anti-Semitism that simply was “no longer” possible in the 1990s. This is a very negative development. On the other hand, I am almost grateful that politics has brought these Nazi ideologies to the surface again, also through various scandals, because this has led to a renewed debate on the topic of anti-Semitism.

**Mirjam Karoly:** I remember that, when I grew up, we didn’t talk about who we were, and I was afraid of being exposed. Then, in 1993, Rom\*nja and

Sinti\*zze were officially recognised as an ethnic group, and that changed something. Suddenly, people got more involved and formed associations and organisations. Then, in 1995, there was the bomb attack on the Rom\*nja settlement in Oberwart, which left four dead. Of course, we saw ourselves as Austrians, but there were parts of society that saw that differently. Then, there was a lot of media work to show that we are a part of the Austrian society. I think that a lot has changed during the last 30 years. Now, there is Romano Centro and other associations and organisations, and there are many self-confident young Rom\*nja and Sinti\*zze, who publicly and proudly proclaim their identities. However, there are still frequent shifts in discourse and regressions. I sensed this on an international level, for example, in 2008, after the economic crisis, when, in the rhetoric, the image of the “parasites” suddenly reappeared. This language is now even reflected in election campaigns. Why? Because dividing people is an easy way to get votes.

**What do you wish for your work? What kind of support do you need to make anti-racism work successful – from politics, the media, and society?**

**Elif Adam:** The most important thing are the resources: We need time and money. It makes a difference whether you can work 40 hours a week in this field or you have to work 40 hours somewhere else and do anti-racism work as an extra job. That’s not only difficult for your private life, but it also creates a split in the way you work. Self-care or the lack of it is a big issue for everyone who works in this field because it is often underestimated and you invest so much time. With regard to the media, more exchange would be desirable and also beneficial because even if the media, for example, report on anti-discrimination or racism, they often use discriminatory images. However, it is important how

you talk and write about these things and to get away from scandalisation, especially when you look at the reporting on criminal cases and how, when certain groups are involved, their origin is always mentioned. And we need more diversity in the media themselves.

**Persy-Lewis Bulayumi:** I need that people see that racism exists, that it is not a fairy tale. Racism is an identity-forming momentum, whether we like it or not. It swells and bursts out anyway and influences everyone. And it also influences those who don't want to know about it. Their anti-attitude, their resistance, is becoming more and more noticeable. They don't want to see it because then they would also have to realise: "Wow, I have to question some parts of my identity as well." I need people who are willing to work on themselves and are open for change. I also need recognition that what we do is real work. In addition, you often get a job assignment, and the aspect of racism and what it does to people is ignored – as a pedagogue, this happens to me all the time. It is often taken for granted that this has to be dealt with, or, on the other hand, it is not considered necessary at all. Often, one can only begin with the actual assignment when the subject of racism has been addressed and at least partially reappraised. There is also a lack of competence to appreciate to be able to deal with racism professionally. We need people who get paid to do anti-racism work.

**Mirjam Karoly:** I wish for two things. First, that civil society really gets resources, also in Austria. I think that this is very important for all our work. The second point is participation and inclusive thinking. There is so much know-how and knowledge. Nevertheless, a lot is going on in – what I would call – the "parallel universe." For example, there are labour market initiatives and school policies for Rom\*nja as well as

other measures specifically aimed at Rom\*nja. We should bring all those things together and think more holistically. For example, the concerns of Roma women should be taken into account in women's policy or the situation of Roma should be taken into account in the general employment, youth, and education policy – instead of shuffling these things off to ethnic group politics.

**Elif Adam:** The openness to really listen would be important to me. I always have the impression that a lot of what I say is interpreted as subjective perception. People deny you a lot and suggest that you just are too sensitive. This kind of paternalism still exists. Many people who are not sensitised at all say so many problematic things that you first have to choose where to start working when you are confronted with it.

**Denise Landau:** As I'm not actively engaged right now, my wishes refer to the general situation. I simply wish for more appreciation for this work. This is not just a 9-to-5 job. The issues you deal with continue to have an effect on you even if you do something completely different. You look for ways to help people, that's something really great, but it also takes away a lot of strength. Especially if you do it on a voluntary basis, you sometimes sit on your desk until 3 a.m. to do things that other people can do during the day when they get paid for their work. Not looking away any longer would be just as important. Many people still don't want to see the problem, but that doesn't really help at all. ■



**Denise Landau, BA, MA, (formerly FGA – Forum Against Anti-Semitism)** studied Jewish studies and is currently doing her Ph.D. at the University of Vienna. Since the beginning of her studies, she has focused on interreligious dialogue and the fight against anti-Semitism. From 2018 until the end of 2019, she was the chairperson of the Forum Against Anti-Semitism. Currently, she is a staff member of the Jewish Museum Vienna and teaches Jewish history at the Zwi Perez Chajes School.

**We actually spoke for much longer; however, further points of the discussion would go beyond the scope of this report. The whole discussion can be read here (in German):**

[https://zara.or.at/de/wissen/aktuelles/n/news/OQwoOyyPh/Im\\_Gespräch:\\_Zwischen\\_Stagnation\\_und\\_Veränderung](https://zara.or.at/de/wissen/aktuelles/n/news/OQwoOyyPh/Im_Gespräch:_Zwischen_Stagnation_und_Veränderung)

# Racism in a Globalised and Digitalised World

By Andreas Peham  
& Sarah Rogner

There is much debate  
about the causes of racism.

What is not disputed in the whole context is only the fact that those directly affected are not causally related to racism. Criticism, therefore, concentrates on the subjects and their formation of communities to the detriment of those made *foreigners*<sup>1</sup>. While until the late 20<sup>th</sup> century, national communities tried to legitimise exclusion, discrimination, exploitation, and persecution by means of racism, in recent years, the ingroup has expanded – it now consists of (*Christian*) *Europeans*. At the same time, the outgroup was *Islamised*, and *foreigners* became *Muslims*. This new racism is one characterised by non-(confessing-)racists: It does not want to spread hatred, but it sees itself mainly as a response to the jihadist threat, not as resentment but as the awareness of an ethnicised “lower class problem” (Thilo Sarrazin).

Like the old manifestations, this form of racism is closely linked to experiences of crisis. Therefore, the conditions for it to gain strength are especially good when crisis is permanent. The lubricant of racism is the social fear that is conveyed to people: Under the influence of the corresponding propaganda, fear (of impoverishment) turns into hatred (of the poor).

Fear also finds nourishment on a global scale. Since the attack on the World Trade Center in 2001, Islamist terror and the reactions to it have shaped not only international politics but also the political and social developments in various countries. Countries such as Iraq have still not recovered from

the “war on terror,” a civil war has been raging in Syria for years, and the breeding ground for terrorist militias who put their, in essence fascist, ideologies into practice does not seem to be drying up. In the wake of terror, in European countries, in addition to the export of weapons and soldiers, there has been an expansion of the security state (with the simultaneous dismantling of the welfare state), a (further) tightening of the migration regime, and a massively accelerating shift to the right. For those affected by racism, these developments have correspondingly negative effects: The rise of everyday as well as institutional racism can be observed throughout Europe.

However, terror and (social) catastrophes only determine racism through mediation – by politics and the media. The boulevard and the (extreme) right have a lot in common, above all their dependence on the fear that they, therefore, try to cause in people – even if, to this end, police students disguise themselves as *refugees* and storm the Austrian southern border. The fact that the Austrian Ministry of the Interior named this exercise, which took place in 2018, after the battle cry of the neo-fascist *identitarians* – “Pro Border” – shows the extent of the normalisation of racism, indeed of right-wing extremism.

The extended limits of what can be said and done, in turn, encourage racism. On the basis of its normalisation, it continues to radicalise itself; thus, the more than 100 percent increase in crimes of incitement to hatred between 2015 and 2018 is not surprising.<sup>2</sup> The public discourse on migration

1 Set in italics are indirect quotations and terms that represent either proper names or pejoratives.

2 For convictions since 2015, see: <https://bit.ly/2HAeseb>; decrease in convictions in 2018: <https://bit.ly/2v0Hnp7>

and the Islam has not only been increasingly characterised by violence but also by cynical neologisms: Fugitives have become “migrants,” rescuers at sea have become “criminals,” and initial reception centres have become “departure centres.” Once again, it is proven that language creates reality. In addition, this language is increasingly being decoupled from the complex realities conveyed by the “lying press.” It is “valid rumours” (Johann Gudenus) about all kinds of threats that create a virtual reality, which is, besides a specific paranoia, characterised by dual narratives (black-and-white thinking) and the reversal of perpetrators and victims.

Right-wing extremist groups outside the formal political process such as the *identitarians* continue to fuel (anti-Muslim) racism. As “doomsters” (Karl Kraus), they create the wildest threat scenarios for their *Western world*. And all means are permitted, indeed necessary, to save it. The racist mass murderer of Christchurch wrote that he would have “become guilty” if he had not committed his crime. The fears of the alleged “great replacement” of the population are an integral part of those ideologies that are turned into violence and terror by counter-jihadists. They form Europe-wide and global networks that reach as far as Russia and the USA. The new right-wing extremism is a trans- and international one, it has become globalised to a certain extent. This has also been made possible by the new communication technologies. The internet and, above all, the new social media have opened up boundless possibilities for the extreme right. They use these with unconventional means inspired by leftist practices and traditions. Their messages are spectacularly placed in public space through actions – and the effects of these actions are all too often involuntarily amplified by the media. The messages are short and memorable, corresponding to the criteria for use in the social media, i.e., they are always *meme-able*.<sup>3</sup>

But it would be distorted to see racism as a marginal phenomenon or to locate it only among right-wing extremists. The last few years in particular have been characterised by racism entering into bourgeois classes. At a political party level, the ÖVP’s (Austrian People’s Party) shift to the

right reflects this. Conservatives do not want to leave the politics of fear to right-wing extremists, which is why they are joining in the call in Europe, actually worldwide, that *what is theirs* is threatened by *the others*.<sup>4</sup> Chancellor Kurz not only ennobled the extreme right-wing FPÖ (Freedom Party of Austria) with a place in government, but he also forged alliances with other *saviours of the Western world* such as Hungary’s Prime Minister Orbán and Italy’s short-term Minister of the Interior Salvini. For them, the *fortress Europe* is still not insurmountable enough. The countless deaths in the Mediterranean must be pushed out of consciousness as far as possible, as this is not compatible with the European self-image. The same applies to the intolerable cooperation with, for example, the Libyan authorities, who are responsible for the inhuman conditions in the camps, and the extreme police violence in the Balkans in an attempt to block the refugee routes.

Can we hope for a turnaround given the first government participation of the Austrian Green Party? Taking into account the hegemonic strength of (extreme) right-wing ideas, the signs for this are bad. However, at least there is an increased likelihood of restoring the conditions for the work of organisations with anti-racist objectives. In the course of the “structural change measures” of the ÖVP-FPÖ government, institutions such as *maiz – Autonomous Self-Organisation by and for Migrants (maiz – autonome Selbstorganisation von und für Migrant\*innen)* have had funds cut off, but it is precisely these institutions that are needed to shape the public discourse, at least on a national level, and to create concrete offers of support for those affected by racism. In addition to this infrastructure, what we need above all is a greater willingness to take up anti-racist positions – because the interplay between the public discourse, politics, and social developments can be influenced from many sides. ■

**Sarah Rogner:**  
BAC in Social Work, member of initiatives documenting police violence at the EU’s external borders.

**Andreas Peham:**  
right-wing extremism researcher at the Documentation Centre of Austrian Resistance (www.doew.at).

3 “Meme-able” means that the absurdity of a fact or a statement can be recorded pictorially in the form of a meme.

4 See: <https://ze.tt/rechtsruck-in-oesterreich/>

# ZARA's Relationship with the Police

Two very different and personal perspectives by Dunia Khalil and Dieter Schindlauer

Since its foundation in 1999, ZARA always has had a very special relationship with the police: a relationship that ranges from mutual criticism to intensive and constructive cooperation. In last year's Racism Report, we put a focus on the police and their work. This year, it again seemed important to focus on this relationship. Within ZARA, there is a broad spectrum of insights and experiences. In the following, two of these perspectives are presented.

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## The Hurdles Along the Path to Success

The problems of the police in Austria – from the personal perspective of a ZARA counsellor.

By Dunia Khalil

The incidents of racially motivated police violence reported to ZARA in 2019 do not differ a lot from those reported during the last years: Particularly striking are racist insults, questionable reports of “aggressive behaviour,” and, in some cases, serious mistreatments. However, police officers can often expect impunity as charges,

complaints, and other legal remedies are only very rarely successful.<sup>1</sup> In practice, we, as consultants, are often forced to advise clients against filing charges. There are several reasons for this:

Proceedings before an administrative court involve a high risk of costs, which must be borne by the complainant if the outcome is negative. The costs

1 Austrian Center for Law Enforcement Sciences (ed., 2018): Studie über den Umgang mit Miss-handlungsvorwürfen gegen Exekutivbeamte. p. 51. <https://www.justiz.gv.at/file/2c94848a66ede49101671cc760ff1142.de.0/ales%20studie%20endfassung%20nov18.pdf>.

are mostly really substantial and can range in the four-digit range, while the chances of success are not very high. It seems that judges and the police as an institution give police officers more credibility from the outset. Often, this is argued with the oath of service that police officers are subject to: They would make themselves liable to prosecution by making untrue allegations. So, even if there are witnesses or videos, success is not guaranteed.

**To date, there is no independent contact point that those affected by police violence can approach free of costs.** However, such an institution is needed to prevent the police from investigating against themselves and to overcome the imbalance in power between complainants and the police. Consequently, it is questionable whether access to justice for persons affected by police violence is sufficiently guaranteed in Austria.

If, despite all these hurdles, those affected do complain, they are also exposed to the risk of being subject to libel charges.<sup>2</sup> In our consultations, we have to point out this risk, which is why many persons affected either abstain from filing a complaint or trivialise the facts of the case so that it does not allow for a libel report by the police.

This shows how urgently we need to question the structures within the police system and that we need to implement concrete proposals for

solutions to safeguard human rights. **I really hope that considerable progress will be made in this respect over the next few years because, after all this time, we see that the complaint mechanisms and the investigation of police misconduct are still not functioning adequately from a human rights point of view.** Communication with the police plays a very important role in this respect, which is why the doors of ZARA will always be open for it. I, too, am happy to enter into an exchange with the police, and I am willing to listen in order to understand. At the moment, I cannot understand why, after years of criticism, the publication of studies and reports, and several cases that were made public by the media and through the documentation work of ZARA, among others, which point to the issues described above, the need to transparently and immediately implement change is not seen. In my about three years as a ZARA counsellor, I have learned something important with regard to communication: We must listen in order to understand each other and not in order to react. Until we have achieved this, it is of enormous importance to report incidents and file complaints. This is the only way to draw attention to the structural problems within the police as an institution and to bring about change because, unfortunately, the police do not consider these problems as sufficient to take measures themselves! ■



studies with a focus on human rights. She is a ZARA counsellor as well as an expert for monitoring and, therefore, regularly in contact with social media platforms. Furthermore, she is actively engaged in various (inter)national networks.

*"I am convinced that I would be dead if I had fought back against that police officer. So I stayed calm and let him beat me."*

#### ZARA client

<sup>2</sup> Austrian Center for Law Enforcement Sciences (ed., 2018): Studie über den Umgang mit Miss-handlungsvorwürfen gegen Exekutivbeamte. p. 52. <https://www.justiz.gv.at/file/2c94848a66ede49101671cc760ff1142.de.0/ales%20studie%20endfassung%20nov18.pdf>.

# One, Two, Police!

A personal and highly subjective look back on 20 years of work and encounters with police officers and the police as an institution.

By Dieter  
Schindlauer

I grew up in the countryside. When I was a child, we knew police officers from traffic lessons in elementary school and the village policeman (they still existed at that time) by sight. After moving to Vienna to study, my first encounter with a police officer was that he slapped me after my innocent question about what time it was. Not a very good start.

During my studies, I soon started to occupy myself with human rights, personally engaging in civil society and also in my professional capacity as a consultant. In this context, I heard many stories about incidents where police officers were involved – and hardly ever anything positive. My image was accordingly definite and one-sided: the police as an instrument of evil and a deliberate aggressor. However, I never understood those who used violence against police officers or who advocated it (ostensibly to express their “criticism of the system”). As we live in a democratic constitutional state, this always seemed stupid and mean to me.

**I was lucky: Through my human-rights activities, I was able to participate in police training and further education in Austria and other countries and to work together with Austrian police officers in the course of various projects in an international environment. As it happens, these personal cooperations have really changed my stereotypical images.** I worked with cheerful, serious, committed, and sincere professionals and got to know humorous gourmets, philosophising top athletes, ingenious

stock market specialists, and many people who sincerely cared about human rights and humanity in general. Even muscle-bound bald men from special units could prove to be open-minded and sensitive trainers. Of course, during the trainings, I also encountered stubborn and racist idiots. But interestingly, their attempts to disturb the trainings with racist jokes were always inhibited by their own colleagues. A collegial “Come on, please!” accompanied by an annoyed rolling of the eyes is always more effective than a necessarily finger-wagging plea by a trainer. But where are these voices when it comes to official complaint procedures?

I discovered the challenges that the police officers with whom I worked had to face: the unpleasant working hours, which often also caused private problems, the esprit de corps, often perceived as restricting, which can only be understood in the context of a traditional victim narrative, the coldness of the hierarchies, and the permanent political appropriation. And in addition to the actual burdens of a difficult job, there is also a constant supply of horror stories “from the front,” which can be very detrimental to impartiality.

Because of their profession, police officers are confronted with some phenomena that we know very well from our work against preconceived images and stereotypical devaluations. Many people believe that they already know something (or even everything essential) about them, even if they only know what profession they pursue. They are the

object of stupid sayings, clumsy jokes, and stereotypical devaluations. Even though the pressure this creates cannot be compared to that of racial discrimination, many people can somehow understand it. And it's no wonder that there are many very talented and dedicated trainers among police officers who use their skills very effectively. For years, we at ZARA have been working in tandems with police trainers during our training courses, surprising some of the participants – and taking them a step further on their way to reflect on their own stereotypical images. **It was also very important to show that the formula according to which the police and human rights organisations are somehow natural enemies, which is so popular for its simplicity, is wrong – and that, still, criticism and being annoying with regard to the demands for change is an essential part of ZARA's tasks.**

For me, it was the many encounters

with the people who perform their duties as police officers seriously and conscientiously that strengthened my conviction that the police need our full civil-society commitment. Police officers deserve to be perceived as professionals and to work in a work environment that allows them to do their job in the best possible way. Above all, this requires a culture of constructive criticism that enables a continuous improvement process. The problems with the police and within the police as an institution are structural in nature and, therefore, require a great deal of attention. When ZARA, again and again, tries to point out mistakes and grievances within the police as an institution, this is, to a large extent, also done out of respect and, indeed, affection for all the people working there who try their best to do a good job. They deserve it – just like everyone else who has to deal with them. ■



**Mag. Hans Dieter Schindlauer**

(voluntary deputy chairperson of ZARA) is a legal expert and founding chairperson of ZARA. He works, among others, on projects on human rights and non-discrimination and as a consultant and trainer for various organisations. Furthermore, he regularly teaches at universities.

## Cooperation: ZARA and the Police

The police are and have always been an essential field of work for ZARA during the last 20 years. In order to draw attention to grievances and to bring about change, ZARA has chosen to enter into dialogue with the police. Within the framework of the civil society dialogue initiative Police.Power.People.Rights, which takes place regularly, NGOs have the opportunity to talk to those responsible and to develop proposals for solutions within expert circles. ZARA appreciates this exchange very much, even if the mills of change often grind too slowly. Besides, ZARA stays in contact with individual police officers, such as the human rights officer of the police in Vienna. These direct contacts facilitate the handling of individual cases as well as the addressing of structural issues that ZARA identifies during its work. In this way, a greater mutual understanding of the respective procedures and the obstacles to be overcome can be achieved.

Caroline Kerschbaumer, Managing Director of ZARA

# We Should Not Talk People Down, Making Them Weak and Unworthy, to Make Ourselves Stronger

By Esther Maria Kürmayr

Many of the discriminations and a lot of the prejudiced behaviour that Black<sup>1</sup> people, but also other minorities, are confronted with in Austrian society happen on a personal level. People who believe in being different and separated from “others” inevitably emphasise their differences from these “others.” Through civil courage, a lot of strengthening has already been achieved. I would like to invite all readers to create a feeling of well-being by standing up – standing up whenever discrimination happens and showing solidarity with those affected.

One area where a lot remains to be done is the field of institutional discrimination. This is shown by numerous examples of women, children, and young people in the environment of the association *Black Women Community*.<sup>2</sup> There is still great potential for development in this area because, often, incredible damage is done without

the explicit intention of discrimination. The humiliations and the damages to self-esteem, which are often caused by a lack of awareness, are enormous. Examples of deeply rooted discrimination in children’s and school books are the depictions of the exclusively blonde fairy godmother, the blonde princess, etc. and their counterparts, which are depicted as ugly, not desirable, black-haired, and Black. Further examples are the representations of Africa, Latin America, and large parts of Asia in textbooks and teaching materials. The Eurocentric “we,” which assumes that those who are part of this “we” are those *who know, who can, who have*, is represented everywhere. Even African proverbs such as “It takes a whole village to raise a child” are put into the mouth of a White psychologist and conveyed with a photo of mud huts and the statement “There will probably not have been that much to learn here.”

Long outdated language but also

1 The author capitalises the term Black indicating that it is not a biological categorisation, let alone a real skin colour. It rather describes the shared experiences of people, and it is a self-designation in order to be able to offer new perspectives.

2 See: <https://www.schwarzefrauencommunity.at/>

photos that can only be described as poverty porn<sup>3</sup> must be replaced with decolonised educational materials. And when, for example, a recognised non-profit organisation uses photos of the pubic area of naked, crying Black girls at a lecture (allegedly, to show what FGM<sup>4</sup> is), this must be exposed as unethical. After all, who would consider a picture of a White woman being raped to be suitable for a lecture on women's rights? Therefore, more civil courage and awareness are needed as well as an accompanying interest in recognising discrimination, e.g., in the form of images and statements, which are conveyed, for example, by multipliers.

These would be the first steps towards giving Black people, among others, the feeling that they really belong to Austrian society. The current situation suggests that perfect German language skills, educational qualifications, and the willingness to integrate are the keys to belonging here, but in fact, what is needed is the liberation from colonial attitudes in thinking and feeling – also in White-majority societies that never had colonies.

We need to recognise that racism was and is a construct that was created for reasons of economic exploitation and that spares no means to achieve this goal. The intention of this system was and still is exploitation, which is justified by seemingly insurmountable differences in appearance, religious or sexual orientation, etc.

Let us bring up the courage to see clearly, to not be deceived, to use our own potential, and, thus, to get along with the strengths of others. We, as a society, do not need and have never needed to talk people down, making them weak and unworthy, to make ourselves stronger.

I am looking forward to an Austria of equal participation of all people living here with their different abilities, inclinations, origins, ethnic affiliations, and religions. ■

**I would like to warmly congratulate ZARA on 20 years of extremely important work to overcoming discriminatory and, thus, divisive behaviour.**

**Mag.a., DSA Esther Maria Kürmayr** is an education and anti-discrimination expert, a social worker, and a trainer. She was a co-founder of the Black Women Community, an association that exists since 2003, which she also heads as chairperson. She focuses on counselling, sensitisation, self-empowerment, and projects for children and young people.

3 The term "poverty porn" describes any form of media representation of, among others, "poverty" (in writing, photographs, films, etc.) which is used to better "sell" media products. This form of presentation often establishes a generalising link between entire world regions or (socially constructed) groups and the topic of "poverty."

4 FGM stands for female genital mutilation. Female genital mutilation is the practice of removing or circumcising the external female genital organs. The term "mutilation" is often criticised; therefore, e.g., in counselling work, the term circumcision is often used instead.

# 20 Years of Racism in the Media

The media have a huge responsibility when it comes to the issue of racism because hardly any other area has such a great influence on the public discourse and society. It is the media's task to bring issues such as racism and discrimination to the surface and to make it clear to their readers that there – still – are people who are directly affected by them; however, the language they use and how racism is reported about often contribute to spreading and legitimising racist and discriminatory ideas.

By Vanessa  
Spanbauer

In **1999**, during a deportation flight, police officers tie Marcus Omofuma to his seat with adhesive tape, and also tape his mouth. In the course of the journey, Omofuma dies. The Omofuma case triggers a public debate on the subject of police violence, in which the police officers are staged as victims and Omofuma as the perpetrator. Protests against police violence and against the practice of switching the role of perpetrator and victim are organised – first and foremost by the African communities. In May 1999, Operation Spring takes place, a major police operation during which Black people are targeted and arrested, often without concrete evidence. This results in a broad media campaign to defame Black people as criminals in the eyes of the public.

**1999:**  
Media coverage of  
the Omofuma case

In **2000**, the racist nature of reporting continues, also given the political situation under the first ÖVP-FPÖ coalition. An art project by the German theater and political actionist Christof Schlingensiefel, who, as part of the Vienna Festival Weeks, sets up a container at Heldenplatz in which twelve refugees live – Big-Brother style – and are up for fictitious “deportation,” causes a stir. The art project leads to a deeper examination of racist political messages.

In **2001**, some people notice racist, anti-Semitic, and homophobic articles in right-wing magazines, such as “Zur Zeit.” Nevertheless, politicians decide to continue to support such content by means of press subsidies. As an additional form of funding, there are numerous advertisements by companies that, however, do not want to comment on these contents.

In **2002**, a man publishes a racist commentary in the daily newspaper “Der Standard” (30 July 2002), referring to the allegedly too good clothing and mobile phones of Black refugees and how these do not correspond to the image of “poor” refugees. This commentary is criticised in numerous reader's letters (among others by ZARA). Racist comments have not only



existed since the age of social media, but they have developed in parallel to the popularity of – mostly well-visited – internet forums.

In the summer of **2003**, Cheibani (Sheibane) Wague is working in the “Africa Village” (Afrikadorf) at the Vienna Stadtpark. On the night of 14 to 15 July 2003, he dies on the grounds of the park, under the hands and feet of police officers and paramedics. Similar to the Omofuma case, media reporting went on for weeks. While some trivialise what happened, others, such as Falter and the ORF, contribute significantly to the investigation of the case and to solving the crime.

In **2004**, the new Equal Treatment Act comes into force. There are many incidents that can finally be legally prosecuted – such as the case of S. A., a man who had come to Austria from Jordan a few years earlier and then worked for a freight forwarding company. After he had to listen to numerous racist insults on the part of his colleagues, they become violent. In addition, he earns less than the other employees due to his origin. The “Kurier” reports on this case in its career section, pointing out that discrimination in the workplace is an issue that many people have to deal with.

In **2005**, the following quote, which actually sounds like one from 2020, appears in several media debates: “I have a problem with teachers who wear headscarves at public schools. I find this offensive because it does not fit in with the values of our society.” The then Minister of the Interior, Liese Prokop, advocates a headscarf ban and is criticised heavily – among others from the then opposition parties, the Islamic Religious Community Austria (IGGÖ), and ZARA.

In **2006**, the Islamic cemetery in the district Liesing in Vienna, then under construction, is damaged several times over the course of weeks. The climax is reached with an arson attack, which causes considerable damage to the planned house of prayer. In addition, the message “This will be blown up” is sprayed on a wall. Various religious communities and politicians condemn the attack in the strongest terms. At that time, anti-Muslim racism is not yet often featured in the media.

In **2007**, an East Tyrolean campsite operator comes into the eye of the press. According to him, many customers cancel their bookings due to the presence of Rom\*nja at the campsite, so he put up a sign with an antiziganistic message. He is sued because of the sign and has to pay a fine. However, according to media reports, he finds other ways to discriminate against Rom\*nja.

In **2008**, the ORF broadcasts the US election from 4 to 5 November and invites various commentators to analyse the results. Among the experts is a former US correspondent of the ORF, who comments on Obama’s election with the following statement: “That would be about the same as if the next Austrian chancellor were a Turk.” Furthermore, the correspondent adds the racist statement that he “does not want to be led by a Black man in the Western world. If you now say that this is a racist remark – you are right.”

In **2009**, a racist incident in Vienna is covered by the media worldwide. The US-American teacher Mike B., who lives in Vienna and teaches at the Vienna International School, was on his way to work when he was mistaken for a drug dealer during an investigation.

The police threw him to the ground, causing a vertebral injury. This case leads to a broad discussion on the topic of ethnic profiling.

In **2010**, a man from St. Pölten who had been refused admission to a discotheque is proven right in court. The club owner has to pay 1,440 euros in immaterial damages, as the man had been refused entry twice on the grounds of his appearance and the name on his driving licence. According to media reports, this is the first time in Austria that damages are awarded for discriminatory refusal of access.

In **2011**, following the renting of a restaurant as a house of prayer in Vorarlberg, those involved are confronted with anti-Muslim racism. Unknown persons carve a swastika into the entrance door, break windows, and place a pig's head in front of the door. At this time, Muslim houses of prayer have already existed for 30 years in the Bregenzerwald villages of Bezau and Reuthe – and there were never any incidents. Newspaper reports point out that the new location is more visible and that it, therefore, might attract more racist attacks.

**2018:**  
The Viennese New Year's baby and its parents receive a flood of hate posts and messages.

At the end of December in **2012**, a major Austrian daily newspaper publishes an article about the unsuccessful search for an unknown perpetrator in connection with an

attack on a taxi driver in its Vorarlberg edition. The text describing the events contains a racist formulation that links the constructed groups of “southerners” and “foreigners” to the crime. A complaint procedure to determine a possible media-ethical violation is initiated before the Press Council. In the course of this, the Press Council recognises a violation of the Code of Honour of the Austrian Press, which, however, remains without consequences since the newspaper does not submit to the Press Council.

In **2013**, racist advertisements are a permanent feature and are reported again and again to the Austrian Advertising Council and ZARA. In 2013, the Advertising Council is, for example, confronted with an advertisement for a white tractor, which is advertised with the slogan “White Power,” and the slogan “Black just like an N-word<sup>1</sup>” of a tanning salon. And product and company names such as “N-Wort\_bräu” (“N-Wort\_brewery”), “N-Wort im Hemd” (a popular dessert in Austria), or “N-Wort\_brot” (“N-Wort\_bread”) repeatedly appear in the discourse. In 2014, “N-Wort\_konglomerat” (“N-word\_conglomerate”) becomes the word of the year after it has been pronounced out loud by a politician. After this, the media reports on whether and how this word may still be used – a question that the media poses again and again.

At the end of September in **2015**, a politician shares a comment by a Facebook user, in which the alleged

<sup>1</sup> Sometimes, it is necessary to reproduce racist language and terms to refer to them and their use. However, in order to avoid a complete reproduction, we refrain from writing these terms out in full and abbreviate them here using the term N-word.



looting of supermarkets is described. The Facebook user claims that refugees have robbed the shops of two large supermarket chains. The politician's post triggers a lot of hate and racism in the comments. Since the statements turn out to be false, the supermarket chains publish counter-statements and corrections. Several internet platforms report on the incident and help in exposing these reports as false.

In **2016**, a series of arson attacks on tent camps of families with children occurs in Linz. The aim of these attacks is to frighten away Rom\*nja and Sinti\*zze. Within a few weeks, several antiziganistic attacks are registered, the Office for the Protection of the Constitution and the police investigate, and antiziganism becomes cruelly visible again. But also the reporting on these cases and especially the images that are used are problematic.

In **2017**, in the Facebook group "FV-Jus Männerkollektiv" ("Representatives of the Law Faculty Men's Collective") of the Aktionsgemeinschaft (AG – the student representation of the ÖVP) at the Juridicum of the University of Vienna and in the WhatsApp chat "Badass Warlords," several functionaries make fun of, among others, Anne Frank. The AG describes these statements as "the most condemnable kind of black humour." More anti-Semitic and discriminatory postings are found in various other Facebook and WhatsApp groups. The chats fed to the media are hotly debated and lead to a discourse on anti-Semitism at the University of Vienna.

Right at the beginning of **2018**, racism in our society becomes clearly visible again. Just after being born, the so-called New Year's baby and its parents receive a flood of hate posts and



messages. The reasons for the hatred are the origin of the parents and the Muslim name of the baby. This hatred was triggered by comments under the media's coverage of the birth of the New Year's baby. Klaus Schwertner from the Caritas starts the action #flowerrain to show that hatred must not win.

In **2019**, the photo exhibition "Against Forgetting" by Luigi Toscano shows large portrait photos of Nazi survivors on the Vienna Ring commemorating the victims of the Holocaust. The still common anti-Semitism in Austria is evident when the photos are first smeared with swastikas and then cut up. As the news about these incidents spreads rapidly on social media, several people come to the exhibition out of solidarity and in order to restore it. The Muslim Youth Austria (MJÖ) also calls for night vigils to be held.

In **2020**, at the beginning of the year, the new government is sworn in, and Alma Zadić is appointed as Minister of Justice. As soon as her name is brought into play, she becomes the target of a wave of racial hatred: Hate posters racistly categorise Zadić as a Muslim. The omnipresence of racism becomes clear once again, and the media coverage shows why no type of education and no "degree" of integration protects against racism and why it is important to name and talk about racism. ■

**2019:**  
The photo exhibition "Against Forgetting" is damaged several times with anti-Semitic motives.

**Vanessa Spanbauer, BA**, studied history and is currently doing a master's degree in contemporary history and media. She works as a journalist and is editor-in-chief of "fresh" and part of the editorial team of "an.schläge." At ZARA, she is currently responsible for cooperations and social media – always with a historical focus.

# More Racism, Integration Failed?

By Judith  
Kohlenberger

“Austria is an immigration country” – this is a sentence that even responsible politicians find difficult to utter. Yet, Austria’s national identity has always been shaped by migration. The frequently cited glance into the Viennese telephone directory reveals this just as much as the guest workers who have now become native in the 2<sup>nd</sup> and 3<sup>rd</sup> generation.

The integration of all these migration cohorts was, as the political scientist Rainer Bauböck so aptly put it, “inevitably asymmetrical.” Many things are expected of migrants, from the acquisition of the German language to the abandonment of old customs and traditions and the adoption of new ones, but basically nothing is expected from the locals. Nevertheless, integration can only work if also “autochthonous Austrians” recognise that the topic concerns everyone, whether we want it or not.

Accordingly, it is to be welcomed that Austria finally has its own Ministry of Integration, right in time for ZARA’s 20<sup>th</sup> anniversary – at least an implicit commitment to the country’s immigration history. The appointment of a person without a (recognisable) migration background to this ministry can be seen symbolically, among other things, and in a positive sense: From the appointment of the new minister, one could draw the logical conclusion that not only migrants but all people living in Austria are responsible for successful integration. At the same time, many feminist commentators have already and rightly pointed out the problematic connection between

women’s and integration agendas that suggests that patriarchal structures are solely an issue in migrant communities. The current figures on violent crimes in relationships, the still blatantly large gender pay gap, and the poverty risk of women in retirement speak a very different language.

It does not require a new departmental link to recognise that women with migration and/or refugee background do indeed play an important role, which has unfortunately been ignored far too often until now: Women are important multipliers for the integration of their families and the whole community, as they pass on the education they receive to their children and grandchildren to a much greater extent. They act as role models for their children, which is why investments in their education, empowerment, and self-determination yield almost double the return. In the public discourse, however, women with migration and/or flight experiences have so far only rarely been mentioned, except when it comes to one topic: the headscarf. Seriously intended equal opportunities policies for Muslim women would, however, actually have to be much further-reaching and start where it ultimately benefits all women living in Austria, namely in the form of nationwide all-day schools, a fair distribution of paid and unpaid work, and measures for the reconciliation of family and career.

All these issues that still need to be resolved show in an exemplary way that the past 20 years have by no means only

brought steady progress towards a more egalitarian, inclusive, and open society. Especially in the recent past, a real racist backlash could be observed, often in combination with sexist undertones. Physical assaults on people, especially women with a migration background and non-White women, are on the rise, and hatred on the internet is exploding: In 2018, three out of five incidents of racism reported took place on the internet. Discrimination on the labour market is also far from being resolved, despite all (often only cosmetic) diversity measures: A study by the JKU Linz shows that, with the same qualifications and an identical CV, White people are invited to job interviews about twice as often as people living in Austria and, e.g., born in Nigeria. This puts us in the sad European “top field.”

Do all these incidents and statistics mean that integration and the attempt at a pluralistic society have failed? That all the efforts that ZARA pursued with so much vigour and commitment have not been able to achieve a lasting effect? Not at all. Just like in the USA, where under Obama’s presidency, there was an increase in reports of racially motivated hate crimes, in Austria, too, with the increasing visibility of the migrant population, conflicts that have previously been easily whitewashed become more apparent. The sociologist Aladin El-Mafaalani calls this an “integration paradox”: Successful integration does not mean that there are no conflicts between social groups, but, on the contrary, it leads to a higher conflict potential. That incidents of racist assaults as well as

heated debates on headscarf bans and minarets take place more frequently does not necessarily show the much-cited division of the country. Rather, they are part of “the growing together of an open society,” which is a strenuous and often painful process that does not come without friction and the sparks that arise from it. When people with a migration background even come to hold leading positions, as the Minister of Justice Alma Zadić, racism paradoxically often intensifies, precisely due to the fact that integration is successful.

This is precisely why an active anti-discrimination policy is now more urgent than ever: Everyday racism as well as insults and hatred on the internet can no longer be dismissed as trivial offences. In addition to violating the human dignity of the individual, discrimination and hatred can also reinforce social disintegration. Studies show that experiences of marginalisation, which many young people with a migration background are making again and again in school and everyday life, lead to a higher susceptibility to radicalisation by extremist groups. Nationwide, regular, and scientifically accompanied monitoring, as has been carried out in Switzerland since 2016, for example, could create fundamental evidence on racism and right-wing extremism, to which then targeted measures could be taken. And, above all, we need clear signals from the public authorities that human rights are non-negotiable and that Austria gives its immigrant population the same protection as everyone who has lived here for a longer period of time. ■

**Dr.in Judith Kohlenberger**

holds a doctorate in cultural studies and is a research assistant at the Institute for Social Policy at the Vienna University of Economics and Business. In her research, she focuses on migration, human capital and education, women and flight, and crisis narratives. She runs the podcast “Worum geht’s” and writes regularly for the FALTER Think Tank.

# Why We ALL Have to Deal with Anti-Muslim Racism

From the perspective of the Dokustelle

By Elif Adam

For a modern liberal society, the *public sphere* is of central importance<sup>1</sup>. The social understanding of the public sphere as a *free space* still prevails, which presupposes that everyone can participate on an equal basis. However, this notion ignores and overlooks the power structures and systems immanent in society, which limit the *being heard*<sup>2</sup> and exclude certain groups of people, especially women and minorities, from equal participation.<sup>3</sup>

This exclusionary phenomenon has been increasingly observed in Austria in recent years. The public-discursive construction of the Muslim population, the meaning of their religion, and the practice of their religion is mainly made by decision-makers. Thus, in 2019 and at the beginning of 2020, the “more powerful” in the system were and still are those who determine, generalise, and “normalise” the images and associations of the Muslim population. Based on our expertise, we can say that the constant reproduction of these discursively constructed images is encouraged. These

images have currently become a social norm without reflection among parts of the population. In this context, not only general political and media discourses dominate, but the government itself contributes to this both directly and indirectly, for example, through the activities of the Austrian Integration Fund, which is close to the government.

The government makes use of these images in the discussion of draft laws and in the legitimisation of ultimately obviously discriminatory and racist laws. An example of this is the headscarf ban, which is currently dominating the discourse and which is scandalous and unacceptable in terms of democracy for two reasons: On the one hand, “the headscarf” is banned because of the meaning attributed to it. This meaning is filled with contents such as sexualisation, signs of the “political Islam,” traditional gender roles, etc. by certain actors, including political functionaries, while those affected are excluded from the discourse. On the other hand, there is an unconstitutional unequal treatment

The Dokustelle – Documentation and Counselling Centre on Islamophobia and Anti-Muslim Racism was founded on 10 December 2014 and is the first documentation centre in Austria to record exclusively Islamophobia and anti-Muslim racism. The focus of its activities is located at the intersection of documentation, awareness-raising, activism, and empowerment. In addition, the Dokustelle provides professional support for people affected by anti-Muslim racism. For more information, see: [www.dokustelle.at](http://www.dokustelle.at).

1 Jürgen Habermas (1990): Strukturwandel der Öffentlichkeit: Untersuchungen zu einer Kategorie der bürgerlichen Gesellschaft.

2 Talal Asad (2003): Formations of the Secular-Christianity, Islam, Modernity.

3 Mary P. Ryan / Geoff Eley in Craig Calhoun (1992): Habermas and the Public Sphere.

of religious communities<sup>4</sup>. In short, the government, thereby, fails to fulfil one of its most important tasks: the protection of “minorities.”

While politicians from the right-wing scene were and still see “the headscarf” as a sign of the “political Islam,” this attitude is now also emerging among politicians further on the left. And in addition, this attitude has also been adopted by many parts of the population, which is particularly visible in the increasing extent of everyday racism, especially against women.

In general, we observe that when it comes to anti-Muslim racist attacks and hate comments, the perpetrators

often resort to statements from the political discourse. All of this points to an abuse of democratic values and even to the gradual dismantling of the liberal democracy. Are the principles of the Age of Enlightenment, such as the liberation from immaturity, no longer important to us? If there were still a social consensus on these principles, there would be indignation and uproar if external attributions were placed above self-identification, if racist laws were implemented, if population groups were treated unequally, and if the paternalism of women by political actors was accepted. So far, this protest is still largely absent – or at least not yet loud enough. ■

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is a cultural and social anthropologist. She works on a voluntary and professional basis at the intersection of anti-racism, political education, religions, and empowerment, and she is a co-founder and chairperson of the Dokustelle – Documentation and Counselling Centre on Islamophobia and Anti-Muslim Racism.

4 In the end of 2019, the IGGÖ filed a constitutional complaint against the headscarf ban in elementary schools. For more information, see: <https://www.facebook.com/IGGiOe/videos/2580140245641810/>.

5 For example, the Social Survey Österreich (SSOE 2018) or the study on the issue of discrimination by the Arbeiterkammer Wien, which can be found here: [https://www.arbeiterkammer.at/interessenvertretung/arbeitsundsoziales/gleichbehandlung/Diskriminierungsstudie\\_2019\\_Langfassung.pdf](https://www.arbeiterkammer.at/interessenvertretung/arbeitsundsoziales/gleichbehandlung/Diskriminierungsstudie_2019_Langfassung.pdf).

## 20 Years EU Race Equality Directive

In 2019, we are celebrating the 20<sup>th</sup> anniversary of the EU Race Equality Directive. For the first time, binding bodies were called for to combat discrimination and to promote equality. Already in 1997, the Council of Europe (European Commission against Racism and Intolerance – ECRI) demanded the establishment of such bodies. Both the European Commission and the ECRI now also published recommendations on standards for these bodies in terms of independence, effectiveness, and a comprehensive mandate. As one of these bodies, the Ombud for Equal Treatment provides advice and assistance for victims of discrimination. Recent studies<sup>5</sup> show that Muslims are particularly affected by discrimination. However, people directly affected do not turn to us to the extent of their actual experiences of discrimination. Especially in areas of everyday life, such as housing or health care, a lot of case documentation is needed to combat anti-Muslim racism and to demand legal improvements. Cases of racism can be reported via our Equal Treatment:App.

[www.gleichbehandlungsanwaltschaft.gv.at](http://www.gleichbehandlungsanwaltschaft.gv.at)



## Gleichbehandlungs:App

Information finden, Diskriminierung beschreiben,  
Unterstützung bekommen.



Google Play



App Store



# Spheres of Life 2020

## Terms and Definitions

The following chapter contains individual case reports of racist incidents from all spheres of life. By publishing individual case reports, ZARA is acting right in the middle of the anti-racist dilemma, where it sometimes is necessary to reproduce racisms and racist language in order to make racism visible and, thereby, to be able to fight it.

**Public Sphere** describes all incidents that take place in public and publicly accessible spaces, such as streets, public squares, traffic areas, parks, and means of public transport. Racist smearings are contained within this chapter because incidents of racist smearings reported to ZARA mostly take place in the public sphere.

**Internet** lists all incidents that take place on the internet. This includes online media, websites, online forums, social media, video platforms, and blogs.

**Politics and the Media** includes any racist incidents on the part of politicians or political parties and their bodies and the traditional media (print, radio, and television), both online and offline.

**Police** includes all reports that are connected in any way with the security administration and with public security bodies.

**Public Authorities and Institutions** collects incidents that occur in administrative bodies, schools, and other municipal institutions (except police).

**Employment and Entrepreneurship** relates to racist incidents associated with work and employment relationships in the broadest sense, e.g., labour market, job search, working conditions, working environment, job ads, and so on.

**Goods and Services** (including living) documents any incidents related to the access to and the supply with goods and services, such as in venues and stores or by other service providers.

**Racism as a Reaction to Anti-Racism Work** refers to intimidations directed towards ZARA and other anti-racism organisations, both online and offline.

**Best Practice Examples of Civil Courage** contains a selection of best practice examples of civil courage. The incidents contained in this chapter are meant to inspire others and to show that it actually makes a difference when someone has the courage to stand up for people who are treated unfairly.

*The good thing is: Civil courage is contagious, and it is something that you can actually learn!*



## What does ZARA do?

-  (Legal) consultations
-  Relief interventions
-  Reporting to the police, the public prosecutor's office, or the NS Reporting Office
-  Coordination with partner organisations, lawyers, and authorities
-  Drafting of complaints, appeals, opinions, applications, and letters of intervention
-  Accompaniment to court hearings, arbitration talks, and police interrogations
-  Referral to (partner) organisations and counselling centres
-  Requests to delete hate posts and comments from IT companies (as a "normal user" and as a Trusted Flagger)
-  Requests to remove smearings in the public sphere
-  Documentation



# ZARA Counsellors

As the head of the ZARA Counselling Unit, **Mag.a Dilber Dikme** wants to make sure that ZARA provides instruments for people to successfully defend themselves against racial discrimination.

*"Everyone must have the security to be able to protect themselves everywhere and in all spheres of life if they are excluded, degraded, and/or attacked just because of who they are."*

For **Mag.a Felicitas Rachinger**, it is especially important to actively combat discrimination especially against children and in the field of education in order to counteract racist formative experiences.

*"Some people come to us with very low expectations because they don't know that the Equal Treatment Act exists and are then happy to find out that there are laws that provide protection against discrimination."*

**Mag.a Sophie Haidinger**

actively counteracts racism by assisting those affected by racism by providing free legal advice and supporting persons in taking legal action against discrimination. Acting in solidarity with her clients, she shows them that they are not alone.

*"Unfortunately, we live in a society in which people experience racism on a daily basis. I don't want to live in a society like that."*



What **Nina Augustin**

appreciates about ZARA's counselling offers is that they focus on the well-being and the wishes of those affected by racism. It is important for her to always have an open ear and to be there with advice and support.

*"For me, to be part of ZARA means to fight against injustice, discrimination, and exclusion together with committed people."*

\* **Isabell Bickel, BA, MSc**, and **Mag.a Lilian Levai**, who were an integral part of the ZARA Counselling Unit in 2019 and made it what it was and is, could not make it to the photo shoot – however, we would like to thank them warmly.

\*\* The ZARA counsellors work every day to ensure that people directly affected by racism are supported properly. Not a day goes by when they do not have enough work; the more grateful they are for the support of the committed ZARA volunteers: **Desiree Al-Mahayni, Nina Augustin, Theresa Exel, Lukas Hoffman** (not depicted).

**Desiree Al-Mahayni** wants to give a voice especially to those who find it difficult to stand up for themselves. Therefore, she studied law with a focus on equality and human rights.

*"I want to use the privileges that I enjoy in my life to support others and, thus, to actively fight racism."*

Counselling that encourages and empowers - this is what is of particular importance to **Mag. Lukas Gottschamel**.

He wants to make it easier for people to make their own decisions in difficult situations by providing information and by pointing out legal and non-legal options for action.

*"The most important thing is to respect the experiences of the people that contact us."*

**Dunia Khalil** is particularly concerned about racism in connection with official acts. Therefore, one of her main focuses is to find ways to communicate with the police in order to develop solutions together. She wants to give people directly affected hope and to point out options for legal action against racism.

*"I want persons directly affected to know that they are never the problem and that they are not alone."*



Above all, **Meysara Majdoub** wants to make it clear that racism is a deeply rooted social phenomenon and that, therefore, even those not directly affected by racism have to be educated about it. The focus of her daily work is to conscientiously advise and support people.

*"I wish for more people affected to contact us and to share their experiences with us."*

For **Mag.a Theresa Exel**, it is especially important that people are heard and given a fair chance to enforce their rights.

*"I want to combat discriminatory regulations that put certain socially constructed groups at a disadvantage, and I want to stand up for equal rights."*

Photos: © Asma Aiad

# Public Sphere



This chapter contains a selection of the 355 incidents reported to ZARA that took place in the Public Sphere. The chapter Public Sphere describes all incidents that take place in public and publicly accessible places, such as streets, public squares, traffic areas, parks, and means of public transport. Racist smearings are contained within this chapter because incidents of racist smearings reported to ZARA mostly take place in the public sphere.

4 out of 10 incidents reported to ZARA that took place in the Public Sphere are racist smearings.

41% racist smearings

59% racist assaults

## 1 Racist insult in front of a school

The three teachers M., N., and K. are standing in front of the school they are working at when they are approached by a passer-by. Out of the blue, the man begins to insult the pupils of their school: He claims that they would not behave well and swear, and he wishes them to be brought to a concentration camp. He makes sweeping remarks about the children and is angry about them allegedly not speaking German.

In the end, he makes it clear that he is not only irritated by the pupils but also by the teachers, to whom he also expresses his resentment. When the man tries to photograph them, M., N., and K. leave the forecourt. Worried that this could have adverse consequences for them, they refrain from taking legal action. However, they contact ZARA anonymously to have the incident documented.

### What did ZARA do?

Documentation

## 2 Anti-Muslim racist assault on a woman wearing a headscarf

J. and her husband outside on the street in Vienna when suddenly someone approaches them from behind and grabs J. by her headscarf and hair. She immediately turns around, shouting “What are you doing?“, and calls for help. Upon this, the attacker flees. Since then, J. has been suffering from panic attacks and is afraid to go out alone. This is why she turns to ZARA. A ZARA counsellor conducts a counselling consultation and a relief intervention with J. and gives her the contact details of organisations that offer psychological support. J. does not want to take any further steps but asks ZARA to document the incident.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Referral to family counselling and organisations that offer psychological support  Documentation

## 3 Racist assault on an underground train

M. is on her way home when she, first, is racially insulted in the lift to the underground station and then again on the platform where she is also spat at and beaten by two young persons. The two attackers follow M. into the underground train and continue to assault her. Finally, two witnesses help M. and accompany her to a police station. However, due to the shock she suffered, M. cannot give

a complete statement. She not only suffered external injuries from the attack, but she also has trouble sleeping since then. She turns to ZARA, and the ZARA counsellors organise further support from the Crisis Intervention Centre (→ Glossary, p. 79) and a renewed interrogation by the police to which they accompany M. The police now investigate against the two attackers.

### What did ZARA do?

 (Legal) counselling  Accompaniment to the police interrogation  Organisation of interpretation during the interrogation  Referral to the Crisis Intervention Centre  Documentation

## 4 Racist insult on an underground train

H. is on an underground train with her kindergarten group when an unknown person suddenly grabs her by her arm and pushes her away. When asked why the person was touching her, the person begins to racially insult H. H. turns to ZARA. In a personal consultation, a ZARA counsellor informs H. on the offence of racist (qualified) insult (→ Glossary, p. 79) and possible legal options. H. decides to report the incident to the police and is, at her request, accompanied to the police station by a ZARA counsellor. The police initiate criminal investigations.

### What did ZARA do?

 (Legal) counselling  Accompaniment to the police interrogation  Support in filing a criminal complaint  Documentation

## KNOW YOUR RIGHTS

### ... in order to be able to defend yourself and be aware of possible legal options.

It is a punishable offence to insult someone racially, to grab or tear off someone's headscarf, to racially mock someone and to pull someone's hair, to slap someone, because

of his or her religion, to spit on and mock someone because of his or her origin, and to insult people because of their skin colour on the internet.

Therefore, a racist insult can be reported to the police!

**In the following, you will find more legal information on insults and the so-called offence prosecutable upon complaint in connection with racist insults:**

*Insults*<sup>1</sup> (→ Glossary, p. 79), in a legal sense, are mockeries, bodily mistreats, or threats of bodily harm towards another person in the public. *In the public* means that the insult must take place in front of at least three persons, the person directly affected (according to the legal text, the “victim”) and the offender not included. Insults are to be punished with a custodial sentence of up to three months (or, alternatively, a fine).

In general, an insult is considered an **offence with private prosecution** (→ Glossary, p. 79). This means that the offender is only prosecuted by the public prosecutor’s office at the request of the person directly affected (according to the legal text, the “victim”). The downside of such a private prosecution is that the complainant has to bear the costs of the criminal proceedings if the offender is discharged and that the complainant has to lead the process himself or herself. **This means that persons directly affected are confronted with a high risk of costs in the case of an offence with private prosecution.**

**But ...**

... if an insult is **racially motivated**, e.g., with reference to the skin colour, the ethnic origin, or the religious affiliation of the insulted person, it becomes a so-called **offence prosecutable upon complaint**<sup>2</sup> (→ Glossary, p. 79). According to the legal text, such an insult is considered to have taken place if a person’s human dignity is insulted. The insult must be directed against a member of a certain group – defined by criteria such as skin colour, language, religion, etc. – (see also explanations on incitement to hatred in the chapter *Internet*) explicitly due to his or her

affiliation to this group. Groups such as “foreigners,” “migrants,” “refugees,” and “asylum seekers” fall within the scope of this law.

The particularity of an offence prosecutable upon complaint, such as a racist insult, is that the public prosecutor’s office has to prosecute the offence *ex officio*, which means that it has to initiate criminal proceedings, provided that the person affected has given consent. **In the course of such proceedings, the person affected does not bear the risk of legal costs.** This means that, even if the offender is discharged, the person directly affected (according to the legal text, the “victim”) does not have to pay any legal costs.

**What concrete steps can I take?**

Persons that have been racially insulted may file charges with the police or submit an exposition of the facts to the public prosecutor’s office.

*ZARA offers support in doing so as well as advice during the proceedings.*

If the public prosecutor’s office concludes that the insult did not take place due to the affiliation to one of the said groups, the person affected may still try to proceed privately against the offender. However, the problem with assaults in the public sphere is that offenders often remain anonymous and cannot easily be investigated. A complaint against unknown offenders to the public prosecutor’s office at least serves to make such incidents public and to ensure that they appear in official statistics. ZARA documents incidents in the public sphere in any case in order to keep a permanent eye on the systematics behind them and to make the phenomenon of racism itself more visible and, thereby, easier to fight.

1 In accordance with Article 115 of the Austrian Criminal Code (StGB)

2 In accordance with Article 117 paragraph 3 of the Austrian Criminal Code (StGB)

# Racist Smearings

## 5 NS-smearings

Via Twitter, ZARA is informed that the Türkis Rosa Lila Villa, the queer community centre for lesbian, gay, bi, pan, inter, and trans people in Vienna, was smeared with swastikas. A ZARA counsellor documents the incident. The Türkis Rosa Lila Villa reports the incident to the police and obtains the removal of the smearings.

### What did ZARA do?

↔ Exchange with partner organisations    📄 Documentation

## 6 Anti-Muslim racist smearings in university buildings

S. reports more than 40 racist, mostly anti-Muslim, smearings in the buildings of a university institution. A ZARA counsellor contacts the university and sends along photos of the smearings. The university assures that it will have the smearings removed immediately. In addition, upon the initiative of ZARA, posters which call for the reporting of racist smearings are put up in the buildings.

### What did ZARA do?

📄 Notification of the university and request for the immediate removal of the smearings    📄 Documentation

*"We can't just let these racist incidents go and accept them."*

ZARA client

## 7 Antiziganistic smearings

ZARA receives an anonymous report that an ATM at the central station of Vienna has been smeared with antiziganistic smearings. A ZARA counsellor documents the incident and reports the smearings to the City Service of Vienna (→ Glossary, p. 79). The City Service of Vienna informs the operator of the ATM about the smearings and asks for their removal. After a follow-up inspection, the City Service of Vienna informs ZARA that the smearings have been removed.

### What did ZARA do?

📄 Notification of the City Service of Vienna and request for the immediate removal of the smearings    📄 Documentation

## KNOW YOUR RIGHTS

### ... in order to be able to defend yourself and to be aware of possible legal options.

A racist smearing may legally be classified as damage to property (see below) as well as an offence according to the **Austrian Prohibition Act** (VerbotsG (→ Glossary, p. 79)), according to the Introductory Act to the Administrative Procedure Acts<sup>1</sup> (EGVG (→ Glossary, p. 79)), and, in case of incitement to hatred (→ Glossary, p. 79), according to Article 283 of the Austrian Criminal Code (StGB).

This section focuses on the Prohibition Act. For more information on incitement to hatred, see the chapter *Internet*. The application of swastikas, SS runes, National Socialist slogans, and the like may fall within the scope of this law if the offenders have the intention to act according to NS ideologies or to endorse NS crimes.

The Austrian Supreme Court (OGH) has repeatedly ruled that exclamations such as “Heil Hitler” or “Sieg Heil” as well as the Hitler salute are characteristic symbols of National Socialism. Thus, the demonstrative use of slogans and gestures of this kind in public in connection with the intention to perform activities inspired by National Socialist ideologies falls under the Prohibition Act and is punishable.<sup>2</sup> For the dissemination of Nazi ideologies in the sense of the Prohibition Act, according to the Introductory Act to the Administrative Procedure Acts, there is an administrative

fine of up to 2,180 euros. The Prohibition Act provides for custodial sentences of up to 20 years.

If the intention stipulated in the Prohibition Act (promotion of National Socialist ideologies) is lacking and there is, therefore, no conviction, offenders can still be punished – however, according to another law<sup>3</sup>.

**Article 125 of the Austrian Criminal Code** (→ Glossary, p. 79) regulates the offence of **damage to property**. According to it, whoever destroys, damages, defaces, or makes unusable the property of someone else commits an act of criminal damage to property. Smearings are mostly considered to be cases of defacement – as they often represent a not insignificant change to the outer appearance of an object. At the same time, this change must be so severe that the removal requires a certain effort. If the “lowest threshold” is not exceeded, e.g., if a small area of a glass wall is painted with a water-soluble pencil, it is not considered damage to property.

In the case of simple damage to property, the maximum sentence is six months of imprisonment or, alternatively, a fine. If the damage exceeds an amount of 5,000 euros or was done to a church, a grave, or a building that is protected as a historic monument, the maximum sentence is two years. If the damage exceeds an amount of 300,000 euros, the sentence ranges from six months to five years of imprisonment.

1 In accordance with Article III paragraph 1 sub-paragraph 4 of the Introductory Act to the Administrative Procedure Acts (EGVG)

2 Decisions of the Austrian Supreme Court of 13/9/2000 with the reference numbers 13 OS 45/00 or 13 OS 47/00

3 In accordance with Article III paragraph 1 sub-paragraph 4 of the Introductory Act to the Administrative Procedure Acts (EGVG)

## What can I do when I notice (racist) smearings?

Smearings are – in case they are considered to be damages to property – so-called offences prosecuted *ex officio* (→ Glossary, p. 79). This means that the police are obliged to file charges upon gaining knowledge about them. Unfortunately, this rarely happens. However, smearings can be reported by anyone who notices them to a police station or, by means of an exposition of the facts (→ Glossary, p. 79), to the public prosecutor's office. Since the offenders are often unknown and their identity may not be investigated, such complaints are sometimes merely useful for statistical purposes.

Anyone who notices (racist) smearings can either report them to the police themselves or contact ZARA, who will support them. In any case, ZARA is happy if people report smearings in order to document them and to be able to recognise the system behind them if there is one. ZARA will then try to obtain the removal of the smearing and will document the content, location, and type of smearing.

In case of a report to ZARA or a complaint with the police, it is important **to indicate the location and the content of the smearing as precisely as possible**, and, if possible, **a photo of the smearing** should be sent along. ZARA counsellors will contact public institutions or relevant private contact points (e.g., the City Service of Vienna<sup>4</sup>, Wiener Linien, the house management) to request the removal of the smearing. Most

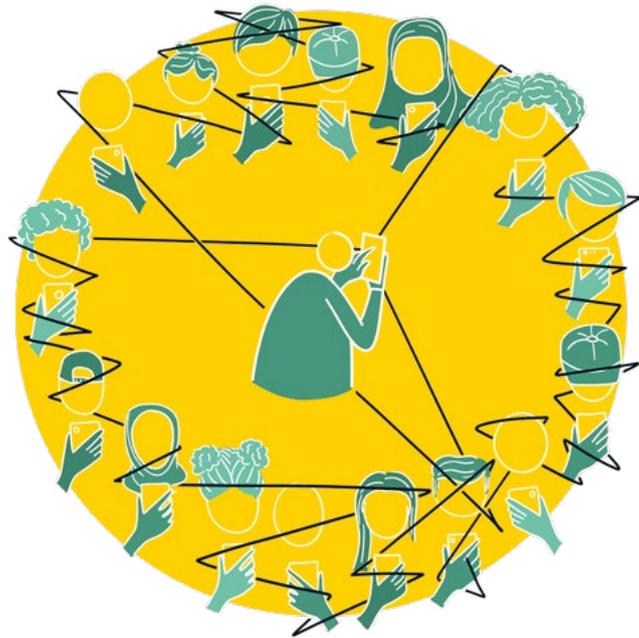
of the institutions forward the request to the competent body if they are not responsible and inform ZARA accordingly. The City Service of Vienna (→ Glossary, p. 79) arranges the removal of smearings in the public sphere. If the smearing is placed on private property, the owners are contacted and asked to remove it.

**If someone wants to remove or cover a smearing autonomously, caution should be exercised.** It is allowed to paint over a discriminatory smearing or a symbol of this sort with something easily removable, such as chalk, or to cover the smearing with an easily removable sticker.

If, however, a smearing is painted over and, thereby, additional damage is caused because, for example, the removal of the original smearing becomes more difficult in consequence of using a permanent lacquer instead of chalk that was used originally, the person who painted over the racist smearing commits damage to property. If the smearing is legally regarded as incitement to hatred, it could be argued to the effect that the lawful condition was restored by blurring the prohibited slogan/symbol and that, therefore, there is a justification for the additional damage to property. However, it is questionable whether a court would agree with this argumentation. Property owners may give permission to racist smearings being painted over.

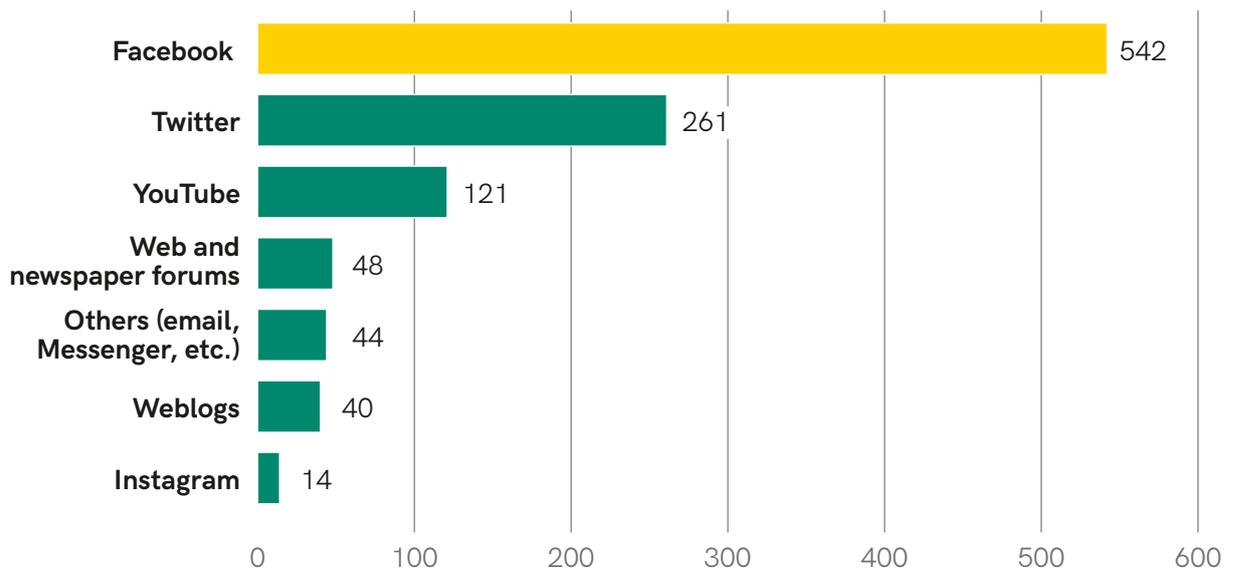
4 [www.wien.gv.at/kontakte/stadtservice/kontakt](http://www.wien.gv.at/kontakte/stadtservice/kontakt)

# Internet



This chapter contains a selection of the 1,070 incidents reported to ZARA that took place on the Internet. The chapter Internet lists all incidents that take place on the internet. This includes online media, websites, online forums, social media, video platforms, and blogs.

The awareness to report racist hatred to ZARA is especially high on Facebook. More than half (51%) of all incidents of racism on the internet were reported by Facebook users.



## 8 Racist cyberbullying against a six-year-old pupil

S. is the director of a school. She turns to ZARA and reports the following incident: A six-year-old pupil who had fled Syria is mocked and threatened on the social media platform Instagram. S. suspects that other pupils are behind this and wants to know what she, as the director, can do to solve the situation. A ZARA counsellor conducts an extensive consultation with her, discussing mainly the possibility of creating more awareness for the topics of hatred on the internet and racial discrimination among the pupils in the course of a ZARA training workshop. S. thanks her and will contact ZARA again if necessary.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Referral to ZARA Training  Documentation

## 9 Facebook post leads to anti-Muslim racist comments

An Austrian politician posts a photo of several families in a park, among them also women wearing headscarves, on Facebook. In the post, he describes these “impressions” as “bewildering.” In response to his post, more than 2,000 comments are posted, many with anti-Muslim racist content. ZARA documents the comments and requests the removal of some of them.

### What did ZARA do?

 (Legal) counselling  Request for the removal of hate comments on Facebook  Documentation

## 10 Inflammatory Facebook post

P. turns to ZARA to report an inflammatory post on Facebook, which is primarily directed against Black people and also

*“I was deeply disappointed by humanity due to the comments.”*

ZARA client

generalises against “foreigners.” Some of the commonly seen prejudiced images and hurtful resentments, which are articulated in the post, refer primarily people, who are articulated as “others”, as having no place in Austria. Apart from racist content, there is also sexist content. A ZARA counsellor sends a deletion request to Facebook whereupon the post is removed. In addition, the ZARA counsellor reports the post to the NS Reporting Office (→ Glossary, p. 79).

### What did ZARA do?

 Request for the removal of hateful comments on Facebook  Report to the NS Reporting Office  Documentation

## 11 Website with Holocaust-denying, anti-Semitic, and anti-Muslim racist content

Several people report a website with anti-Semitic and anti-Muslim racist content to ZARA. Furthermore, there are several articles on it in which the Holocaust is denied. A ZARA counsellor reports the website to the NS Reporting Office (→ Glossary, p. 79). Since it is unclear whether the website is operated from an operator in Austria or in Germany, she additionally reports the website to the German counselling centre HateAid (→ Glossary, p. 79). Shortly thereafter, a HateAid employee informs ZARA that the website has been reported to the German police. Unfortunately, ZARA currently has no knowledge about the status of the investigation in Germany.

### What did ZARA do?

 Notification of a transnational partner organisation  Report to the NS Reporting Office  Documentation

## KNOW YOUR RIGHTS

**... in order to be able to defend yourself and to be aware of possible legal options.**

**Inciteful comments and comments that violate human dignity are not allowed on the internet. The internet is not a lawless space.**

This also means that anyone who assumes that inflammatory comments that violate human dignity are permitted as an exercise of freedom of opinion is mistaken. Austrian law<sup>1</sup> provides for exceptions to the principle of freedom of opinion when it is no longer a matter of opinion but, for example, an incitement to hatred<sup>2</sup> (→ Glossary, p. 79) or a violation of the Prohibition Act (VerbotsG (→ Glossary, p. 79)). The offence according to the Prohibition Act is described in more detail in the section “Know your rights” in the chapter *Racist Smearings* (→ *Racist Smearings*, p. 43).

**Taking incitement to hatred as an example (Article 283 of the Austrian Criminal Code (StGB (→ Glossary, p. 79))**

Generally, Austrian criminal law is applicable if the offender is physically present in Austria, if the success (i.e., the results of the action) takes place in Austria or if the success is intended to take place in Austria.<sup>3</sup> This also generally applies to criminal offences committed on the internet. If the relevant website is located on a server abroad or the offender is not located in Austria, this complicates the situation and makes prosecution more difficult.

According to previous jurisprudence on the offence of incitement to hatred, “incitement” is defined as “a tendentious

appeal to existing feelings or passions inciting hate and contempt.”<sup>4</sup>

In accordance with Article 283 of the Austrian Criminal Code, the following persons are liable for prosecution on the grounds of incitement to hatred:

*§ 283. (1) Whoever publicly, in a manner such that it will be accessible to a large number of people,*

*1. incites or instigates to commit a hostile act against a church or religious community or any other group of persons defined by criteria of race<sup>5</sup>, skin colour, language, religion, world view, nationality, descent or national or ethnic origin, gender, a disability, age, or sexual orientation or against a member of such a group explicitly on account of his or her belonging to such a group;*

*2. incites against a group defined in paragraph 1 or tries to insult or disparage it in a manner violating human dignity [...]*

*shall be liable to up to two years of imprisonment.*

The protected group of persons includes (socially constructed) groups as well as individual members of such groups that are defined according to the presence or absence of certain criteria. With regard to racist incidents, this includes people or groups of people defined by the (ascribed or actual) presence or absence of the criteria of skin colour, language, religion, nationality, descent, and national or ethnic origin. The new wording in 2015 establishes that groups such as *foreigners, migrants, refugees, and asylum seekers* fall within the scope of this law as well.

1 In accordance with various international legal regulations on the protection of human rights

2 In accordance with Article 283 of the Austrian Criminal Code (StGB)

3 In accordance with Article 62 in conjunction with Article 67 of the Austrian Criminal Code (StGB)

4 Decision of the Austrian Supreme Court of 28/1/1998 with the reference number 15 Os 203/98

5 Since the term “race” denotes a social construct, it is put in quotation marks.

This means it is forbidden to incite or instigate violence or hatred against such a group or members of such a group. Persons who have the intention to violate someone else's human dignity by insulting a member of such a group in a manner likely to disparage or to discredit this group in public opinion are liable to prosecution. Such acts are punishable if they are committed "publicly in a manner such that it will be accessible to a large number of people." According to jurisprudence and doctrine, "publicly" refers to about ten people, and a "large number of people" indicates around 30 people.

The higher punishment<sup>6</sup> shall apply if the inciting statements become accessible to a "broader public." A group of people of around 150 people fulfils the requirements of a broader public; thus, hate propaganda and incitement to hatred on the internet, in magazines, or in the course of well-attended public events fall within this scope.

If such an inciting action results in the use of violence against a group or a "member" of such a group, it is potentially punishable with a higher punishment<sup>7</sup>. Furthermore, the dissemination of hate and inflammatory propaganda "in an approving or justificatory manner" is prohibited<sup>8</sup>, provided that it is accessible to a broader public. This clearly regulates that not only the independent composing of inflammatory material but also the dissemination of hateful content (e.g., on the internet) is prohibited. Merely "reporting something with a critical intention" is not covered by the law.

**What is problematic is the shortened limitation period as stipulated in the Austrian Media Act (MedienG), which applies when offences are committed via a medium<sup>9</sup>, i.e., for example, on social media platforms.**

The limitation period for media-content offences<sup>10</sup> (→ Glossary, p. 79) (such as inflammatory posts and comments on social media platforms) starts when the content first appears online. From this moment on, the limitation period amounts to one year. **In concrete terms, this means that inciting statements, e.g., on Facebook or other social media platforms, can no longer be prosecuted after a period of only one year.** For incitements to hatred that do not constitute media-content offences, i.e., that are not committed by means of a medium, the limitation period amounts to five years.

### **What concrete steps can I take?**

In any case, you can report the incident or content to ZARA. ZARA will examine the incident and, if necessary, report it to the police, the NS Reporting Office, or the public prosecutor's office. In order to obtain the removal of inflammatory comments on the internet, ZARA usually contacts the operators of the relevant websites and draws attention to the general terms and conditions (→ Glossary, p. 79) or the community standards and/or the criminal relevance of the comments. The operators are obliged to delete any posts or comments that violate criminal law when they are informed about them. If the relevant content knowingly remain accessible, the operators of the website may be prosecuted under criminal law.

**It is important to provide a screenshot or a link to the corresponding comment or content. If possible, the screenshot should include information on the exact date and time when the comment was posted.**

6 In accordance with Article 283 paragraph 2 of the Austrian Criminal Code (StGB)

7 In accordance with Article 283 paragraph 3 of the Austrian Criminal Code (StGB)

8 In accordance with Article 283 paragraph 4 of the Austrian Criminal Code (StGB)

9 According to Article 1 paragraph 1 sub-paragraph 2 of the Austrian Media Act (MedienG), a medium is "every means of disseminating information or representations with intellectual content in word, writing, sound, or image to a wider audience by means of mass production or distribution."

10 In accordance with Article 32 of the Austrian Media Act (MedienG)

# Politics and the Media



This chapter contains a selection of the 33 incidents reported to ZARA in the sphere of Politics and the Media. The chapter Politics and the Media includes any racist incidents on the part of politicians or political parties and their bodies and the traditional media (print, radio, and television), both online and offline.



*"When the media emphasise the origin of perpetrators, this leads to the linking of a crime to an origin, which has absolutely no information value but rather distorts reality. Responsible media should finally refrain from this misleading practice!"*

Meike Kolck-Thudt, ZARA Public Relations

## 12 Racist Poem

A. reports the publication as well as the content of the so-called "Rat's Poem" (Rattengedicht) of an FPÖ vice-mayor to ZARA. She feels personally affected by the deeply racist, degrading, and contemptuous statements contained therein and would like to know what legal action can be taken against the author and the person responsible for the publication. A ZARA counsellor offers detailed advice and also reports the incident to the NS Reporting Office.

### What did ZARA do?

(Legal) counselling Report to the NS Reporting Office Documentation

## 13 Racist linking of image and text material in a newspaper article

An attentive witness reports a newspaper article to ZARA in which the topic of violence in schools is illustrated by means of a picture of a Black pupil. Through the selection of the image, the subject of violence is linked to the subject of skin colour, reality is distorted, and Black pupils are racially discriminated against. ZARA reports the article to the Austrian Press Council (→ Glossary, p. 79). At the time of going to press, ZARA has not yet received an answer.

### What did ZARA do?

Complaint to the Austrian Press Council Documentation

## 14 Antiziganistic and Social-Darwinist “documentary”

ZARA is made aware of a “documentary” produced by a German TV company in which the life of Rom\*nja and Sinti\*zze is portrayed in a highly dubious, tendentious and (in connection with this) an antiziganistic way. They are either represented as rich, organised in criminal “clan structures”, or as completely impoverished, unhygienic people and, as is often the case, as beggars. ZARA documents these disrespectful and degrading portrayals. The Central Council of Sinti and Roma initiates an examination of the documentary, which was shown on a German TV channel with high coverage, and finds it to be clearly discriminatory. A political scientist also criticises the documentary as antiziganistic in a report.

### What did ZARA do?

 Documentation

## 15 Politician spreads racist false statements about a minor

In the spring of 2019, the pupil M. turns to ZARA after having come into the media spotlight due to a racist Facebook post by a politician containing false statements about him. In the post, M. is racially defamed and falsely portrayed as violent and sexually assaulting. In the course of the counselling consultation, it becomes clear that this is a classic case of reversal of victim and perpetrator. M. notes how the media attention and, above all, the hateful reactions made him “disappointed in humanity.” Obviously, the situation puts a lot of pressure on the pupil. A ZARA counsellor advises M. and his parents in detail about different options for action. Additionally, because of the explosiveness of the incident and the age of the person affected, a lawyer is

contacted. After several discussions and considerations on the part of the pupil, he decides not to take legal action.

### What did ZARA do?

 (Legal) counselling  Relief intervention  
 Cooperation with the lawyer  
 Documentation

## 16 Campaign based on false statements about a ban on Schnitzel agitates against Muslims

In July 2019, T. reports a FPÖ post to ZARA, which is part of an anti-Muslim racial smear campaign based on false statements about a “ban on Schnitzel” in Austria. Among other things, the FPÖ writes: “Pork is part of Austrian cuisine and must not be allowed to disappear from the menu. We won’t sacrifice our food culture for migrants.”

### What did ZARA do?

 Documentation

*“In my country, we admire Europe and Austria. Democracy, freedom of opinion, freedom of religion, human rights – this all sounds so great, but as soon as you arrive in Austria, you realise how much reality deviates from imagination.”*

ZARA client

## KNOW YOUR RIGHTS

### ... in order to be able to defend yourself and to be aware of possible legal options.

One-sided, racist reporting in the media is often legally elusive and, therefore, not prosecutable. Newspapers can decide for themselves which reports and (allowed) opinions they publish. As long as there are no violations of the rights of individuals, e.g., through defamation, incitement to hatred, the violation of the presumption of innocence, or of the Prohibition Act (VerbotsG (→ Glossary, p. 79)), legal steps are often not promising.

However, the Austrian Press Council<sup>1</sup> (→ Glossary, p. 79) offers the possibility to initiate proceedings in connection with a possible violation of the media-ethical principles of the Code of Honour of the Austrian Press. The Press Council decides on reports in print media and on websites attributable to these media. The Code of Ethics (according to its own definition) contains rules for the daily work of journalists intended to ensure compliance with journalism's professional Code of Ethics. Regarding the protection against

discriminatory and racist reporting, i.e., against generalising suspicions and disparagement, point 7.2 of the Code of Ethics states the following:

*Any discrimination on the grounds of age, a disability, gender, ethnicity, nationality, religion, sexual orientation, worldview, or any other reasons is inadmissible.*

### What concrete steps can I take?

Private individuals always have the possibility to contact media owners in order to protest against racist reporting and to point out that such opinions are rejected by their readership. If the incident is reported to ZARA, ZARA counsellors can provide assistance or undertake this step on behalf of the reporting person. If possible, links, screenshots, and/or the print medium as well as information about the content and time of publication should be provided.

<sup>1</sup> Decisions of the Press Council can be viewed on its website: [www.presserat.at](http://www.presserat.at).

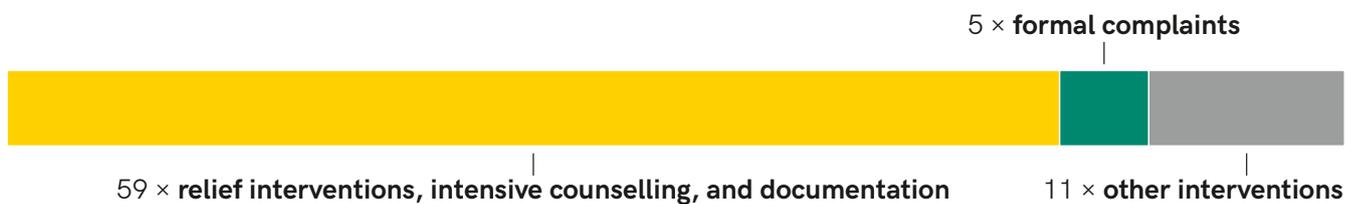
# Police



This chapter contains a selection of the 75 incidents reported to ZARA that involved the Police. The chapter Police includes all reports that are connected in any way with the security administration and with public security bodies.

In 59 cases, ZARA's services were concentrated on relief interventions, intensive counselling, and documentation.

In only 5 out of 75 racist incidents involving the police was it possible to file a formal complaint.



*"The lacking chances of success, the fear of secondary victimisation by the police, and the substantial effort of money, time, and nerves are all considerable obstacles in the way of making a formal complaint against racist police conduct. This prevents that honest feedback on misconduct is reported back to the police as an institution."*



Caroline Kerschbaumer, Managing Director of ZARA and Member of the Human Rights Advisory Board

## 17 Racist representation in the course of an exercise with a school class

An elementary school class goes on an excursion to get to know police work. In the course of the excursion, a search for a perpetrator is staged, whereby the children are handed a photo of a Black man. G., whose child is in this class, recognises this depiction

as racist and turns to ZARA. A ZARA counsellor offers to make contact with the responsible police officers or to help her write a letter. G. would like to discuss this with the other parents and will then contact ZARA again.

### What did ZARA do?

- (Legal) counselling
- Relief intervention
- Documentation

## 18 Racially motivated police control

After a visit to their parents, who originally come from Tunisia, the brothers P. and K. are pulled over by police officers. The police officers search their bags and their car and behave aggressively. They ask the brothers if they take drugs, which they deny. The police officers address them with the German familiar second person singular “Du” and refuse to hand out their identification numbers and to explain the reason for the official act. Since P. and K. perceive the official act to be increasingly aggressive, they decide to call the police themselves, whereupon other police officers arrive. However, P. and K. are not informed about the reason for the official act by them either. After this incident, they turn to ZARA and file a guidelines complaint (→ Glossary, p. 79) with the support of a counsellor. This leads to a positive talk between the responsible police officer and P. and K., who are accompanied by a ZARA counsellor. The police officer recognises mistakes in the performance of this official act and is prepared to discuss them with the police officers who were present at the official act. Almost at the same time, P. receives a charge sheet for, among other things, noise disturbance. A ZARA counsellor supports him in drafting an appeal against the charge sheet. Shortly thereafter, the administrative proceedings are discontinued.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Support in drafting an appeal against a criminal order  Support in filing a guidelines complaint  Documentation

## 19 Racially motivated official act

In a train, a dispute arises between a Black family and other travellers. At the next stop, police officers get on the train and ask all Black people to get off. Also H., who had nothing to do with the dispute, gets off the train. At the platform, H. experiences an official act that gives him a hard time. Therefore, he turns to ZARA, and a ZARA counsellor supports him in filing a guidelines complaint (→ Glossary, p. 79). A response from the authorities contains offensive content and tries to justify the actions of the police officers. Thereupon, H. decides to bring the conduct of the police officers before the regional administrative court. The case turns out to be very complex. At the time of going to press, ZARA does not wish to give any precise details on the current proceedings in order to protect H.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Support in filing a guidelines complaint  Support in drafting a complaint to the regional administrative court  Documentation

## 20 Racist statement of a police officer during trial

P. is a lawyer in Vienna. During a criminal trial, he hears a police officer testifying that “there is always the suspicion of drugs being involved when a White and a Black person are together in Vienna.” P. is shocked to hear such a statement from a police officer during a trial and reports the incident to ZARA for documentation. Furthermore, he files a disciplinary complaint against the police officer with the Federal Ministry of the Interior. ZARA tries several times to obtain further information about the course of the disciplinary complaint. At the time of going to press, we unfortunately still do not know more.

## 21 Unjustified, racially motivated identity check in a park

### WHAT HAPPENED TO THE INCIDENT OF ETHNIC PROFILING FROM 2018?

(Incident 25, Racism Report 2018)

In 2018, ZARA supported M. and F. in filing a guidelines complaint (→ Glossary, p. 79), a procedural complaint (→ Glossary, p. 79), and an appeal against a criminal order (→ Glossary, p. 79), following a racially motivated official act against them, while they were sitting in a park.

### What happened in 2019?

In 2019, the first hearings in connection with the guidelines and the procedural

complaint (→ Glossary, p. 79) take place before the regional administrative court (→ Glossary, p. 79). The police officers, M., F., and other witnesses present during the official act are questioned. As it is planned to question further persons, the trial is adjourned – and a decision will not be made until 2020. Furthermore, a hearing regarding an administrative fine for resisting an eviction order (→ Glossary, p. 79) from the park that was previously imposed on F. takes place. F. and ZARA successfully take action against the fine and manage to have it cancelled.

### What did ZARA do?

-  (Legal) counselling
-  Cooperation with lawyers
-  Accompaniment to court hearings
-  Documentation

## KNOW YOUR RIGHTS

**... in order to be able to defend yourself and to be aware of possible legal options.**

### What are the police entitled to do?

Every identity check by the police must have a clear legal basis. In Austria, there is no general obligation to provide evidence of identity. However, Article 35 of the Austrian Security Police Act (SPG (→ Glossary, p. 79)) and Article 118 of the Austrian Criminal Procedure Code (StPO (→ Glossary, p. 79)) establish a variety of cases in which police officers are authorised to check a person's identity: For example, if, on the basis of certain facts, it is to be assumed that a person is in some way connected with a criminal offence or may be in a position to give information on such an offence, this person is obliged to cooperate in the establishment of his or her identity. Thus, both suspected offenders and witnesses of a criminal offence may be forced to identify themselves.

Furthermore, it is stipulated<sup>1</sup> that “a law enforcement officer has the right to establish the identity of a person if there is the urgent suspicion that a serious crime could occur at the place where the person in question is currently situated.” The executive authorities have made greater use of this provision in recent years to carry out identity checks in heavily frequented areas (i.e., bus stops, public squares, pedestrian zones, etc.), regardless of whether the suspicion that a serious crime could occur existed.

The Security Police Act<sup>2</sup> (→ Glossary, p. 79) also stipulates the legal grounds for carrying out identity checks in the area of travel (i.e., in trains, train stations, on motorways, in airports, etc.). On the basis of these provisions, identity checks of persons, for example, on trains, are carried out regularly. Being controlled only because of one's skin colour or ethnic affiliation is, however, not provided for in the law

<sup>1</sup> In accordance with Article 35 paragraph 1 sub-paragraph 2 lit a of the Security Police Act (SPG)

<sup>2</sup> Especially in Article 35 paragraph 1 sub-paragraphs 6 and 7 of the Security Police Act (SPG)

and is considered **unlawful ethnic profiling** (→ Glossary, p. 79).

**Attention:** In certain cases, identity checks are also provided for in the Aliens' Police Act (FPG): Non-Austrian citizens<sup>3</sup> must either carry a travel document with them as proof of their legal residence or keep it in a place from which it can be fetched without undue delay (one hour). Identity checks of non-Austrian citizens<sup>4</sup> are permissible if there is the suspicion that their presence on federal territory may be illegal.

### The principle of proportionality (Security Police Act – SPG)

The Security Police Act defines the so-called **principle of proportionality**<sup>5</sup>: According to this principle, police officers carrying out an identity check must choose a course of action, which is expected to cause the least harm to the person being controlled.

### What concrete steps can I take?

The incidents contained in this report show the need to be able to complain about police misconduct.

#### Option 1: Procedural complaint

If there is no legally permissible basis for an identity check or if it only takes place due to *ethnic profiling* (→ Glossary, p. 79), the person affected may file a so-called **procedural complaint**. ZARA offers support in doing so.

The complaint is to be submitted to the responsible regional administrative court (→ Glossary, p. 79) within six weeks. A procedural complaint can be filed against violations of the Security Police Act as well

as against violations of constitutionally guaranteed rights, e.g., the prohibition of torture and inhuman or degrading treatment<sup>6</sup> (→ Glossary, p. 79), the right to respect for private and family life<sup>7</sup> (→ Glossary, p. 79), or the Federal Constitutional Law on the Protection of Personal Freedom.

In proceedings in connection with procedural complaints, independent judges decide whether the intervention of the police officers in question was unlawful. Procedural complaints are always directed against the responsible supervisory body; the individual police officers merely act as respondents and are not directly affected by the regional administrative court's decision. Once a trial has taken place before the regional administrative court, the police officer in question may, however, be subject to consequences under service law. Persons affected have, however, no influence on police-internal disciplinary proceedings and are not informed about such steps. A claim to compensation is not provided for in these proceedings.

A procedural complaint entails a considerable cost risk for complainants if the court finds that there was nothing unlawful about the police officers' conduct.

#### Option 2: Guidelines complaint

The so-called Directive for Interventions by Members of the Public Security Services (RLV (→ Glossary, p. 79)) represents a kind of **code of conduct for law enforcement officers**. If police officers fail to comply with it, it is possible to file a so-called guidelines complaint.

The Directive for Interventions by Members of the Public Security Services, for example,

3 According to the legal text "aliens"

4 See footnote 3

5 In accordance with Article 29 of the Security Police Act (SPG)

6 In accordance with Article 3 of the European Convention on Human Rights (ECHR)

7 In accordance with Article 8 of the European Convention on Human Rights (ECHR)

states that law enforcement officers have to refrain from any action liable to give the impression of bias on their part or that might be perceived as discrimination on the grounds of gender, skin colour, national or ethnic origin, religious beliefs, political opinion, or sexual orientation. Furthermore, law enforcement officers are obliged to use the German polite form of address “Sie” (instead of the familiar second person singular “Du”) where this corresponds to social conventions and for all persons who wish to be thus addressed. The persons affected by an official act must, upon request, be informed about their rights and the purpose of the official act,<sup>8</sup> unless the purpose of the act is obvious or if explaining it would prevent the police officers from fulfilling their tasks. Victims of criminal offences or persons who, for physical or psychological reasons, are not able to realise that an official action is taking place are to be treated with special consideration.

Furthermore, the Directive for Interventions by Members of the Public Security Services provides<sup>9</sup> that persons, who are entitled to receive information or who are permitted to request the presence of a person of trust or a legal advisor, must be informed of these rights. In addition,<sup>10</sup> police officers must disclose their official identification numbers to persons subjected to official acts upon request, which should preferably be handed out in written form.

A guidelines complaint can either be submitted to the competent supervisory body or to the respective regional administrative court (→ Glossary, p. 79) within six weeks.

The competent supervisory body must investigate the accusation and then has to inform the complainant in writing whether there was a violation of the Directive for

Interventions by Members of the Public Security Services. The responsible state police department also has the possibility to organise a meeting between representatives of the police department in question and/or the police officer involved and the complainant. If the person concerned is satisfied with the course and outcome of this so-called mediation talk (→ Glossary, p. 79), the guidelines complaint procedure is closed. If, however, the complainant is not satisfied with the talk and its outcome, the supervisory body has to provide a written statement as described above.

If the statement denies that a violation occurred or if no statement is delivered within three months of the complaint being filed, the complainants may demand an assessment of the complaint before the competent regional administrative court. The regional administrative court then has to initiate proceedings to determine whether the directive has been violated. The proceedings before court are carried out in a manner similar to that of a procedural complaint. As in the course of a procedural complaint, there is a considerable cost risk for the complainant in the course of such proceedings, which often prevents persons affected from allowing their complaint to be subjected to judicial review.

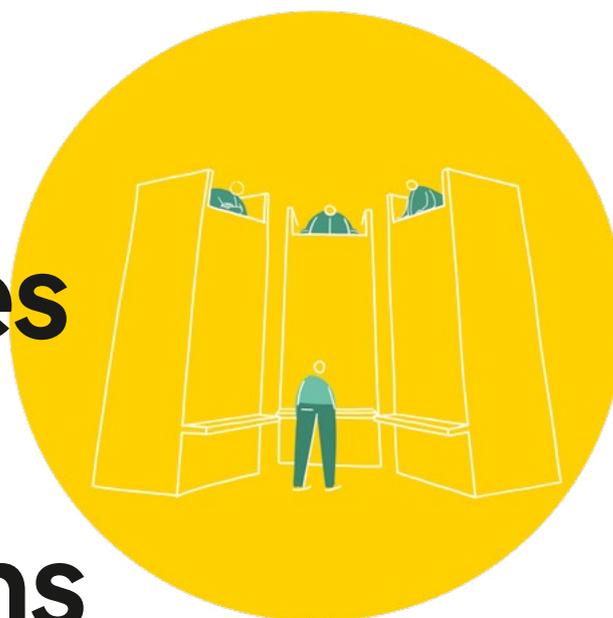
**Attention:** In both cases, ZARA can assist in filing the complaint and offers support for complainants during the proceedings. In some cases, ZARA may also assume the cost risk via a legal aid fund set up specifically for this purpose, which can be utilised according to defined criteria. For a more in-depth critical examination of this topic, see the chapter on ZARA’s relationship with the police (→ ZARA’s Relationship with the Police, p. 22).

8 In accordance with Article 6 of the Directive for Interventions by Members of the Public Security Services (RLV)

9 In accordance with Article 8 of the Directive for Interventions by Members of the Public Security Services (RLV)

10 In accordance with Article 9 of the Directive for Interventions by Members of the Public Security Services (RLV)

# Public Authorities and Institutions



This chapter contains a selection of the 93 incidents reported to ZARA that involved Public Authorities and Institutions. The chapter Public Authorities and Institutions collects incidents that occur in administrative bodies, schools, and other municipal institutions (except those involving the police).

More than half of the racist incidents in dealing with public authorities and institutions that are reported to ZARA took place in connection with (vocational) education.

53% Racism in connection with (vocational) education

47% Racism in dealing with administrative bodies, the legal system or the public health system or in prisons

## 21 Medical help denied

L. is detained in a detention centre (→ Glossary, p. 79) for six days. During this time, she gets her period. Since she is circumcised, this causes her severe pain. However, the supervisors deny L. medical help and make fun of her when she explicitly points out her circumcision and her pain. Only after two sleepless nights, L. receives painkillers. After her release, she turns to ZARA. A ZARA counsellor explains to her

the legal situation and points out possible further steps. L. decides to not file a complaint. Alternatively, the ZARA counsellor suggests a meeting with the employees of the detention centre in which they could be informed about the subject of female genital mutilation (FGM (→ Glossary, p. 79)). However, L. does not contact ZARA anymore afterwards.

### What did ZARA do?

 (Legal) counselling  Relief intervention  
 Correspondence with the responsible officials at the detention centre  Documentation

***"Together with ZARA, we at the IDB demand the establishment of independent reporting and complaint centres for incidents of discrimination tailored to the needs of pupils and teachers. Furthermore, there is a need for anti-discrimination officers at every school. It is important to know your rights, to demand them, and to be able to get support without having to fear for one's scholastic success or job."***



Sonia Zaafrani, Chairperson of IDB - Initiative for a Non-Discriminatory Education System  
[www.diskriminierungsfrei.at](http://www.diskriminierungsfrei.at)

## 22 Racist group division in school and degradation of students

T. and two of her classmates continuously experience racist incidents during their additional vocational training in a state-run institution. Among others, a teacher divides the students into two groups: In one group, there are only people "with a migration background," and in the other one, there are only people "without a migration background." Because of this incident, the students consider dropping out of school and complain to the head of the department, who, however, does not take action. The students turn to ZARA, where a ZARA counsellor conducts a relief intervention with them and motivates them to not drop out of school. Together, they discuss different strategies. The students decide not to drop out of school but are afraid that there could be problems with the racist teacher during their final exams. The ZARA counsellor offers to write a letter to the institution and the responsible ministry after the students have finished their training. Soon, the students inform the ZARA counsellor about positive developments: An administrative assistant has initiated that the final exams for the class are supervised by another professor. The students are relieved and thank ZARA.

### What did ZARA do?

(Legal) counselling Relief intervention  
 Documentation

*"I've been in psychotherapy since I was a child because I was confronted with racism at an early age."*

ZARA client

## 23 Student brings a gun to an university institution - and has anti-Muslim racist motives

After it becomes known through the media that a student has come to university several times with a weapon, he is banned from the university and reported to the police after a knife is found on him. Thanks to warnings by social media users, a ZARA counsellor discovers an anti-Muslim, racist, and Islamophobic tweet published by this student in June 2018. A ZARA counsellor immediately contacts the human rights officer of the police and learns that this incident is already being investigated. Together with the Dokustelle (→ Glossary, p. 79), ZARA is in continuous contact with the university to discuss further potential options for action.

### What did ZARA do?

(Legal) counselling Relief intervention  
 Correspondence with contact persons at the police Correspondence with the relevant university representatives Coordination with partner organisations

*"I would like to send you (the ZARA counsellor) a verbatim of the officer's racist insults as it makes me very uncomfortable to speak out those bad words myself."*

ZARA client

## 24 Employee of the Federal Office for Immigration and Asylum (BFA) threatens with deportation

K. turns to ZARA because she and her husband have experienced a racist incident at the Federal Office for Immigration and Asylum (BFA (→ Glossary, p. 79)). Her husband is an asylum seeker and together they want to claim family reunification (→ Glossary, p. 79) in Austria. In the course of a personal interrogation, the BFA employee in charge of their case expresses disparaging opinions. He expresses racist generalisations and makes it clear that he, in his opinion on behalf of Austria, does not welcome K.'s husband and everyone else that he associates with him. Subsequently, the application for family reunification is stopped by the BFA in a non-transparent manner. A ZARA counsellor is available to K. on a long-term basis for legal information and relief interventions and also requests a statement from the BFA, which, however, ZARA has not yet received.

### What did ZARA do?

 (Legal) counselling  Relief intervention  
 Drafting of a letter of intervention to the BFA

## 25 Children's legal advisor makes racist remarks during custody proceedings

A. and her ex-husband are parties in custody proceedings (→ Glossary, p. 79). They have a minor daughter for whom a children's legal advisor (→ Glossary, p. 79) is appointed for the duration of the proceedings. A. reports to ZARA that their child's legal advisor made racist statements, which refer to A.'s origin. Their child's legal advisor makes generalising and derogatory remarks about the African continent and suggests that A.'s daughter would be better off with White people than with her because she is Black. Together with a ZARA counsellor, A. applies for the appointment of a new legal advisor for her child. They also submit a complaint to the Justice Services Agency that is responsible for the legal advisors. In the course of the proceedings, A.'s daughter is assigned a new children's legal advisor.

### What did ZARA do?

 (Legal) counselling  Relief intervention  
 Support in drafting an application for the appointment of a new children's legal advisor due to bias  Coordination with the lawyer in the custody proceedings  Complaint against the children's legal advisor to the Justice Services Agency (Justizbetreuungsagentur - JBA)  Documentation

*"Racism has ruined my life."*

ZARA client

## KNOW YOUR RIGHTS

**... in order to be able to defend yourself and to be aware of possible legal options.**

*The legal situation in the context of state authorities and institutions is complex and very broad. Therefore, this issue of the Racism Report focuses on the area of education as an example.*

The education sector is a juristically and psychologically very complex area when it comes to the right to equal treatment. On the one hand, this is due to the different regulations established by the Federal Government and the regional states. On the other hand, it is not easy to take legal steps against teachers.

However, in the field of education, there is protection from racial discrimination and disparagement by pedagogical staff. When it comes to racial discrimination on the part of a teacher against a pupil, this constitutes a violation of the Equal Treatment Act (GIBG (→ Glossary, p. 79)) or the corresponding regional state laws (e.g., the Vienna Anti-Discrimination Act (→ Glossary, p. 79)).

As is the case in other instances of discrimination, a claim of damages is permitted when discrimination by a teacher occurs. However, it is important to know that damages may not be claimed against the teacher personally but against the federal government because such incidents fall into the jurisdiction of the public liability law (→ Glossary, p. 79). For incidents concerning public liability, the first instance is always the competent regional court.

Unfortunately desired changes of behaviour may only be made indirectly and within the framework of a claim of damages. But in addition to the respective equal treatment acts, there are also other norms that may be relevant, such as disciplinary consequences (e.g., reprimands, fines, dismissals) or even criminal provisions (e.g., in the case of insults).

### **What concrete steps can I take?**

Initially, there is always the possibility to report the incident to the superior of the offender and to seek dialogue. ZARA supports persons affected by accompanying them to such meetings.

Apart from that, it is also possible to take legal action. One relevant legal basis, which

is often applicable in cases of discrimination in the education sector, is the Equal Treatment Act. This will be discussed in more detail here by way of example:

In order to assess whether a violation of the Equal Treatment Act took place, the incident may be brought before a court and/or the Equal Treatment Commission (GBK (→ Glossary, p. 79)). Each procedure has its advantages and disadvantages (e.g., risk of costs, liability, etc.). There is no risk of costs in connection with a procedure before the Equal Treatment Commission; however, its decisions are not necessarily enforceable. Regarding a procedure before the Equal Treatment Commission, ZARA may take over the representation and can assist in the formulation of written submissions. Furthermore, ZARA provides information on all relevant legal aspects in the course of consultations, so that the persons affected are able to decide whether or not they want to take further steps and, if so, which steps they prefer.

After a procedure before the Equal Treatment Commission as well as simultaneously, there is also the possibility to file charges with a court. However, in the course of proceedings before a court, the complainant bears the risk of costs. In order to obtain a court decision, charges have to be filed within three years after the incident took place. A judicial clarification as to which law ensures protection against discrimination between pupils and teachers would be of great importance in order to ensure legal certainty.

For demands in connection with this subject, see ZARA's demands (→ ZARA's Demands 2020, p. 86).

# Employment and Entrepreneurship



This chapter contains a selection of the 59 incidents reported to ZARA that took place in the sphere of Employment and Entrepreneurship. The chapter Employment and Entrepreneurship relates to racist incidents associated with work and employment relationships in the broadest sense, e.g., labour market, job search, working conditions, working environment, job ads, and so on.



*"It is conspicuous that women of Muslim faith are confronted with racial discrimination even before they are invited to a job interview, for example, when the removal of the headscarf is linked with an application being considered."*

*Racist insults and exclusions in the workplace often take place in a shockingly open, vulgar, and derogatory manner. Black people, in particular, repeatedly report incidents in which their superiors fail to comply with their legal obligation to create a non-discriminatory work environment. Instead, they often believe those who are the source of racial discrimination."*

*We provide information about the legal possibilities and – if desired – support in taking legal steps. Employees and their relatives appreciate that ZARA offers relief interventions and empowerment services."*

Sophie Haidinger, ZARA counsellor

## 26 Anti-Muslim racism in connection with a job application

E. applies for a job as a social counsellor at a foundation. The head of the foundation calls her, praises her qualifications, and wants to arrange an interview. When asked about her religious affiliation, E. states that she is Muslim. The director says that the foundation is supported by the Catholic Church and that, therefore, only Christians are employed. E. contacts ZARA by telephone. A ZARA counsellor writes a letter of intervention (→ Glossary, p. 79) together with E. The foundation responds but does not offer a solution acceptable to the client. To another letter from ZARA, the foundation responds with a lawyer's letter in which the decision not to invite E. to an interview is reaffirmed. After a meeting with a ZARA counsellor, E. decides to take legal action against the discriminatory behaviour of the foundation with the support of the Litigation Association of NGOs Against Discrimination (→ Glossary, p. 79), which is currently preparing a lawsuit.

### What did ZARA do?

**i** (Legal) counselling **✍** Drafting of a letter of intervention  
**➡** Referral to the Litigation Association of NGOs Against Discrimination **📄** Documentation

## 27 Racist and anti-Semitic statements during apprenticeship training

U. is in apprenticeship training and notices that other apprentices express racist and anti-Semitic views – also in WhatsApp groups among others. U. makes it clear that she does not agree with these statements and is bullied by her colleagues ever since. Her mother contacts ZARA and asks for information about possible options for action. Based on this, her daughter reports the case to the police.

### What did ZARA do?

**i** (Legal) counselling **📄** Documentation

## WHAT HAPPENED TO THE INCIDENT REGARDING RACIST COMMENTS IN REACTION TO AN ADVERTISING POSTER FROM 2018?

(Incident 11, Racism Report 2018)

In 2018, ZARA supported the couple G. and O. after they had been depicted together on a poster and, among others, an FPÖ politician reacted with a racist and homophobic statement. After this, a diversion (→ Glossary, p. 79) was obtained. As a result, the politician took part in a programme of the association NEUSTART for authors of hate posts (→ Glossary, p. 79). A ZARA counsellor also provided support in submitting a complaint to the Equal Treatment Commission.

### What happened in 2019?

In 2019, the proceedings before the Equal Treatment Commission (→ Glossary, p. 79) resulted in a court settlement: The politician has to donate an agreed sum to charitable organisations. Since G.'s private data have also been published, a ZARA counsellor assists in filing a complaint with the Data Protection Authority and, subsequently, an appeal with the Federal Administrative Court. The procedure is currently still pending.

### What did ZARA do?

**i** (Legal) counselling **🗨** Psychosocial relief intervention  
**➡** Support in filing a complaint with the Data Protection Authority **⚖** Support in filing an appeal with the Federal Administrative Court **📄** Filing of a report to the public prosecutor's office **✍** Support in drafting an application to the Equal Treatment Commission **📄** Documentation

*"I don't do anything – and still, I'm considered the bad guy."*

ZARA client

## 28 Racist assault by a customer

K is a truck driver. During the completion of an order, he is suddenly attacked from behind, racially assaulted, and threatened with death by a customer and his son. He manages to make an audio recording and then flees into his truck. From there, he calls the police, who take a report after they arrive. K. suffers from pain and trauma since the incident and is not able to do his job for some time. He confides in a friend and turns to WEISSER RING (→ Glossary, p. 79), who puts K. in touch with ZARA. In a personal counselling consultation and intensive relief intervention (→ Glossary, p. 79), a ZARA counsellor recommends to also turn to the Crisis Intervention Centre (→ Glossary, p. 79), which supports people in coping with acute crises. Together with WEISSER RING, ZARA takes care of the contact with the responsible police department, and a ZARA counsellor accompanies K. on his request to the police interrogation.

### What did ZARA do?

-  (Legal) counselling
-  Relief intervention
-  Documentation
-  Referral to the Crisis Intervention Centre
-  Contact with the responsible police department
-  Accompaniment to the police interrogation

*"I don't understand how privileged one can be to not understand racism or people affected by racism."*

ZARA client

## 29 Antiziganism in the workplace

L. works as a domestic worker in a health facility. A colleague accuses him of having stolen his mobile phone and insults him antiziganistically. He threatens him with violence and tells the other colleagues to watch out for their mobile phones. His mobile phone, however, quickly reappears. There is a conversation between L., the staff committee, and his superior, who announces to reprimand the offender and asks him to apologise to L. For L., this is not enough. He no longer feels comfortable in his working environment and turns to ZARA for a consultation. A ZARA counsellor explains possible further steps and offers to represent him at the arbitration board of the Anti-Discrimination Office (→ Glossary, p. 79) in order to at least try to obtain an arbitration between the parties involved which is satisfactory for L. L. would like to reconsider whether he wants to take further steps and decides to first have a further consultation with the staff committee.

### What did ZARA do?

-  (Legal) counselling
-  Relief intervention
-  Documentation

## KNOW YOUR RIGHTS

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### **... in order to be able to defend yourself and to be aware of possible legal options.**

The Equal Treatment Act (GIBG (→ Glossary, p. 79)) provides protection against discrimination on the grounds of ethnicity, religion, worldview, sexual orientation, or age in the field of employment and entrepreneurship. The term *employment* refers to, among others, applications, promotions, remuneration, and the termination of employment relationships. This means that all these areas are covered by the protection against discrimination.

### **What concrete steps can I take?**

If a person is discriminated against in any of these areas, he or she can claim a violation of the Equal Treatment Act. The discrimination only needs to be substantiated, while the (potential) employer must prove that another motive was decisive for what happened.

Every person affected has the possibility to have the Equal Treatment Commission (GBK (→ Glossary, p. 79)) determine whether a discrimination took place. ZARA supports and gives advice during this procedure, which is free of charge.

In addition, persons affected have the possibility to file a civil suit. In contrast to decisions of the Equal Treatment Commission, which can only make recommendations, a court ruling is legally binding – which means that an adjudged compensation must actually be paid. If this is not the case, the payment can be legally enforced. However, in the course of this procedure, there is a substantial risk of legal costs that the complainant has to bear.

In some cases, the Litigation Association of NGOs Against Discrimination (→ Glossary, p. 79) might take on the case and will then assume the representation before court as well as the risk of costs.

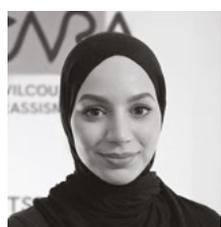
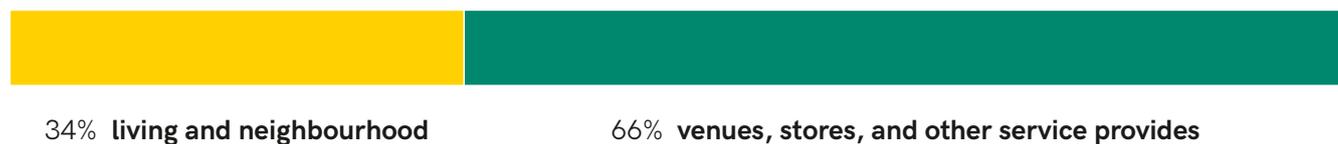
In a first step, ZARA often tries to reach an out-of-court settlement together with the client. With a letter of intervention (→ Glossary, p. 79), ZARA makes the entrepreneur aware to the fact that his or her behaviour constitutes a violation of the Equal Treatment Act and will urge him or her to pay a compensation or to apologise, depending on what the person affected desires. Thereby, the person affected has the possibility to avoid a costly procedure.

# Goods and Services



This chapter contains a selection of the 199 incidents reported to ZARA in connection with Goods and Services. The chapter Goods and Services (including living) documents any incidents related to the access to and the supply with goods and services, such as in venues and stores or by other service providers.

Around one-third of the incidents of racism reported in connection with the access to goods and services concern the own living environment.



*"Racial harassments and assaults in one's own living environment restrict the quality of life enormously and are particularly difficult to stop. This is proven by the incidents reported to ZARA as well as by the SORA study by the AK Vienna<sup>1</sup> published in 2019: 60% of the respondents stated that the experience of discrimination in one's own living environment is perceived as stressful because they have to think about the situation again and again. 45% said that it was difficult to defend themselves.*

*This is why, in the future, ZARA needs more resources to be able to offer psychosocial empowerment services."*

Meysara Majdoub, ZARA counsellor

<sup>1</sup> SORA (2019): Diskriminierungserfahrungen in Österreich. Erleben von Ungleichbehandlung, Benachteiligung und Herabwürdigung in den Bereichen Arbeit, Wohnen, medizinische Dienstleistungen und Ausbildung. AK Wien.

# Living and Neighbourhood

## 30 Racist assault by a neighbour

F. lives in an apartment building, where she is racially assaulted by a neighbour. F. verbally defends herself against the insults, whereupon the neighbour slaps her several times. When F. wants to report the incident to the police, they say that a racist insult (→ Glossary, p. 79) cannot be reported. After this, F. turns to ZARA. A ZARA counsellor explains to her that the offence of a racist insult needs to take place publicly, which was not the case because she was alone with her neighbour. She advises F. to go to the doctor to have her injuries recorded in writing. With the doctor's report, F. returns to ZARA. A ZARA counsellor refers F. to WEISSER RING (→ Glossary, p. 79) and explains further legal options as with the medical report, F. can report the bodily injury to the police.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Advice on obtaining evidence (medical report)  Referral to WEISSER RING  Documentation

## 31 Racist assault on a mother and her child

H. and her child are repeatedly exposed to racist insults, threats, and the spreading of false statements in their neighbourhood. Once, a neighbour pushes her away and insults her child at the entrance of the house. In the elevator, H. is racially insulted by this neighbour, who also hits her with his elbow against the throat. He says that he will kill them if they do not move out. H. and her child are frightened and call the police. She wants to move out as soon as possible. A friend of H. turns to ZARA, and a ZARA counsellor informs her that this is a case of a racially motivated assault and a racist insult and, therefore, a qualified insult (→ Glossary, p. 79). A ZARA counsellor contacts

*"We don't want our children to play in the park in the court of our apartment building anymore - out of fear [of our racist neighbour]."*

### ZARA client

the Housing Commission (→ Glossary, p. 79) to organise an emergency flat for H. Furthermore, the ZARA counsellor informs her about the possibility of contacting WEISSER RING (→ Glossary, p. 79) and appointing a victims' lawyer for the trial. H. agrees to this proposal and is referred to WEISSER RING. Meanwhile, H. has moved out of the apartment building.

### What did ZARA do?

 (Legal) counselling  Correspondence with the Housing Commission in order to organise an emergency flat  Referral to WEISSER RING  Documentation

## 32 Racist and homophobic letters in the mailbox

E. explains that he has been finding letters in his mailbox for weeks, wherein he is told that he is not welcome in the house because of who he is. These letters also contain homophobic statements and threats. E. is afraid that there will be serious consequences and turns to ZARA after he has not been taken seriously by the police. ZARA offers to write a letter of intervention to the neighbour and to accompany E. to the police. E. also turns to the mayor and meets with him shortly after contacting ZARA.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Documentation

## 33 Islamophobic and anti-Muslim racist discrimination in connection with renting

K. and his wife want to move out of their apartment. The landlord tells them that

they can appoint a new tenant as long as he or she has a regular income. K. suggests his friend H. During the appointment to view the flat, the landlady refers to H.'s skin colour and asks where he comes from. When he answers "Syria," she asks about his religion, whereupon he answers that he is Muslim. She says that she does not want to rent the apartment to Muslims because she has had bad experiences with them and rejects H. as the new tenant. K. turns to ZARA. A ZARA counsellor discusses the legal possibilities with K. and offers to

accompany him to the next meeting with the landlady, which he gladly accepts. K. and the ZARA counsellor cannot convince the landlady; she remains at her decision. K. then asks ZARA about the possibility of a complaint to the Equal Treatment Commission (GBK (→ Glossary, p. 79)), in which he is very interested.

#### What did ZARA do?

-  (Legal) counselling
-  Relief intervention
-  Accompaniment to the appointment with the landlady
-  Preparation of a complaint to the Equal Treatment Commission

## KNOW YOUR RIGHTS

### ... in order to be able to defend yourself and to be aware of possible legal options.

The Equal Treatment Act (GIBG (→ Glossary, p. 79)) protects against discrimination on the grounds of ethnicity in the area of access to and supply with housing. Furthermore, the Equal Treatment Act also prohibits advertising for flats in a discriminatory way or to let third parties do this.

#### What concrete steps can I take?

If a person is discriminated against in the access to housing, he or she has the possibility to have the Equal Treatment Commission (→ Glossary, p. 79) determine the existence of a discrimination on the grounds of ethnicity or gender. No costs arise from this, but a decision by the Commission is not legally binding.

ZARA offers support in filing a complaint according to the Equal Treatment Act (GIBG (→ Glossary, p. 79)) as well as during the proceedings. Persons affected may also contact the Ombud for Equal Treatment (GAW (→ Glossary, p. 79)). In the context

of housing, ZARA offers support in cases of racial discrimination; the Ombud for Equal Treatment is also dealing with discrimination on the grounds of gender.

Action can be taken not only against discrimination in the provision of housing but also against harassments (→ Glossary, p. 79) suffered, e.g., in the form of racist statements. Harassments on the part of the landlord or the landlady are included therein; and the Equal Treatment Act can also be applicable in the case of a racist assault on the part of a neighbour. In these cases, the Equal Treatment Act provides for claims for damages; this means, e.g., compensation for material loss as well as for the personal impairment suffered.

Persons affected also have the possibility to file a civil suit with a court according to the Equal Treatment Act. However, the complainant has to bear the risk of costs in this case.

ZARA can refer some cases of discrimination to the Litigation Association of NGOs Against Discrimination (→ Glossary,

p. 79). If the Litigation Association decides to take on the case in line with defined criteria, victims will be represented by it in the proceedings before court to enforce

their claims under the Equal Treatment Act. The Litigation Association may also assume the risk of cost during the proceedings.

# Retail, Gastronomy, and Other Commercial Services

*"I never would have imagined that racism was such a big problem in Austria."*

ZARA client

## 34 Admission to an event denied due to the skin colour

B. wants to attend an event with a friend of his but is denied entry by the security staff without justification. While other people are admitted, B. hears the security staff speak derogatorily about him because he is Black. Finally, B. calls the police. The officers find that B. and his friend are neither drunk nor is there any other legitimate reason to not let them in. Nevertheless, the security staff still will not let them in. B., therefore, turns to ZARA and is comprehensively advised by a ZARA counsellor. B. finally decides to turn to the Equal Treatment Commission (GBK (→ Glossary, p. 79)). A ZARA counsellor is currently preparing a complaint to the Equal Treatment Commission.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Support in preparing a complaint to the Equal Treatment Commission  Documentation

## 35 Racist remarks by a conductor on a train

G. notices a conductor who is making racist remarks on a train, whereupon she turns to the transport company to complain. She is invited to a meeting

with the management of the company. As she feels a bit uncomfortable with this, she contacts ZARA. A ZARA counsellor offers to accompany her to the meeting, which she gladly accepts. The meeting turns out to be very positive, and it is made clear that any form of discrimination is unacceptable for the company, that they want to have a culture of constructive criticism, that a conversation regarding this incident is planned with the conductor, and that, if necessary, adequate steps are going to be taken. G. is relieved; her only wish is for her child to not have to go through similar experiences.

### What did ZARA do?

 (Legal) counselling  Relief intervention  Accompaniment to the meeting with the transport company  Documentation

## 36 Racist remarks during a ticket control

L. is going to school by train, when a conductor confronts him with a racist question relating to his skin colour, directly linking it to poverty. The conductor also makes disgrading remarks about two other Black men on the train. Other people, on the other hand, are not asked to show their tickets. T., the mother of 12-year-old L., contacts ZARA. A ZARA counsellor conducts an extensive counselling consultation with T. and offers support in writing a complaint to the transport company. T. explains that she has already

filed a complaint and received positive feedback. The transport company promised that the incident will be clarified and dealt with by the responsible team. T. wants to leave it at that, but it is important for her to have the case documented by ZARA in order to make racial discrimination in Austria more visible.

#### What did ZARA do?

 (Legal) counselling  Relief intervention for the mother of the affected minor  Documentation

## 37 Racist product name

Again and again, people contact ZARA to report the product name “Negrabrot” (“N-word\_bread”) given to a peanut chocolate. The packaging design is also

clearly racist. Already in 2018, the Austrian Advertising Council considered the product presentation to be discriminatory. The chocolate has, therefore, been removed from the product range in several grocery stores. Nevertheless, the product is still sold. In recent years, ZARA has already attempted to have the product name and packaging changed. In 2019, ZARA again contacts the company several times and writes several letters. Unfortunately, the company does not reply.

#### What did ZARA do?

 Drafting of several letters of intervention  Documentation

## KNOW YOUR RIGHTS

**... in order to be able to defend yourself and to be aware of possible legal options.**

**What concrete steps can I take if I or another person is denied entry?**

If a person is denied entry to, e.g., a bar or a discotheque because of his or her ethnic origin, he or she can take legal action<sup>1</sup> against the security staff and the venue.

### Equal Treatment Act

The Equal Treatment Act (GIBG) provides that people who are discriminated against on the grounds of ethnicity when trying to gain access to goods and services may

contact the Equal Treatment Commission (GBK (→ Glossary, p. 79)) to have it determine the existence of a discrimination. Furthermore, they may also enter into a civil suit to assert their right to compensation.

If there is a connection between the (alleged or actual) ethnicity and the refusal of admission, those affected are entitled to compensation for the material loss and the personal impairment suffered. In addition, the law provides that persons affected must only have reasonable proof that they were refused admission on discriminatory grounds (relieved of the burden of proof (→ Glossary, p. 79)). The venue concerned, on the contrary, must

<sup>1</sup> According to Article III paragraph 1 sub-paragraph 3 of the Introductory Act to the Administrative Procedure Acts (EGVG) and Part III (Articles 30 to 40c) of the Equal Treatment Act (GIBG)

prove that other, permissible reasons existed for denying admission. If there were no permissible reasons (e.g., unsuitable clothes, inappropriate behaviour), persons affected would be able to credibly demonstrate that they were denied entry on discriminatory grounds in the course of a procedure before the Equal Treatment Commission.

### **ZARA offers support in various ways**

ZARA can, if the person affected so desires, first send a letter of intervention (→ Glossary, p. 79) to the venue in question, asking for a statement regarding the incident. In some cases, depending on the venue operator's reaction or that of the security company involved, an out-of-court settlement may be reached, for example, through a clarifying talk or an apology from the venue.

ZARA also supports those affected in proceedings before the Equal Treatment Commission and, if so desired, can also represent persons affected in any such proceedings. Proceedings before the Equal Treatment Commission are free of charge; however, a decision by the Commission is not legally binding.

Alternatively, or additionally, persons affected may also file a civil suit; however, the complainant has to bear the risk of costs in this case. The case may, under certain circumstances, be taken on by the Litigation Association of NGOs Against Discrimination (→ Glossary, p. 79), which will then represent the person affected in the proceedings before court and may also bear the risk of costs.

### **Introductory Act to the Administrative Procedure Acts (EGVG)**

An administrative penal provision<sup>2</sup> of the Introductory Act to the Administrative Procedure Acts (EGVG (→ Glossary, p. 79))

stipulates that anyone who discriminates against other persons and prevents them from entering premises or from obtaining services intended for use by the general public on the grounds of "[...] skin colour, national or ethnic origin, religious denomination, or a disability" commits an administrative offence punishable with a fine of up to 1,090 euros.

Corresponding charges have to be filed with the district administrative authorities (→ Glossary, p. 79) or, in Vienna, the municipal district authorities (→ Glossary, p. 79). This administrative offence is classified as a so-called offence *ex officio* (→ Glossary, p. 79), meaning witnesses of the incident and not only those directly affected by it may also report the incident. Police officers who themselves witness incidents that could fall under this administrative provision have to make an official record of the incident as a possible offence *ex officio* and must forward it to the competent authorities. They also have to file a report if they are made aware of such an incident.

If requested, ZARA will assist in the drafting of a report or will itself submit a written report to the authorities. Persons reporting incidents like this do not bear any costs during the proceedings; however, this has the disadvantage that they may not be party to the case (→ Glossary, p. 79) and, therefore, have no right to be informed about the outcome. Compensation for the person discriminated against is also not provided for according to the Introductory Act to the Administrative Procedures Act.

Whoever repeatedly violates this provision of the Introductory Act to the Administrative Procedure Acts may have their trade licence taken away; however, ZARA is not aware of any cases in which this actually happened.

<sup>2</sup> According to Article III paragraph 1 sub-paragraph 3 of the Introductory Act to the Administrative Procedure Acts (EGVG)

# Racist Reactions to Anti-Racism Work



This chapter contains a selection of the 66 incidents reported to ZARA involving actors active in the field of Anti-Racism Work. The chapter **Racism as a Reaction to Anti-Racism Work** refers to intimidations directed towards ZARA and other anti-racism organisations, both online and offline.

*"Thank you for taking care of this. It must be hard to deal with these things all the time. I'm really glad I don't have to do it because I simply couldn't."*

ZARA client

forms of objection. In addition to a GIF, the ZARA public relations team writes: "Quiet' is something you really cannot always have from us. We like to dance, laugh, sing, and if we don't like something, we are LOUD. Thank you for your observation ;-)."

**What did ZARA do?**

 Civil courage – online objection  Documentation

## 38 Anti-Muslim racist comment

In response to a Facebook post by ZARA on the subject of the police and the massive hurdles on the way to formal complaints against racist police conduct, a user posts an anti-Muslim racist comment, in which he also insults ZARA. He states that, if ZARA could be deported, like the people he disparages in his comment because of who they are, "[then] we would have a much quieter Austria." In response to the comment, other users object and support the people who are subject to anti-Muslim racist attacks and ZARA. ZARA also uses many different

## 39 Dangerous threat

ZARA receives an e-mail in which it is attacked and insulted because it is too "global" and "disgusting." The e-mail also contains a dangerous threat (→ Glossary, p. 79). When a ZARA employee finds out that the sender of the email has an affinity for first-person shooter games and weapons, she suspects that the sender is capable and willing to put this threat into action. For this reason, she submits an exposition of the facts (→ Glossary,

p. 79) to the public prosecutor's office (→ Glossary, p. 79). However, the charge is not successful.

#### What did ZARA do?

 Documentation  Report to the public prosecutor's office

## 40 Racist reaction to the ZARA Racism Report 2018

Via its anonymous reporting form, ZARA receives a racist message in which it is assaulted due to the publication of the Racism Report 2018. The “reporting person” complains that ZARA is too critical of Austria and the government. In addition, the user is angry because he

or she considers ZARA employees to be “do-gooders.” The person making racist remarks announces that he or she would continue to defend himself or herself against (socially constructed) groups which he or she disparages because they are who they are and that he or she was pleased with the government coalition of ÖVP and FPÖ. After an intensive examination of the content, no charges are filed as ZARA does not find any criminally relevant facts. There were racist statements as well as a discrediting of ZARA and, above all, racial degradation of people on the basis of ethnicity.

#### What did ZARA do?

 Documentation

# Support ZARA's Anti-Racism Work!

Whether as an online hero or a frontline activist – show civil courage and set a sign with a ZARA T-shirt.

If you are interested in a T-shirt, please send an email to: [office@zara.or.at](mailto:office@zara.or.at)

All proceeds go to victims and witnesses of racism.



# Best Practice Examples of Civil Courage



This chapter contains a selection of best practice examples of civil courage. The incidents contained in this chapter are meant to inspire others and to show that it really makes a difference when someone has the courage to stand up for others who are treated unfairly. The good thing is: Civil courage is contagious, and it is something that you can actually learn!

## 41 Reporting of hate posts and comments

A group of committed persons contacts ZARA; they track down hate posts and comments on social media, especially on Facebook, and request their removal. They send screenshots of and links to the hate posts and comments so that ZARA can use its so-called Trusted Flagger status (→ Glossary, p. 79), to request IT companies to remove the content, to report criminally relevant posts and comments to, among others, the NS Reporting Office (→ Glossary, p. 79), and to ensure the documentation of the incidents. Since then, a regular exchange has taken place – with the common goal to promote a respectful environment on the internet.

**What did ZARA do?**

 Civil courage – online objection  Documentation

## 42 Call for night vigils after anti-Semitic damages to an exhibition

Along the Vienna Ringstraße, an exhibition is being presented to commemorate the victims of the Nazi crimes with photos of

concentration camp survivors. After the photos have been destroyed several times and smeared with anti-Semitic symbols, the Muslim Youth Austria (MJÖ (→ Glossary, p. 79)) and other organisations call for night vigils. The photos are guarded until the end of the exhibition to prevent further damages.

**What did ZARA do?**

 Exchange with partner organisations  Documentation

## 43 Witness to a racist official act turns to ZARA

K. accidentally notices three young men who are stopped by the police on the street. Afterwards, K. talks to one of the men and learns that he has just been given an administrative fine. As K. has not noticed any behaviour that would justify an official act, she gets the impression that the official act was racially motivated. She informs one of the men affected about the possibility to contact ZARA. Later, she contacts ZARA herself and offers to be available as a witness should the men contact ZARA.

**What did ZARA do?**

 (Legal) counselling for the witness  Documentation

# ZARA Training

*“ZARA Training has been carrying out civil courage trainings for children and young people for many years. The so-called ‘barometer of violence’ is an important exercise in ZARA workshops. With these exercise instructions, we would like to support teachers and youth group leaders in strengthening civil courage in society.”*

**Bianca Schönberger, Managing Director of ZARA Training**

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## Exercise to Strengthen Civil Courage: Barometer of Violence

Civil courage begins with the perception and the assessment of difficult situations and ends with taking responsibility and courageous action.

**The following exercise is particularly suitable for pupils to ...**

- ... practice how to assess difficult situations and how to stand up for their own opinion.
- ... recognise that situations can be assessed differently in terms of violence, depending on personal experiences.
- ... reflect on different forms of violence.
- ... think about situations in which they would intervene, showing civil courage.

**Duration**

around 30 minutes

**Space**

a lot of space

**Materials**

adhesive tape, two moderation cards

**Methods**

discussion, positioning in space

### Instructions

Ask the pupils to move tables and chairs to the side. Stick the tape from one side of the room to the other to create a straight line. Place a moderation card at each end – one should have “0%” and the other one “100%” written on it.

Explain that the line symbolises a “barometer of violence” and that individual statements (see selection below), which (in a shortened form) describe different circumstances, will now be read out loud. Ask the pupils to position themselves along the line – between 0% and 100% – depending on how violent they consider the described situation to be in terms of percentage.

In the first step, the exercise is all about the pupils silently positioning themselves along the line. When everyone has given spatial expression to their assessment of the situation along the “barometer of violence,” ask the pupils what percentage of violence they feel is present in the situation and why they have positioned themselves where they are.

As a teacher, you can now allow for a lively discussion, moderate it, and give the pupils the opportunity to reposition themselves if necessary.

### **Tips for joint reflexion after the exercise:**

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This exercise offers the opportunity to discuss which forms of violence were addressed during the exercise, how it felt to take a stand in front of the group, and at what percentage of violence the pupils would show civil courage and intervene.

### **Possible statements:**

- A football fan insults an opposing fan.
- A mother slaps her child on the bottom.
- A child steals €10 from its parents.
- A homeless woman freezes to death in a park.
- A girl posts an unfavourable photo of one of her friends on Instagram.
- Passengers do not react when a Black person is verbally assaulted on an underground train.
- A politician calls refugees “asylum cheaters.”
- A boy shares private photos of his ex-girlfriend with his friends on WhatsApp.
- A school principal bans all languages except German in the schoolyard.
- Two pupils mock a pupil from the neighbouring school class for being picked up by his mother.
- An older boy follows a girl from the first grade until she is afraid and runs away.



# 5 TIPS FOR CIVIL COURAGE

Civil courage means to intervene in “difficult and unpleasant” situations in class, among friends, and in public in order to stand up courageously for others. It means to **PERCEIVE, ASSESS, TAKE RESPONSIBILITY**, and, finally, **ACT COURAGEOUSLY**.

**DON'T LOOK AWAY! GET ACTIVE! GET INVOLVED!**

## 1 Small steps instead of heroic acts!

In every situation, there are several ways to intervene. It is important that you do not put yourself in danger and keep a safe distance in risky situations. Therefore, it is sometimes even more important to get the support of persons responsible. In school, for example, these are teachers, on the bus, it's the bus driver, in the supermarket, it's the salespersons, and in case of violence, it's the police. We all can help people without putting ourselves in danger. Contact the ZARA Counselling Unit at any time if you are not sure what to do or how to behave.

## 2 Offer your support!

Talk to the person affected to better understand his or her needs. Offer your support and make it clear that you are there for them and will stay there for them. That way, the person affected does not feel left alone, and offenders think twice before continuing. Ask the person to come with you or take him or her by the hand and lead him or her away from the offender. If the person is scared, sad, or hurt, stay with him or her and take care of him or her until help arrives.

## 3 Together we are stronger!

Ask others to also show civil courage: "You with the blue backpack, could you please call the police" or "Please don't leave. We need your help." Address other people directly, clearly, and with determination because, otherwise, nobody may feel responsible.

## 4 Draw attention to the situation!

Draw the attention of the people around you to the urgency of the situation, for e.g., by asking loudly: "That's not okay, is it?" That way, you make it clear that violent acts are not private matters and that these situations are everybody's business. Some offenders stop assaulting people when they realise that they are being watched and, thus, are no longer anonymous.

## 5 Keep your eyes open!

You can also support people by simply not ignoring "difficult or unpleasant" situations, by naming them, and by keeping your eyes open. For a police investigation to take place, it is important to know what the offender looks like: Try to remember his or her height, hair colour, clothing, and any special features. In serious cases, you can also make yourself available as a witness.

# Glossary

In alphabetical order

## **Anti-Discrimination and Equal Treatment Offices of the Austrian states (Antidiskriminierungs- und Gleichbehandlungsstellen der Länder)**

These are bodies funded or operated by the respective state governments and provide independent, confidential, and free advice to those affected by discrimination.

## **Austrian Criminal Code (Strafgesetzbuch - StGB)**

The Austrian Criminal Code is a body of law that regulates the core matters of criminal law in Austria; it specifies punishable conduct and the penalty to be imposed in a given case.

## **Austrian Press Council (Österreichischer Presserat)**

The Austrian Press Council (<http://presserat.at>) is a self-regulatory body of the Austrian print media. It is, for example, responsible for drawing attention to grievances in the press and to counteract them. When media-ethical violations are reported to the Press Council, it may initiate investigations in the course of which it determines whether the publication in question complies with the guidelines laid down in the Code of Honour of the Austrian Press.

## **Children's legal advisor (Kinderbeiständ\*in)**

Children's legal advisors are independent, qualified persons of trust who support children during legal proceedings. They represent the interests of the child and are bound to secrecy towards third parties.

## **City Service of Vienna (StadtService Wien)**

The City Service of Vienna ([www.wien.gv.at/kontakte/stadtService](http://www.wien.gv.at/kontakte/stadtService)) is responsible for a wide range of issues in Vienna. ZARA contacts the City Service in order to obtain the removal of racist smearings.

## **Counselling and relief interventions (Beratungs- und Entlastungsgespräche)**

ZARA offers comprehensive, free, and, if requested, anonymous (legal) counselling to all people who turn to the ZARA Counselling Unit because they or people around them are affected by racial discrimination and/or hatred on the internet. The first consultation serves to communicate the experience made and to provide initial relief and stabilisation if necessary. Then, there is the possibility to work out options for further action together with the ZARA counsellors.

## **Criminal order (Strafverfügung)**

In Austria, a criminal order is a possibility to impose sanctions for administrative offences according to Paragraphs 47 to 49 of the Administrative Penal Act from 1991, which are minor offences. A criminal order is an abbreviated procedure, as it is a written order without a preliminary investigation.

## **Crisis Intervention Centre (Kriseninterventionszentrum)**

The Crisis Intervention Centre offers support for people in crisis. A multi-professional team of doctors (psychiatrists and general practitioners), psychologists, and social workers provide a wide range of consultation and counselling services.

## **Custody proceedings (Obsorgeverfahren)**

Custody proceedings can be conducted between illegitimate parents or after a divorce. The competent authorities are the registry offices or courts. In these proceedings, it is determined or decided who is responsible for the custody, i.e., for the care and upbringing of the child, or the legal representation and administration of property. The custody can be transferred entirely to one parent, one parent limited to certain matters, or both parents together. In the case of proceedings that are particularly burdensome for the child, the court may appoint a children's legal advisor (see above).

## **Dangerous threat (Gefährliche Drohung)**

A dangerous threat is a criminal offence according to Article 107 of the Austrian Criminal Code (StGB). It takes place when a person dangerously threatens another person in order to arouse fear and anxiety and is an offence prosecuted ex officio (see below).

## **Degrading treatment (erniedrigende Behandlung)**

Article 3 of the European Convention on Human Rights (see below) protects against, among others, degrading treatment. The European Court of Human Rights defines this as a behaviour that diminishes human dignity and arouses feelings of fear and inferiority, which degrade, humiliate, and could break physical or moral resistance (Peers v. Greece, 19/4/2001, App no 28524/95).

### **Detention centre (Anhaltezentrum)**

A detention centre is a facility of the Federal Ministry of the Interior where persons who are obliged to leave the country and whose asylum or alien law proceedings make it appear necessary to detain them to restrict their freedom are accommodated.

### **Directive for Interventions by Members of the Public Security Services (Richtlinien-Verordnung – RLV)**

This directive contains a catalogue of regulations that law enforcement officers must adhere to in the course of official acts. Among other things, police officers are obliged to refrain from discriminatory behaviour, to disclose their official identification number upon request, and to use the German polite form of address “Sie.”

### **District administrative authority (Bezirksverwaltungsbehörde – BVB)**

The district administrative authorities are the district authorities or the municipalities (in towns and cities with their own statutes; in Vienna, the individual municipal district authorities take on this role). Some of the district administrative authorities' duties in the area of security administration are carried out by regional police departments. The district administrative authority generally is responsible for disciplining those accused of administrative violations in the first instance.

### **Diversion and out-of-court resolution (Diversion und Tatausgleich)**

A diversion is an alternative way of ending criminal proceedings, i.e., there is no judicial procedure and, therefore, no judgement. Accused persons have no criminal record after a diversionary settlement. The person suspected of wrongdoing must agree to the diversion measures, and at the same time, the interests of the victim must be taken into account. Diversion measures include, among others, the **out-of-court resolution**, which can only be achieved with the consent of the victim. Out-of-court resolutions are carried out by the association NEUSTART and aim at a reconciliation between victim and offender by means of mediation. This can also include compensation for damages and a written regulation for future contact between the parties. For the area of juvenile justice, other regulations apply when it comes to details.

### **Dokustelle – Documentation and Counselling Centre on Islamophobia and Anti-Muslim Racism (Dokustelle – Dokumentations- und Beratungsstelle**

### **Islamfeindlichkeit & antimuslimischer Rassismus)**

The Dokustelle ([www.dokustelle.at](http://www.dokustelle.at)) documents incidents of Islamophobia and anti-Muslim racism and offers advice and support for persons affected. In addition, there is a focus on educational work and empowerment, which is fulfilled through workshops and seminars.

### **Equal Treatment Act (Gleichbehandlungsgesetz – GIBG)**

The Austrian Equal Treatment Act is intended to offer protection against discrimination on the grounds of gender, ethnicity, sexual orientation, religious beliefs, worldview, and age in the world of work. Outside the world of work, it protects against discrimination on the grounds of ethnicity or gender, for example, in the access to goods and services.

### **Equal Treatment Commission (Gleichbehandlungskommission – GBK)**

The Equal Treatment Commission is composed of three senates whose voluntary members represent ministries and social partner organisations. The senates have to deal with all questions related to discrimination in their respective areas of competence. In particular, they are responsible for drafting expert reports on general issues relating to discrimination, and in individual cases, they have to assess potential violations of the provisions of the equal treatment laws. Both the Ombud for Equal Treatment as well as the victims are party to these proceedings, which are free of charge for the persons affected. Victims may also choose to be represented by a person of trust, for example, by a representative of a non-governmental organisation such as ZARA. The result of proceedings before the Equal Treatment Commission is a decision which, in contrast to a court ruling, is not legally binding.

### **Ethnic Profiling**

*Ethnic profiling* (often also *racial profiling*) is when the police use special criteria, such as skin colour, language, presumed or actual ethnicity, religion, or citizenship, as factors when deciding whether or in what way an official act is to be carried out. This includes, for example, the targeted control of persons of dark skin colour without any concrete suspicion.

### **European Convention on Human Rights – ECHR (Europäische Menschenrechtskonvention – EMRK)**

The European Convention on Human Rights is a convention of the Council of Europe that stipulates fundamental human rights and freedoms. In

Austria, the ECHR has constitutional status, which means that the rights specified in it are considered constitutional rights. When interpreting and implementing (simple) laws, one must comply with the rights stipulated in the ECHR.

#### **Eviction order (Wegweisung)**

An eviction order is an order issued by the police (4 38a Security Police Act – SPG; see below) to leave a certain place (usually an apartment). A ban usually accompanies an eviction order by a ban on entering the place and its immediate surroundings. A prerequisite for the immediate eviction and the imposition of a ban on entry is the assumption that a dangerous attack on the life, health, or freedom of the persons staying at this place is imminent. Affected are, therefore, mainly (potential) perpetrators of violence.

#### **Exposition of the facts (Sachverhaltsdarstellung)**

“Facts” is an interdisciplinary term referring to the totality of all statements on a delimited subject area. When preparing an exposition of the facts, significant circumstances may not be changed. This means an exposition of the facts contains concrete facts of life, i.e., the linguistically translated representation of a small part of the social reality of life.

#### **Family reunification**

##### **(Familienzusammenführung/Familiennachzug)**

This refers to the immigration of family members of a person that is already in the country of destination or that intends to immigrate with family members to ensure family unity. Various criteria must be met for a family reunification. Information can be obtained, among others, from the Austrian Red Cross, which also offers support during family reunifications. In addition, the website of Asylum Coordination Austria (asylkoordination Österreich) provides up-to-date information on counselling services: [www.asyl.at/de/adressen/beratungsstellen/wien](http://www.asyl.at/de/adressen/beratungsstellen/wien).

#### **Federal Office for Immigration and Asylum**

##### **(Bundesamt für Fremdenwesen und Asyl – BFA)**

The Federal Office for Immigration and Asylum is an authority directly subordinate to the Federal Ministry of the Interior. Its tasks include the conduct of asylum and alien law proceedings in the first instance, the enforcement of the Basic Services Act as a federal authority, decisions on residence permits, the enforcement of “measures terminating residence under alien law” and “security measures under alien law,” as well as the issuing of documents.

#### **Female genital mutilation**

#### **(Weibliche Genitalverstümmelung – FGM)**

Female genital mutilation refers to the partial or complete removal of or sometimes also damage to the external female genital organs. As the term “mutilation” is to be critically examined, it is often referred to as “circumcision” instead.

#### **General terms and conditions – GTC**

##### **(Allgemeine Geschäftsbedingungen – AGB)**

General terms and conditions represent a variety of pre-formulated contractual terms and conditions that companies can enter into (usually) with individual persons (users) as a basis for completing a contract. As a rule, consent to the GTC is a prerequisite for the conclusion of a contract.

#### **Guidelines complaint (Richtlinienbeschwerde)**

This complaint procedure is one method to have the behaviour of police officers reviewed by the competent supervisory body and then, if necessary, by the responsible regional administrative court. The criteria for the review are the guidelines laid down in the Directive for Interventions by Members of the Public Security Services (RLV; see above).

#### **Harassment (Belästigung)**

Harassment is a form of discrimination under the Equal Treatment Act (see above) in the course of which a person’s dignity is or is intended to be harmed on the basis of one or more specific characteristics attributed to him or her (e.g., skin colour, religion, gender, or sexual orientation) and which creates or is intended to create a burdensome (e.g., intimidating, hostile, or humiliating) environment for the person affected.

#### **HateAid**

HateAid gGmbH ([www.hateaid.org](http://www.hateaid.org)) was founded in 2018 and has set itself the goal of assisting persons affected by digital violence. Its objectives are the defence of democracy, the counselling of those affected, and the enforcement of the law. HateAid is responsible for the whole of Germany and is based in Berlin.

#### **Hate posts, also “hate speech”**

##### **(Hassposting, auch “Hassrede” oder “Hate Speech”)**

This includes various forms of expressions that violate human dignity on the internet. Usually, hate posters go against individuals or certain groups of people with great aggression. Hate posts can also be directed against certain world views or social values. The contents of hate posts can, for e.g., be racist, sexist, anti-Semitic, or homophobic or glorify violence.

### **Housing Commission (Wohnungskommission)**

The Housing Commission is a contact point in the context of municipal housing; it generally examines housing applications and can recommend exemptions from the procurement guidelines for municipal housing in cases of hardship.

### **Incitement to hatred (Verhetzung)**

Incitement to hatred (Article 283 of the Austrian Criminal Code) is directed against certain groups or members of such groups and involves incitement to hatred as well as to violence. In relation to racist incidents, this law includes people or groups of people defined by, for example, existing or non-existing criteria of “race,” skin colour, language, religion, citizenship, descent, nationality, or ethnicity to be victims. In addition, since 2016, the law also considers offences such as the dissemination of inflammatory material or the denial of genocides to be a criminal offence. The law also provides for higher penalties, e.g., for offences on the internet.

### **Introductory Act to the Administrative Procedure Acts 2008 (Einführungsgesetz zu den Verwaltungsverfahrensgesetzen 2008 - EGVG)**

Article III of the Introductory Act to the Administrative Procedure Acts is an administrative provision that forbids, for example, racial discrimination when entering premises or shops or in the access to services intended for use by the general public. Such acts may be reported to the district or municipal authorities.

### **Letter of intervention (Interventionsschreiben)**

A letter of intervention is a non-legal measure that involves written contact with a person, body, institution, organisation, or company. ZARA only uses this option at the request of the client, before, for example, legal action is taken. In a letter of intervention, grievances, deficiencies, or infringements that the client has experienced are communicated.

### **Litigation Association of NGOs Against Discrimination (Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern - KlaV)**

The Litigation Association ([www.klagsverband.at](http://www.klagsverband.at)) was founded in 2004 as an umbrella organisation for NGOs engaged in combating discrimination and counselling victims of discrimination. Today, more than 40 NGOs dealing with discrimination in various areas are members of the Litigation Association. The Litigation Association mainly acts as an advisory body for the member NGOs, but it can also represent the

member NGOs' clients in court proceedings under the Equal Treatment Act (see above).

### **Media Act (Mediengesetz - MedienG)**

In Austria, media law is regulated by the so-called Media Act. Media law acts right at the intersection of criminal, civil, and public law. Until 2005, the Media Act was largely focused on print media and broadcasting. Since then, it has increasingly included the media sector internet.

### **Media-content offence (Medieninhaltsdelikt)**

A media-content offence (according to Article 1 paragraph 1 sub-paragraph 12 of the Media Act - MedienG) is a prosecutable act committed by means of a medium in the form of an announcement or representation addressed to a wider audience. This includes, for example, inflammatory articles in social media, newspapers, or other media.

### **Mediation talk (Klaglosstellungsgespräch)**

After a guidelines complaint against possible police misconduct (see above), a mediation talk may be arranged. The aim of this talk is to discuss the incident with representatives of the corresponding police department and/or the police officer(s) involved as well as the complainant. If the complainant is satisfied with the course and outcome of the mediation talk, the complaint procedure may be suspended.

### **Muslim Youth Austria (Muslimische Jugend Österreichs - MJÖ)**

Muslim Youth Austria ([www.mjoe.at](http://www.mjoe.at)) is the only German-speaking, Muslim, independent youth organisation of the second and third generation of Muslims in Austria. It works nationwide and is responsible for young people from different ethnic and cultural backgrounds.

### **NS Reporting Office (NS-Meldestelle)**

The Federal Office for the Protection of the Constitution and Counterterrorism (BVT) operates the NS Reporting Office ([ns-meldestelle@bvt.gv.at](mailto:ns-meldestelle@bvt.gv.at)) to which acts glorifying and identifying with National Socialism as well as neo-Nazi, racist, and anti-Semitic content on the internet may be reported.

### **Offence prosecutable upon complaint (Ermächtigungsdelikt)**

An offence prosecutable upon complaint is a punishable act, which may only be prosecuted by

the public prosecutor's office with the consent of the person affected. In contrast to an offence with private prosecution, the victim does not bear the risk of costs in case of an offence prosecutable upon complaint.

#### **Offence prosecuted ex officio (Offizialdelikt)**

An offence prosecuted ex officio refers to a criminal offence or an offence violating the administrative criminal law that is to be prosecuted by the competent authorities ex officio. This means that as soon as a law enforcement authority becomes aware of a possible ex officio offence (e.g., through a report), it is obliged to initiate criminal investigations.

#### **Offence with private prosecution (Privatanklagedelikt)**

In the case of offences with private prosecution, the prosecution of the offender is initiated only at the instigation of the person affected, who has to bear the risk of legal costs.

#### **Ombud for Equal Treatment**

##### **(Gleichbehandlungsanwaltschaft – GAW)**

The Ombud for Equal Treatment, together with its regional offices, is responsible for equal treatment irrespective of ethnicity, religion or belief, age or sexual orientation in the field of employment as well as equal treatment irrespective of sex or ethnicity in other areas. The Ombud for Equal Treatment ([www.gleichbehandlungsanwaltschaft.at](http://www.gleichbehandlungsanwaltschaft.at)) is, e.g., responsible for advising victims of discrimination and may also commission and carry out studies on discrimination in Austria.

#### **Party to the case (Parteistellung)**

Being a party to an administrative proceeding involves certain rights, including the right to access files, the right to be heard, and the right to be informed about the decision by announcement or delivery of a notification. In administrative criminal proceedings, e.g., if proceedings because of a racial discrimination are initiated in accordance with Article III paragraph 1 subparagraph 3 of the Introductory Act to the Administrative Procedure Acts (EGVG; see above), the person affected is not a party to the case and is not informed about the outcome of the proceedings.

#### **Procedural complaint (Maßnahmenbeschwerde)**

The procedural complaint is a legal remedy against possible police misconduct. The complaint is to be submitted to the responsible regional administrative court within six weeks.

#### **Prohibition Act (Verbotsgesetz)**

The Prohibition Act prohibits various acts associated with National Socialism. Among other things, the re-establishing, glorifying, or identifying with National Socialist activities is considered to be a crime and is, therefore, punishable. Furthermore, it prohibits to deny, grossly trivialise, approve, or justify the National Socialist genocide or other National Socialist crimes against humanity.

#### **Public liability law (Amtshaftungsrecht)**

If employees of public authorities harm someone in the execution of the law, compensation may not be claimed from the employees, but legal proceedings are directed against the state (state government, federal states, etc.).

#### **Public prosecutor's office (Staatsanwaltschaft – StA)**

The public prosecutor's office is responsible for criminal prosecution and enforcement and is, thus, part of the executive branch. It is also known as the prosecuting authority.

#### **Qualified insult (Qualifizierte Beleidigung)**

The Austrian Criminal Code (StGB) defines the criteria for a qualified insult in Article 117 paragraph 3 and Article 283 paragraph 1. The offence of insult (see above) is regulated in Article 115. A qualified insult is deemed to exist if the criminal act against the injured party is committed because of his or her membership in a "church or religious community" or a "group of people defined by, for example, existing or non-existing criteria of race, skin colour, language, religion or ideology, nationality, descent or national or ethnic origin, gender, a physical or mental disability, age, or sexual orientation" and "consists either in maltreatment or threat of maltreatment or in insult or ridicule likely to cause contempt or disparagement of the injured person in the eyes of the public." A qualified insult is an offence prosecutable upon complaint (see above).

#### **Racial discrimination (Rassistische Diskriminierung)**

Racial discrimination means that individuals and/or groups are in some way disadvantaged on the grounds of their skin colour, language, looks, religious beliefs, nationality, or origin or the attribution of one or more of these characteristics.

#### **Reduction of the burden of proof (Beweislasterleichterung)**

Evidence and credibility are important elements in clarifying the facts before a court. Often, the

complainant is in a weaker position than the defendant. The Equal Treatment Act addresses this unequal balance of power by establishing the reduction of the burden of proof. If the complainant can credibly present a case of discrimination, his or her statements are assumed to be true. The statements of the defendant (e.g., the allegedly discriminating person) are only to be assumed to be true if the person can prove “that, after all circumstances have been taken into account, it is more probable that another motive, which can be plausibly proved by the accused, was decisive for the different treatment.” Credibility is easier to achieve than proof.

#### **Regional administrative courts**

##### **(Landesverwaltungsgerichte – LVwG)**

Regional administrative courts serve as complaints authorities for complaints concerning administrative matters as well as administrative criminal cases.

#### **Right to class action proceedings (Verbandsklagerecht)**

A class action is a form of a collective lawsuit in which associations are granted the right to take legal action to represent the interests of a group or the general public beyond the individual case and to sue for their rights. In Austria, the association is then a party to the case.

#### **Right to respect for private and family life**

##### **(Recht auf Achtung des Privat- und Familienlebens)**

The right to respect for private and family life is a fundamental right laid down in Article 8 of the European Convention of Human Rights (ECHR; see above). It includes the inviolability of the home and the guarantee of privacy of correspondence and telecommunications and is part of the general right of personality. Part of the right to respect for private life is the right to informational self-determination. Article 8 also contains a rudimentary obligation of the state to protect the data of the people living in its legal territory.

#### **Secondary victimisation (sekundäre Viktimisierung)**

Secondary victimisation describes the phenomenon when people who have experienced racist assaults or hatred on the internet are unjustifiably blamed for their situation. This happens when the social environment holds the person concerned responsible for the incident or doubts it. If the executive (e.g., the police and/or the public prosecutor’s office) rejects, doubts, does not take seriously, or repeats a possible offence, this can also lead to secondary victimisation. Similarly, repeated encounters with the offender can be perceived as degrading and victimising.

#### **Security Police Act (Sicherheitspolizeigesetz – SPG)**

The Security Police Act, which was fundamentally amended in 2012, regulates the organisation of the security administration and the maintenance of public peace, order, and security in Austria.

#### **Simple insult (einfache Beleidigung)**

In accordance with Article 115 paragraph 1 of the Austrian Criminal Code (StGB), a (simple) insult is a punishable offence. An insult is, e.g., when a person is insulted, mocked, bodily mistreated, or threatened with bodily harm publicly or in front of several people. An insult is an offence with private prosecution (see above).

#### **Trusted Flagger (status)**

Some operators of social networks award a so-called *trusted flagger* status to trustworthy institutions. Reports by trusted flaggers concerning problematic and illegal contents on social networks are given priority and are examined more thoroughly. This results, for example, in quicker reactions as well as greater success concerning the removal of such contents.

#### **Vienna Anti-Discrimination Act**

##### **(Wiener Antidiskriminierungsgesetz)**

The Vienna Anti-Discrimination Act prohibits discrimination against persons by civil servants and by contract staff of the City of Vienna on the grounds of ethnicity, religious beliefs, worldview, a disability, age, sexual orientation, gender identity and gender, and, especially, on the grounds of pregnancy or parenthood. The scope of this act includes certain areas of the sovereign administration and the administration delegated to the private sector (e.g., social affairs, health, education) of the State and the City of Vienna insofar as the cases fall within the regulatory competence of the State.

#### **WEISSER RING – Assistance for Crime Victims**

##### **(WEISSER RING – Verbrechensofferhilfe)**

WEISSER RING (<http://www.weisser-ring.at>) is a private, politically independent non-profit organisation that provides free support services for victims of crimes. Primarily, this includes legal support during court proceedings (especially the representation of private parties in criminal proceedings against offenders in order to be able to assert claims under private law such as compensation for damages) as well as psychosocial support for victims of crimes.

# Partner Organisations

Relationships, partnerships, and networks are essential, even vital, for ZARA. ZARA is convinced that effective anti-racism work is only possible through the cooperation of different actors. Therefore, we use this space to list our closest partner organisations without whom ZARA would certainly not be able to organise its work in its current way. The list does not claim to be complete, and it only refers to the most intensive cooperations in 2019.

- Afro Rainbow Austria
- Amnesty International Österreich
- Anti-Discrimination Office of Carinthia (Antidiskriminierungsstelle Kärnten)
- Anti-Discrimination Office of Salzburg (Antidiskriminierungsstelle Salzburg)
- Anti-Discrimination Office of Styria (Antidiskriminierungsstelle Steiermark)
- Association of Autonomous Austrian Women's Shelters (Verein Autonome Österreichische Frauenhäuser - AÖF)
- #aufstehn
- Asylum Coordination Austria (Asylkoordination Österreich)
- Ludwig Boltzmann Institute for Human Rights (Ludwig Boltzmann Institut für Menschenrechte - BIM)
- BIZEPS - Center for Self-determined Life (BIZEPS - Zentrum für Selbstbestimmtes Leben)
- Brunnenpassage
- CARITAS Vienna
- DERGESTALT
- Documentation Centre of Austrian Resistance (Dokumentationsarchiv des österreichischen Widerstandes - DÖW)
- Dokustelle - Documentation and Counselling Centre on Islamophobia and Anti-Muslim Racism (Dokustelle - Islamfeindlichkeit & antimuslimischer Rassismus)
- Equalizent Training and Consulting GmbH (Equalizent Schulungs- und Beratungs GmbH)
- Forum Against Antisemitism (Forum gegen Antisemitismus - FGA)
- Forum of Critical Lawyers (Forum kritischer Jurist\*innen)
- Austrian Women's Referendum (Frauenvolksbegehren)
- fresh - Black Austrian Lifestyle Magazine
- Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft - GAW)
- Initiative for a Non-Discriminatory Education System (Initiative für ein diskriminierungsfreies Bildungswesen - IDB)
- ISPA - Internet Service Providers Austria
- Intervention Center Vienna (Interventionsstelle Wien)
- Litigation Association of NGOs Against Discrimination (Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern - Klav)
- Mauthausen Committee Austria (Mauthausen Komitee Österreich - MKÖ)
- migrare - Centre for Migrants Upper Austria (migrare - Zentrum für MigrantInnen OÖ)
- Mimikama
- Muslim Youth Austria (Muslimische Jugend Österreich - MJÖ)
- Austrian Muslim Students (Muslimische österreichische Hochschülerinnen)
- Ninlil - empowerment and counselling for women with disabilities (Ninlil - Empowerment und Beratung für Frauen mit Behinderung)
- No Hate Speech Committee Austria (No Hate Speech Komitee Österreich)
- Austrian League for Human Rights (Österreichische Liga für Menschenrechte)
- Platform for Human Rights Salzburg (Plattform der Menschenrechte Salzburg)
- Presseclub Concordia
- Queer Base - Welcome and Support for LGBTIQ+ Refugees
- Rainbow Family Center Vienna (RegenBogenFamilienZentrum Wien)
- Romano Centro
- Saferinternet.at
- Black Women Community (Schwarze Frauen Community)
- SOS Mitmensch
- TUNNEL23
- Association NEUSTART (Verein NEUSTART)
- Association Ute Bock (Verein Ute Bock)
- Union vida (Gewerkschaft vida)
- WEISSER RING - Assistance for Crime Victims (WEISSER RING - Verbrechensopferhilfe)
- wohnpartner

# ZARA's Demands 2020

In the last 20 years, a total of **18,090** racist incidents have been documented and processed at the ZARA Counselling Unit – and this is only the tip of the iceberg. Every day, people are discriminated against and attacked because they are who they are. It is high time for a national action plan against racism, which should include, among other things, measures to achieve the goals listed below as well as effective legal measures to combat racist hatred on the internet more effectively and sustainably.

**ZARA demands the immediate implementation of the following demands or their integration into a comprehensive national action plan against racism and discrimination.**

A national action plan against racism and discrimination must include, among other things, objectives, measures, and indicators of success. ZARA and ZARA Training gGmbH recommend involving organisations representing persons affected as well as other independent experts, including civil society experts with their wealth of experience and perspectives, and making adequate budgetary resources available for the work they carry out. ZARA's demands include goals as well as indicators of success.

## **1** Equality and equal treatment for all

*Goal: Everyone must be sure that they can effectively protect and defend themselves against discrimination everywhere and in all spheres of life.*

**Uniform protection against discrimination is ensured throughout Austria:**

- The equal treatment laws offer uniform protection throughout Austria for all grounds of discrimination and in all spheres of life ("levelling up").
- The police deal adequately with ethnic profiling and take steps to prevent and stop this practice.
- Integration policy focuses on creating equal opportunities for all instead of on compensating for alleged deficits brought along by "migrants."

**Access to justice is strengthened to allow for better support for persons affected:**

- Equal treatment law includes a right to class action proceedings\*<sup>1</sup> in all proceedings under equal treatment law for the Ombud for Equal Treatment and the Litigation Association.

1 Terms marked with an asterisk are explained in the glossary of the ZARA Racism Report 2019.

→ ZARA, the Litigation Association, and other relevant organisations are granted the right to be a party to the case in administrative criminal proceedings under the Introductory Act to the Administrative Procedure Acts (EGVG; Article III paragraph 1 sub-paragraph 3 and 4) and in proceedings under the Austrian Industrial Code (GewO; Article 87 paragraph 1 sub-paragraph 3)

→ The (financial) independence of organisations providing support for persons affected as well as legal advice and counselling organisations and initiatives is strengthened.

#### **A more effective sanctioning of discrimination is guaranteed:**

→ A database records infringements by commercial enterprises against the discrimination provisions of the Austrian Industrial Code (GewO; Article 87 paragraph 1 sub-paragraph 3) and the administrative penalties imposed on them (according to Article III paragraph 1 sub-paragraph 3 of the Introductory Act to the Administrative Procedure Acts – EGVG\*).

#### **The recognition and effective investigation of prejudice-motivated crimes is ensured:**

→ The police reliably identify prejudiced motives for criminal offences when they receive reports as well as in the course of their investigation.

→ Criminal prosecution authorities promote the application of "special aggravating factors" according to Article 33 of the Austrian Criminal Code (StGB)\* in proceedings in connection with prejudice-motivated offences.

## **2 Legal protection against hatred on the internet for all**

*Goal: Everyone must be sure that they can effectively protect and defend themselves against hatred on the internet.*

#### **Human dignity lies at the heart of protection against hatred on the internet:**

→ Human dignity is a centrally protected legal right, also in cases of hatred on the internet.

#### **Effective protection against harassment on the internet is achieved:**

→ The Austrian Criminal Code (StGB; Article 107c\*) defines the one-time posting of nude photos against the will of the person depicted as a punishable offence.

→ The Media Act (MedienG; Article 32\*) guarantees a three-year and not, as previously, a one-year limitation period for media-content offences\*.

#### **Adequate resources for the public prosecutor's office and the police are ensured:**

→ The number of staff in units of the public prosecutor's office and the police investigating specifically on hatred on the internet makes it possible to investigate all cases promptly and adequately.

→ All public prosecutors and police officers dealing with hatred on the internet are adequately trained for their investigative work.

→ The increase in the number of staff of law enforcement authorities and their training on the subject of hatred on the internet is accompanied by independent and trained experts.

### **3 More effective legal protection in case of complaints against police misconduct**

*Goal: Everyone must be sure that they can protect themselves from possible police misconduct, and low-threshold access to justice is guaranteed.*

#### **The police consider themselves the largest human rights organisation in Austria:**

- The police protect the human rights of all people living in Austria regardless of their skin colour, religion, language, origin, sexual orientation, sexual identity, gender, age, and/or a disability.
- Official acts are debriefed immediately afterwards and reflected upon with the team. In order to improve and intensify this evaluation, specifically trained evaluation officers are regularly called in for official acts, who ensure more detailed evaluation meetings after official acts at different police departments.

#### **The access to justice is strengthened for those who file complaints against possible police misconduct:**

- Any possible police misconduct is investigated by means of truly independent complaints mechanisms.

- The police take all complaints about possible police misconduct as well as the complainants seriously.
- Complainants are effectively protected against secondary victimisation\*.
- The cost risk in connection with procedural complaints\* and guidelines complaints\* has been eliminated.
- It is obligatory for complainants to be invited to mediation talks\* in the case of guidelines complaints\* against the police.
- Ideally, the police officer(s) involved in the incident take part in the mediation talk\* in the case of a guidelines complaint\*.
- Low-threshold mediation talks are conducted systematically in the case of complaints.
- The pattern of libel reports by police officers in the context of complaints against possible police misconduct has been analysed, and the structural power advantage of the police over complainants is balanced.
- Persons affected by possible police misconduct are reliably referred to qualified civil society institutions.

**For further demands by ZARA and our partner organisations, see:**

[https://zara.or.at/de/wissen/aktuelles/n/news/170i\\_GJcn/ZARA\\_Forderungen\\_2020\\_&\\_Forderungen\\_unserer\\_Partner\\*innen](https://zara.or.at/de/wissen/aktuelles/n/news/170i_GJcn/ZARA_Forderungen_2020_&_Forderungen_unserer_Partner*innen)

## **4 High-quality and inclusive education for all**

*Goal: Everyone in the education system must be sure that they can effectively protect and defend themselves against discrimination.*

### **More effective protection against discrimination in the education system is guaranteed:**

- The structures of the education system ensure equal opportunities and prevent discrimination and exclusion of learners on the basis of their being who they are. The educational level of the parents, the (assumed) origin of the child or its parents, disabilities, and socio-economic circumstances are not decisive factors for a child's scholastic career.
- At each school, there are several trained contact persons who provide support for those affected by racism, other forms of discrimination, and hatred on the internet.
- The professional groups of teachers in elementary, middle, and high schools approximately reflect the diversity of all people living in Austria.

## **5 Politics, the administration, internet platforms, and the media take responsibility for the comprehensive protection of human dignity and the equal treatment of all**

*Goal: All people living in Austria should feel welcome, respected, and secure, and their participation in all spheres of life should be ensured.*

### **The comprehensive protection of human dignity and the promotion of equal treatment is ensured:**

- Social awareness of racism in society as a whole and programmes for sensitisation and empowerment of those actually and potentially affected by racism are systematically, sustainably, and comprehensively promoted.
- The assumption of responsibility in the public discourse with regard to the phenomenon of racism is an integral part of political and media culture.
- The origin of perpetrators is no longer named as the linking of a crime to a certain origin has absolutely no information value but rather distorts reality and supports prejudice.
- The asylum system and immigration policies are not misused for racist discourses.
- Instruments for the effective enforcement of human rights are guaranteed in all areas, both offline and online.



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## Mehr Infos: [respekt.wien.gv.at](http://respekt.wien.gv.at)

Respekt: Gemeinsam stärker ist ein Präventionsprogramm der Stadt Wien in Schulen. Umgesetzt wird es vom Verein Wiener Jugendzentren.



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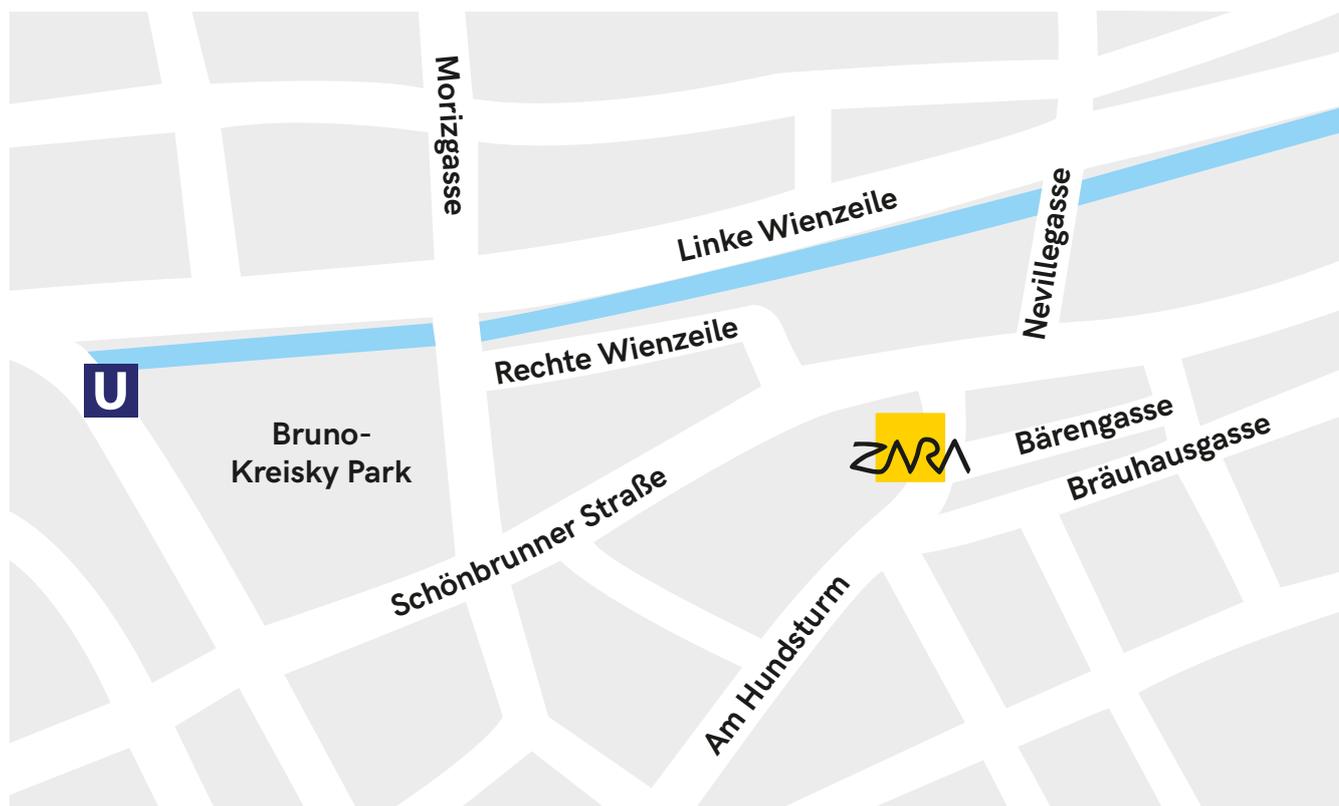
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Mehr Infos: [frauen.wien.gv.at](http://frauen.wien.gv.at)

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