

# Racism Report 2017

Individual case report about racist attacks and structures in Austria.

**ZNRA**  
ZIVILCOURAGE UND ANTI-RASSISMUS-ARBEIT

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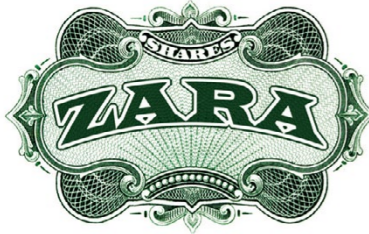
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BUNDESKANZLERAMT  ÖSTERREICH

Dear readers,

Thank you for not shying away from taking a look at the ZARA Racism Report, which is still the only publication that gives an insight into the structure and extent of racism throughout Austria.

The ZARA counseling team dealt with, documented, legally assessed, and advised victims and witnesses of 1,162 racist incidents in 2017. This means that we once again had to record an increase in racist incidents compared to 2016.

As in the previous year, this increase was mainly caused by the strong incidence of hate and agitation on the internet – the number of reported cases of online hate speech is rising continuously and accounted for 44% of all documented cases in the year under review. Since 2010, the number of cases in this area has increased more than eightfold.

#GegenHassimNetz (<https://beratungsstelle.counteract.or.at/>), a new counselling unit set up by us especially for this area (see also "Beratungsstelle #GegenHassimNetz" from p. 70 onwards), which we have been operating on behalf of the Federal Chancellery since September, has certainly led to increased reports of hate and hatred on the internet. In addition to the many reports from attentive users and the persons concerned, the fact that we have once again participated in reviews of the deletion practices of illegal online content by IT companies initiated by the European Commission has also contributed to the high number of documented online cases. To this end, we searched for illegal online content on YouTube, Facebook and Twitter for several weeks in spring 2017 and last winter (see also "Illegal online hate speech is being removed increasingly" from p. 75 onwards) and applied to IT companies for removal. Companies were able to significantly improve their achievements compared to 2016: During the last monitoring

in winter 2017 we observed a deletion rate of 73.3% for Austria; 70% of the reported hate content was removed on average in the EU.

A similar picture has emerged throughout the EU regarding the characteristics of people which are used to ridicule them, treat them with hostility, threaten or criminalise them, or wish death upon them on the internet: Hate and hate speech on the internet are most frequently directed towards refugees, persons of "foreign" origin or "other" ethnicity – this result also coincides with our comparative analysis of hate content on social media, which we have conducted in detail and over a period of two years within the framework of the EU project "Research – Report – Remove: Countering Cyber Hate Phenomena" (see also "The many faces of online hate speech" from p. 72 onwards).

The spectrum of this group-focused enmity visible on the internet ranges from direct calls for violence, insults, and degradations to spreading lies and false reports.

One thing, which is still particularly present in the networks, forums, and blogs in Austria, however, is the hatred towards Muslims, which does not only seem to have manifested online but also seems to become capable of winning a majority offline. We have therefore dedicated a separate chapter in this report to this worrying development, "Anti-Muslim racism" (from p. 62 onwards). Anti-Muslim messages, for example in the general election campaign, as well as the introduction of the ban on full-face veils ("Legal background", from p. 64 onwards) lead to the conclusion that Muslims in this country should become increasingly "under general suspicion" (see article from p. 62 onwards).

Racism is a construct. For example, the Network against Racism in South Tyrol currently defines

it as "racializing prejudice PLUS the power to use this prejudice for one's own benefit. Racism is a historically grown ideology that serves to legitimize systems of inequality and exploitation. Racist ideology aims to put people in arbitrary and pseudo-scientific categories to justify unequal treatment."

On that note: look out for squalls and stay strong!

On behalf of the entire team, I wish you instructive reading!

**Claudia Schäfer**

*Managing Director and Head of Public Relations*

*Claudia Schäfer, MAS MA, has studied quality journalism at the Danube University Krems and as a print and radio reporter, she informed about socio-political developments with a focus on asylum and migration for many years, among others from Bosnia-Herzegovina and the USA. She gained additional expertise in the fields of democracy and elections, European integration and urban and site development as a research assistant and project manager at various organizations, including the OSCE. As Managing Director of ZARA – Civil Courage and Anti-Racism Work, she has been responsible for managing the organization since 2011 and, in cooperation with the executive board, for its strategic development. She also represents ZARA in numerous networks and leads public relations work.*

# Statistics 2017

Information about the individual areas and the terms used:

- **Public sphere** describes all incidents that take place in public and publicly accessible spaces like streets, squares, traffic areas and parks.

- **Internet** lists all incidents that took place on the internet. This includes websites, online forums, social networks, and blogs.

- **Politics and the media** includes any racist incidents produced by politicians or parties and their bodies and by the traditional media (print, radio, and TV).

- **Racist smearings** includes any reported incidents of racist smearings in public and semi-public spaces, such as car parks.

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

- **Other authorities, public institutions, and service providers** is the collection of incidents between individuals and authorities (apart from police) or their representatives. These involve administrative bodies, schools, and other municipal institutions.

- **Employment and entrepreneurship** relates to incidents associated with labor and employment relationships in the broadest sense; e.g., labor market, job seeking, working conditions, working environment or job ads.

- Access to **goods and services** involves incidents concerning housing in the first place, from flat search through to neighborhood conflicts. Secondly, this section documents any incidents that involve access to venues, stores and other service providers (apart from the field of work).

- **Racism as reaction to anti-racism work** means letters, e-mails, calls and otherwise expressed threats, insults, and intimidations that are addressed to ZARA and other institutions fighting against racism.

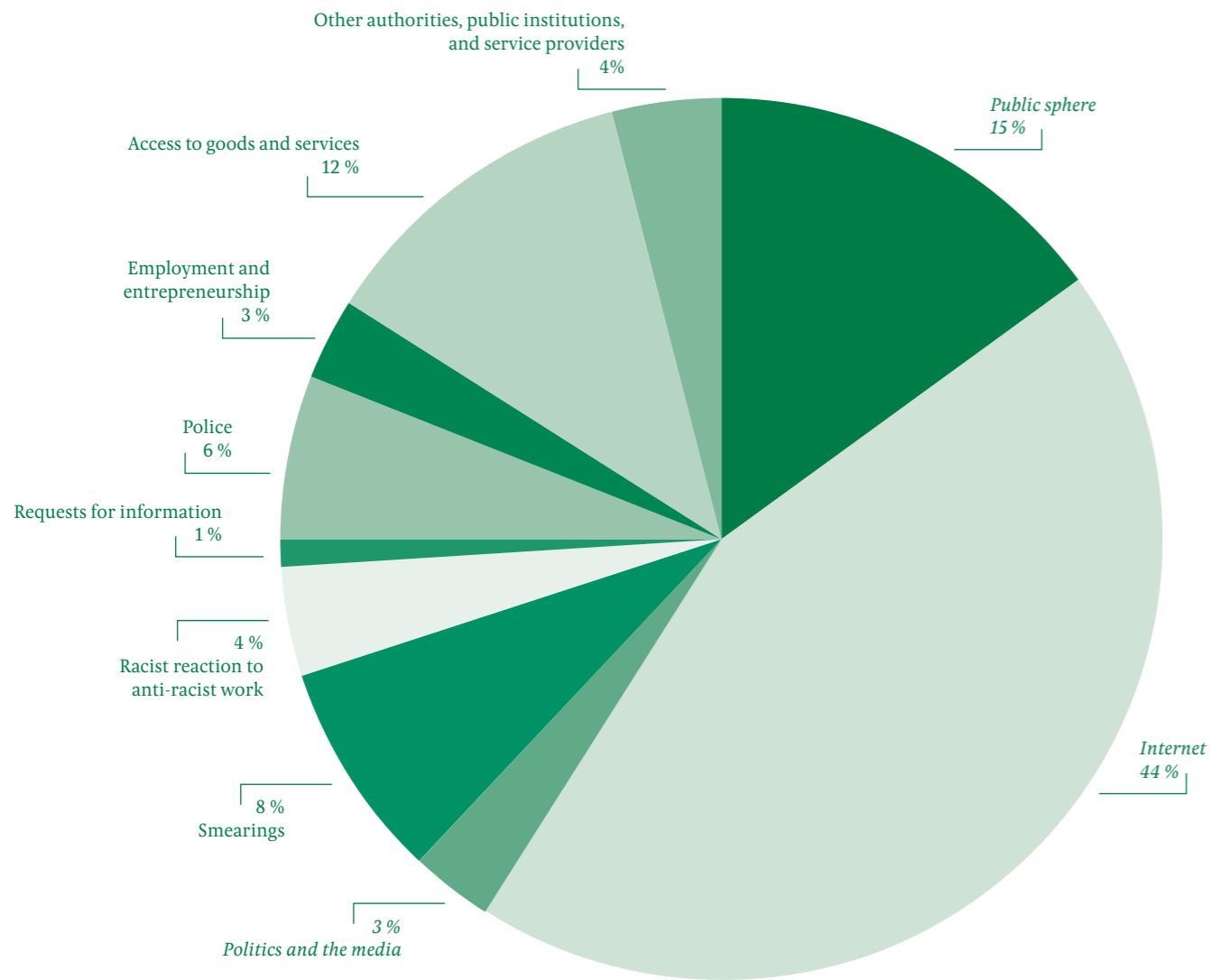
## Notes:

The tasks of ZARA counselors involve the examination of the fact's veracity on the one hand and the examination of the "opposed party's" or third party's point of view. However, counselors cannot guarantee all the information – from various sources – to be "true." The interests of the persons turning to the counseling unit rank first: Their descriptions are trusted, and understanding is shown. Their statements are taken seriously. However, the statements may not be accepted without a critical eye.

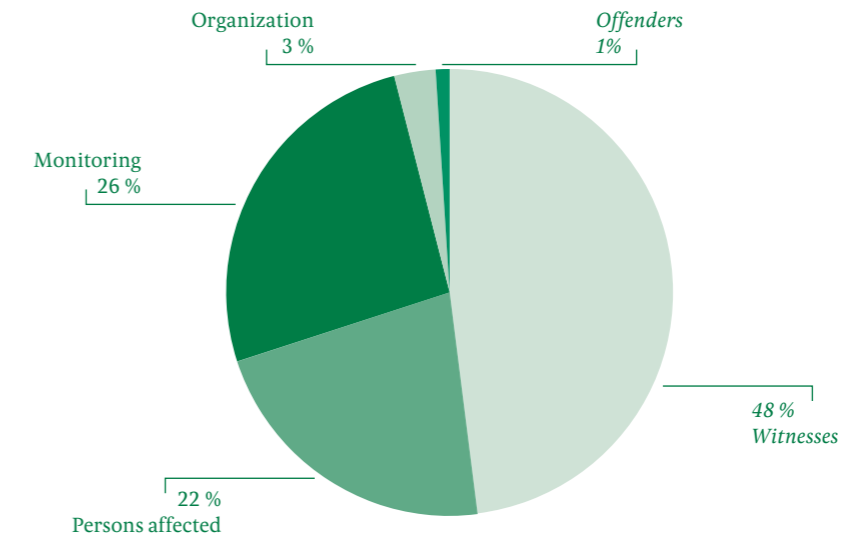
ZARA is further aware of the fact that, by depicting racist attacks, racist language, racist invectives as well as prejudices or the actually unnecessary highlighting of ethnic and religious features as well as other features that lead to discrimination are represented. ZARA, therefore, tries to handle racist language sensitively. The presented racist language is clearly contextualized, aiming to uncover racism in Austria. If ZARA would avoid this in order to avert the reproduction of racist language, the floodgates for denial of racism would still be open. So as not to reproduce racist language, the N-word, as well as the Gyp-word, are merely implied.

# Statistics 2017

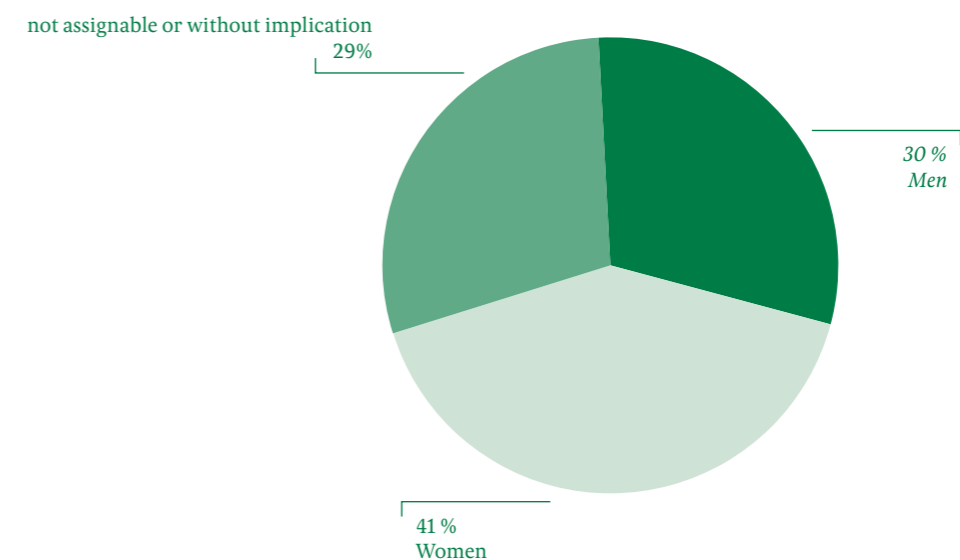
In 2017, the ZARA team has documented a total of 1,162 racist incidents, 89 of them were smearings.



In 2017, the percentage of witnesses among reporting persons was 48%, 22% were directly affected, 26% of the cases were documented by ZARA employees in the course of sporadic monitoring.



41% of the clients were women, 30% were men. 29% of the cases were reported by organizations, anonymously or with no indication of gender.



# Racist incidents

## Public sphere



The racist incidents presented in this chapter took place in the public sphere. This includes all public and publicly accessible spaces like streets, squares, traffic areas and parks. Public attacks on persons who are considered different explain that resentments and prejudices against persons perceived as "different" are unfortunately still an everyday occurrence.

### 1 | Physical attack

Ms. U. was born in Chechnya and has lived in Vienna since 2012. In summer, she has an experience which she reports to ZARA. She is on the tram wearing a headscarf. As she wants to get off at 'Floridsdorfer Markt,' an unknown woman grabs her wrist and shakes it. Ms. U. breaks away and gets off the tram. This physical attack was a big shock to Ms. U., and since then, she has been in great fear of getting attacked again.

Ms. U. shares the story of the incident in a one-on-one consultation and asks what she can do in a situation like that. ZARA informs her that it is not acceptable to be held like that, plus, several possible actions are discussed. These include breaking away, asking passers-by for help or calling the police. Additionally, ZARA gives Ms. U. the contact details of institutions which offer psychological support in Russian language. Ms. U. gives thanks for the suggestions and says that she has no information about the offender and no intention of taking further steps.

### 2 | Insult because of headscarf in tram

On a September day, Ms. S. and her grown-up daughter Ms. W. are being on a tram in Vienna. The mother tongue of the two is Russian; both are wearing a headscarf for religious reasons. Ms. W. is also pregnant at that time, and Ms. S. has been suffering from epilepsy for some time. A strange woman on the tram wants to get off and impolitely urges Ms. W., who stands close to the door, to step aside. Ms. W. follows. Nevertheless, the woman starts insulting Ms. W. calling her, inter alia, a "hoe." Ms. W. is shocked and responds with "you're a hoe yourself." As

the woman gets off, she slaps Ms. W. in the face and pulls down her headscarf. The three women get off at the station, and the police are called. As they arrive, the offender presents herself as being the victim, she sits down on the floor and claims to have been slapped by Ms. S. and Ms. W. For a while, the police are turning their attention solely to the offender when Ms. W. proactively approaches the police and explains to them what has happened. The police officers do not believe her and state that she looks "fine" and no slap marks are visible. In consequence of the agitation, Ms. S. suffers an epileptic seizure which the police do not take seriously because they think she fakes it to present herself to be the victim. An ambulance is already present, but they are only taking care of the offender. At the request of Ms. W. to help her mother, they refer to a second ambulance in charge. This one arrives later and takes care of Ms. S.

Subsequently, Ms. S. and Ms. W. receive an interrogation summon from the police on charges of brawl. Ms. S. and Ms. W. are represented by the Ute Bock Association. The person in charge of the case contacts the ZARA counseling unit asking for a counseling appointment for the two women. The counselor offers to accompany them to the police interrogation, which the women happily accept. The support fails though because the date of the interrogation is set on a holiday and also the attempt of ZARA to postpone the date to a workday is unsuccessful. The counselor further informs Ms. S. and Ms. W. about appeal possibilities concerning the behavior of the police. The two women refuse to take actions against the police. Ms. W. wants an excuse from the offender, and both of them want to put the incident behind themselves. The outcome of the proceeding is not known at the time of going to press.

### 3 | Headscarf called "symbol of the evil" in TV discussion

At the end of November, oe24.TV broadcasts a discussion on the topic "Gender war: Who are the real victims?". The roundtable consists of a former BZÖ politician, a representative of the Liste Pilz, an activist, and feminist who wears a headscarf herself and a couple counselor. In the course of the discussion, the BZÖ politician degradingly comments on the headscarf and Islam per se over and over. For example, he compares the Muslim headscarf with the swastika: "Everybody should have the freedom to wear or not to wear it, but in Austria, we also have a prohibition law. We neither tattoo our posterior with the swastika. So, why should we trouble ourselves with 21-century fascism symbols on our public streets, how, e.g. Alice Schwarzer states."

Furthermore, in the course of the conversation, he labels women with headscarves as victims and says there is "imported violence by these cultural groups." As he was made aware of making women a target when stating that the headscarf is like a swastika, he responds: "A headscarf is not a swastika, but it is an equal symbol for the evil."

Subsequently, he earns criticism by the media for his statements. The discussion participant who wears a headscarf herself and therefore feels particularly concerned as a woman and as a Muslim reports the incident to ZARA. Thereupon, ZARA writes an exposition of the facts concerning incitement and sends it to the prosecution office. The outcome of the proceeding is not known at the time of going to press.

### 4 | Newspaper article with racist smearings found in post-box

Mr. O. is working in the scientific sector at a University in Vienna and is originally from Kosovo. This March, he finds a newspaper article in his post-box which was smeared with racist comments by an anonymous sender. The relevant article is titled "Concerns about youth violence rise" and contains a report of an 11-year-old Chechen boy who apparently started a fight. The mention of the "Chechen mother" is commented by the sender with "Sod!". The statement at the end of the article according to which the incident is not to be used to "lump all foreigners together" is changed to "I consider it RIGHT to use this incident to lump all foreigners together!". At last, below the article "FOREIGNERS = DIRT" is written in capitals.

Mr. O. is very distressed to have found an article in his post-box with such degrading smearings, which is why he contacts ZARA. In the ZARA counseling unit, he is informed that only in case of public racist insults complaints can be filed and that in this case there are no legal options for action. Mr. O. gives thanks for the information and is satisfied about the integration of the incident in ZARA's case documentary.

### 5 | Islamophobic smearings on storefront

An operator of the Kostnix shop in Vienna (a shop where used things can be dropped of for free) contacts ZARA in April of this year and reports the following incident:

At night-time, unknown persons have sprayed the line "Stop Islamisation" with red color all over the front and the windows. Additionally, the door got covered with the cusses "ass" and "cunt." The operator and his helping hands remove the smearings on their own but want the incident to be documented. He further reports that in the past there were several incidents where the shop got butchered. Antifascist posters were repeatedly pulled down, and stickers of the Identitarian Movement of Austria were pasted on the windows, the door, and the billboard.

One month after the first report the operator contacts ZARA again and reports that the Kostnix shop was again covered with the line "Stop Islamisation." They again removed the degrading words by themselves. ZARA documents this incident as well.

### 6 | Racist insult of a recruit for his "look."

Ms. F. contacts ZARA in June because she observed a racist incident which puts a strain on her.

A young man, Mr. X., is out and about in Vienna wearing his recruit uniform. A lady feels apparently disturbed by him because the look of Mr. X. does not correspond to her idea of an "Austrian soldier." She points her finger at the recruit and calls him a "jihadist." Mr. X. responds in a slightly angry manner stating that, in the execution of his duty, he protects humans like her. The lady yells at him saying that she would rather not be protected "by him." As passers-by try to protect Mr. X. from the aggressive lady, she gets even angrier. She yells at everybody asking why they are in Austria then.

It is important for Ms. F. that the incident is documented by ZARA.

## 7 | Racist postcard

Mr. A. contacts ZARA concerning a racist and misanthropic postcard he found on top of the post-box of the apartment building he is living in. It was among those letters that the mail carrier could not assign due to insufficient address data. On the postcard the following shocking lines are to be found: "THESE N\*ASYLEES are like RATS multiplying rapidly, are BUGS and need to be exterminated; before they poison all of Europe!! Please keep away from N\*!!!"

A ZARA counselor informs Mr. A. about the integration of the incident in the ZARA case documentation. She further explains that the statement on the postcard would probably be categorized as incitement in the legal context, but the legally required publicity might not be given. Mr. A. is disappointed that no further steps are possible, but it is important for him that the incident is documented.

## 8 | Gun attack on asylum accommodation

At the end of August, a shocking attack takes place in an asylum home in Upper Austria.

At night, unknown persons fire two shots on an asylum home whereby the entrance door of one of the buildings gets severely damaged. At that time, the shelter accommodates twelve refugees, among them, are one family with two children and a pregnant woman. Fortunately, nobody is hurt.

The municipal workers concerned cannot explain why the attack has occurred. The project would be very successful and well accepted by the population. The Upper Austrian office for the Protection of the Constitution and Counterterrorism investigates the case but has no evidence of the offender's identity so far. By copy deadline, it is still not clear whether the persons responsible for the offense were tracked down or not. ZARA documents the incident with reference to the media coverage.

## 9 | Fraternity members shouting "Heil Hitler."

Mr. B., who lives in Salzburg, contacts the ZARA counseling unit in fall of this year and reports the following observation:

One evening, Mr. B. visits friends of his in their flat. From there, they hear far-right fraternity members celebrating the election result of

the Austrian parliamentary election by singing German national songs vociferously. Several participants are also shouting "Heil Hitler!". Mr. B. wants to find out about possibilities to set further steps in that respect. A ZARA counselor outlines possible actions, like filing a complaint according to the Prohibition Act. ZARA offers support hereof. Mr. B., however, decides to do it on his own. At the time of going to press, ZARA does not know whether Mr. B. actually filed a complaint.

## 10 | Soccer fan convicted of glorifying and identifying with National Socialist activities

This April, a soccer fan attends an Austria Vienna's match against Sturm Graz in Vienna. He is wearing a pullover with SS-runes and a baseball cap with swastikas on it. As various fan groups start fighting, the man attracts the police's attention. In the course of further investigations, the man's upper body turns out to be covered with head skulls, swastika tattoos and a tattoo of the Pro I-tank of SS officer Otto Skorzeny.

At the end of the year, the soccer fan has been convicted of glorifying and identifying with National Socialism as according to Sec 3h of the Prohibition Act of 1947 and has been sentenced to one-year conditional imprisonment. ZARA documents the incident with reference to media coverage.

## 11 | Orthodox Jew insulted on bus

In fall, Ms. R. contacts ZARA and reports the following incident:

Ms. R. is going by bus in Vienna. Suddenly, she observes a group of young men in loden jackets taking notice of an orthodox Jew and his son. The young men start to chorus: "Rabbi, rabbi, kohlrabbi!". Besides that, they laugh out loud and add further anti-Semitic insults.

Ms. R. rises to speak, telling the group that "unlike Jewish citizens, anti-Semites are not welcome here." The men are yelling that loud that Ms. R. is not sure if they have actually heard her speak. She is very shocked and wants the incident to be documented by ZARA.

## 12 | Woman and baby racially insulted in bus

In summer of this year, Ms. M. is waiting for

the bus in Vienna with her baby. When the bus arrives, the driver parks far off the curb, so the woman can hardly enter the bus with her buggy. Therefore, she points out that, in the future, he might give attention to the gap. The driver reacts angrily and not very sympathetically. Suddenly, a woman on the bus starts to insult her, apparently due to the headscarf, which she wears for religious reasons. Among other things, she yells: "What do you want? Go home!" As Ms. M. tries to defend herself, the woman yells: "Fuck off with your brood!"

Despite the woman's statements, Ms. M. is shocked that none of the other passengers or the driver have intervened to support her. It is especially burdensome for her to have felt that alone and humiliated.

Ms. M. contacts ZARA and reports this incident as well as similar incidents in the past. She wants to know what she can do about it. A ZARA counselor explains that she could file a complaint for racist insult. Ms. M. decides to do so. ZARA supports her in writing the exposition of the facts for the prosecution office. The outcome of the proceeding is not known at the time of going to press.

## Know your rights

### 13 | Racist insult and threat against Muslim woman

*Ms. M. is from Chechnya, wears the Niqab and lives in Vienna with her husband and her children. In spring of this year, she goes shopping with her four-year-old daughter in a supermarket close to her place of residence. There, she comes across a man, whom she has known for two years because he repeatedly racially insults her and makes sexual innuendos. In the supermarket, he once again starts to insult her: "You piece of shit! I hate you and your veil!" Furthermore, he kicks Ms. M. with his trolley. She tries to protect herself and her daughter. Finally, the supermarket staff intervenes and calls the police. The officers claim to have recorded the complaint and that they will contact Ms. M. in the near future for the interrogation.*

*Ms. M. contacts ZARA to report the incident. Since the incident, her daughter is terrified of the man and suffers from insomnia. ZARA informs her of an institution that offers psychotherapy for children. Additionally, a ZARA counselor offers Ms. M. to accompany her to the interrogation at the police station as soon as she receives the summons.*

*In summer Ms. M. contacts ZARA again because she has not received the summons yet. The ZARA counselor gets in contact with the relevant police station, and it turns out that no complaint has been recorded so far. So, the counselor accompanies Ms. M. to the police station where she reports the incident in the supermarket as well as several other incidents with the same man. As it turns out, the man has repeatedly threatened Ms. M. and that he would kill her children; one day, when Ms. M. was on her way to pick up her kids from the kindergarten, he insulted and threatened them with the following words: "You fucking Muslim. What are you doing here? You must go back home. I fuck you. I kill you!" The police record the complaint for dangerous threat and racist insult. The police can further determine the identity of the offender. The outcome of the proceeding is not known at the time of going to press.*

Section 115 of the Austrian Criminal Code prescribes a penalty of up to three months imprisonment or a fine of up to 180 daily rates for the crime of insult in the public sphere; this means that a person insults, ridicules, physically abuses or threatens to physically abuse another person in public (in the presence of at least three persons, victim, and offender not taken into account).

An insult according to Section 115 of the Criminal Code is in general considered to be an offense with private prosecution. This means that the offender is only prosecuted upon request of the victim. The downside of this approach is that the private prosecutor has to bear the procedural costs if the accused is acquitted. However, if the insult has racist motives, e.g., references to skin color, ethnicity or, like in Ms. M.'s case, the religion, the offense with private prosecution turns into an offense prosecutable upon complaint (Section 117 of the Criminal Code). According to the legal text, such an insult is considered to be a crime if a person is abused, threatened with abuse, insulted or ridiculed in a manner that offends human dignity. Additionally, the insult has to address a member of a group that is legally protected from incitement (see chapter "Internet"). Since the amendment of the criminal code in 2015 "foreigners," "migrants," "refugees" and "asylum seekers" fall within the ambit of this norm.

The particularity of an offense prosecutable upon complaint, like a racist insult, lies in the duty of the prosecution to prosecute the offense ex officio and to initiate a criminal proceeding provided that the victim has granted an authorization. With this approach, the victim does not bear the risk of litigation costs.

#### What can Ms. M. do?

Ms. M. has the possibility to make a report to the police or to send an exposition of the facts to the prosecution office. ZARA offers support here and can function as an advisory guide during the proceeding. If the prosecution concludes that the insult fails to comply with the criteria in Section 117 Subsection 3 of the Criminal Code, Ms. M. can still try to proceed against the offender privately. The problem with attacks in the public sphere is that offenders often remain anonymous and cannot be tracked down. Therefore, a complaint to the prosecution against unknown offenders is in some cases only used for statistics.

The man's threats can perhaps be seen as "dangerous threat" (Section 107 Criminal Code). The act of such a (criminal) threat has to be objectively appropriate to raise justified concern. The offender has to have the intention to fill others with fear and anxiety. The victim has to get the impression that the offender is actually able and willing to carry out the threat. If a judicial criminal proceeding is conducted, victims have the possibility to join the proceedings as a private party. In addition to their rights as victims (e.g., inspection of records, right to information concerning the progress of the proceedings), private parties have further rights; for example, the right to request evidence, the right to appeal in case the court closes the proceedings and the right to assert certain claims against the accused.

Crime victims also have the possibility to

turn to the victim support organization 'Weisser Ring.' Victims of physical violence, dangerous threats, provided that the threat was carried out, or sexual offenses are entitled to claim legal aid in the form of psychosocial and/or legal support to protect their rights. The organization 'Weisser Ring' can provide a lawyer in such cases to represent the victims in the assertion of claims. Finally, according to Section 33 ("particular aggravating factors") Subsection 1, Number 5 of the Criminal Code, the court is allowed to impose more severe penalties for any offenses, provided that the offense was committed out of racist motives. When assessing the penalty, the court has to take aggravating and mitigating factors into account; these involve "racist, xenophobic or other particularly reprehensible motives."

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- Sensibilisierung für die Auswirkungen von individueller und gesellschaftlicher Diskriminierung
- Reflexion eigener Haltungen und Einstellungen gegenüber Vielfalt und unterschiedlichen Aspekten der eigenen oder einer anderen Identität
- Handlungssicherheit im Umgang mit Personen anderer ethnischer/kultureller/sozialer Hintergründe

**Wann:** Samstag, 14. April 2018, 9:00–17:00 Uhr

**Wo:** VHS Ottakring, Ludo-Hartmann-Platz 7, 1160 Wien (U6 Thaliastrasse)

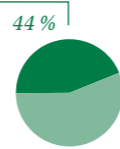
**Kosten:** € 80 (Die Kosten können auch mit einem AK Bildungsgutschein beglichen werden.)

**Anmeldung:** VHS Ottakring Tel. 01 8917411600 Mail [ottakring@vhs.at](mailto:ottakring@vhs.at)

**Ausführliche Info:** [www.zara-training.at](http://www.zara-training.at)

## Internet

Racist incidents on the internet can be found on websites, online forums, social networks, blogs and in chain emails. Often, under the guise of seeming anonymity, inflammatory or derogatory content is written and distributed over the internet. Fake news which is spread over the net is particularly dangerous: they are often accepted and forwarded with a single click, without any verification. Thus they contribute significantly to creating and disseminating enemy images, stereotypes, and racist views. This year, additional cases of hate speech were included in the documentation, due to two monitoring activities of illegal hate messages on Facebook, Twitter, and YouTube (see article on p. 75).



### 14 | Over 2000 hate comments on video on Facebook

Within a few days, several people reported a video to ZARA, which was posted on Facebook in October and shared by thousands of users within a very short time. In the video, you see a man with dark skin, who seems confused, lies on a street and holds a piece of wood in his hand. He seems to be afraid, so he fights back with the piece of wood as someone approaches. The cars have to pass by him because he is in the middle of the road. Numerous comments with very violent statements are posted about this video. Among other things, there are many calls to kill the man. Examples of these degrading posts are: "Simple thing, run him over," "Just run over it, there is enough of this garbage," "Flatten the thing," "Leave him there – shit tramps itself in," "Run over him! He'll feel better then, for sure!", "After the attack I would have punched his face and then...", "shoot," "accelerate," "shoot and clear away. Or return home and let 1000 camels run over it", "Drive over it, then it's one less" or also "He practices swimming home." A ZARA counselor checks the comments for their legal relevance. ZARA reports the postings which are against criminal law to Facebook and the NS Reporting Office.

Some days later, the link to the video is no longer available. Shortly after, it turns out that the video and all comments on it were removed by Facebook.

### 15 | Hate speech in reaction to online articles

The regional weekly newspaper "Wochenblick" posts an article on its Facebook page about "illegal" dual citizens and their allegedly high social benefit payments. There are numerous comments from users below the article. Mr. N. reads these comments and turns to the ZARA counselling unit, as he believes that some of these comments constitute the criminal offense of incitement to hatred. He sends the link to the article as well as screenshots of relevant comments and asks for further information on possible options for action. The comments include statements such as: "There'r enough fckng turks that make full use of the slci system... with alleg 5 kids... do have max.2... recently a kepabfressa (TN: insult for people of Turkish origin) said... why should i work... your working for us anyways... I thought I'll hoe him with a... dirty donkey-fuckers", "Lots of monstrosities", "clean up tidy out and off to the distance with them why do we put up with this...". The ZARA counselling unit considers some of these posts to be relevant under criminal law and therefore reports them to the NS Reporting Office.

### 16 | Hate speech and violations of The Prohibition Act of 1947 on Web-blog

Ms. P. reads the contents of the page of an animal welfare organization on the internet. She follows some links and is shocked to realize that one of them leads to a blog called deutschemobly.com (TN: German lobby). The subtitle of this page is "YES TO THE GERMAN REICH..... RISE... AND RISE AGAIN... UNTIL LAMBS BECOME LIONS" Ms. P. is deeply shocked by the hateful entries and addresses the animal welfare organization herself. The organization removes the link immediately. Ms. P. also contacts the ZARA counseling unit because she wants to know which options there are in dealing with such inflammatory

content. The counselling unit examines the blog entries, which ZARA has already been aware of for many years in detail and comes across numerous entries with inflammatory content and content which violates the Prohibition Act of 1947. Thus, for example, "Islamisation" is described as "genocide against the German people", Islam as "enemy" and "satanic lie", the Koran as "manual for terror and intolerance" and the cruel murder of some 6 million Jews during the Second World War as "myth" and "(hoax) trick lie". For this reason, ZARA submits a detailed exposition of the facts to the public prosecutor's office because of the numerous infringements of the incitement clause and the NS-Prohibition Law. The outcome of the proceeding is not known at the time of going to press.

### 17 | Site operator sentenced for incitement to hatred

The arms lobbyist and retired notary Mr. S. runs his own website. He regularly publishes racist articles on this portal, which is why he has been known to ZARA for several years. In December 2015, he puts an article online that includes the following sentences: "The Muslims have declared war on us all and they are already waging it."

Shortly before, he published the following statements: "I don't want to see these moustaches, these pyjamas and these garbage bags here. And I do not want them to kill my fellow citizens and do so with impunity, because our judiciary and our security authorities have gone gaga..... It's Islam, folks. And there is no dialogue with this Islam. You don't argue with an armed man. You can surrender or you can fight back. Tertium non datur." The Greens then submit an exposition of the facts to the public prosecutor's office in Vienna. The proceedings are initially closed. Next comes an appeal to the Vienna Higher Regional Court, which is upheld. In January 2017, Mr. S. is sentenced to a five months' suspended sentence by the Vienna Regional Criminal Court for incitement to hatred. To the court, Mr. S.'s previous integrity is a mitigating factor, while repeated offending was seen as an aggravating factor. Mr. S. does not show any reason during the duration of the procedure. He claims not to understand why he should not be writing such things. He considers calling "traditional Islamic clothing" a "garbage bag" "quite funny". As he cannot understand why he is sentenced, he lodges an appeal. The appeal is rejected. The judgment is therefore final. ZARA documents the incident based on media coverage.

Year	Total internet	Online Categories/ Digital Distribution			
		Online communities (Facebook, Twitter, Google+, Xing, etc.)	internet portals (blogs, news forums, websites)	Applications – Web 2.0 (e.g. YouTube etc.)	Chain and other mails
2017	561	422	64	66	9
2016	390	301	60	24	5
2015	234	153	66	8	7
2014	136	50	74	5	7
2013	149	63	79	3	4
2012	170	44	119	0	8
2011	134	23	95	2	7
2010	70	16	45	2	7

This table includes all cases that happened on the internet. This means that cases from the categories "politics and the media" and "racist reactions to anti-racism work" are also included, provided they were (also) transmitted via the internet.

## 18 Conviction for anti-Semitic hate speech

In November 2017, a woman is sentenced by the Klagenfurt regional court to five months suspended sentence for incitement to hatred. In response to a Facebook comment, she wrote a posting open to criminal charges. For example, she wrote that if it were up to her, "Mauthausen-Gusen could reopen." "Parasites, welfare scroungers, rapists, and do-gooders" should be "burned, shot or beheaded. The judge in charge considers the "xenophobic attitude" of the woman to be an aggravating factor. According to media reports, the judgment is now final. Ms. A. sends the media reports to ZARA for documentation.

## 19 Hate comments as a reaction toward a black model

At the beginning of the year, a large supermarket chain launched an advertising campaign with a flyer featuring a black model. With some Facebook users, the skin color of the model causes obviously large resentment – they express their anger in numerous inflammatory comments. Insulting statements such as "Black swine are Cheap, and economy prescribes that they have to take blacks or n\* or sacks of coal because they are only hollow in their heads", "they want to push their multiculturalism through, whether we like it or not..." and "yes they want to sneak in and overrun us" are posted.

Since this incident is reported to the ZARA counseling unit anonymously and without specifying the link to the thread, ZARA cannot take any further steps, but documents the

report. Further research by ZARA reveals that the same flyer triggered a shitstorm in the Czech Republic. As a result, the supermarket chain came out in favor of "tolerance towards people from all over the world" on Facebook, among other sites.

## 20 Attacks on refugees commented with hate speech

This February, ZARA finds a shocking thread in a closed Facebook group. A user posts an article that says that there were allegedly more than 3,500 attacks on refugees and their accommodations/housings with numerous people being injured there. Among the victims are children and volunteers. She comments on this report with the following words: "A huge mess of the media to publish this at all. It is exactly that number, if not more, which has been perpetrated on the people by this bunch-- you the media, your fingers should rot off and your mouth sewn shut to prevent that." The article and the introductory statement to it entail a series of hate postings. In these, refugees are, among others, called "parasitic trash", it is assumed that "refugees burn down their own shelters" and then claim that "it was us", and it is demanded that any assault perpetrated by a refugee should be compensated with ten assaults by "Germans", because "wherever the brood is there are thousands of assaults and our fucking governments look on idly and still throw money at them".

ZARA documents the countless hate comments and forwards those, which are classified as inflammatory, to the NS reporting office.

## Know your own rights

### 21 Hate speech aiming at Muslims as response to video on YouTube and Facebook

*Several people independently reported a video to ZARA which was posted on YouTube and Facebook, as well as the corresponding comments. This video was recorded on the first day of school in September in front of a primary school in Vienna. You can see several children and women, apparently mothers, wearing headscarves. They are standing in front of the school, and it looks as if they were picking up their children from school. A woman's voice comments on what is happening, saying that "one could think this was at an international event, but it was in Vienna, and that this is the sad reality." The comments contain inflammatory content, e.g., on YouTube: "They spread like cancer in the body," "Chase the Muslim brood away wherever you find them!" On Facebook, for example, this comment is posted: "Better a dog than something like that." At the time of writing, there are about 2,300 comments on this Facebook video. It is not possible for the ZARA counseling unit to read and examine all the comments due to the large number. Employees inform the people who reported the video about the relevant (criminal) legal situation and the possibility of sending racist, anti-Semitic and neo-Nazi entries on the internet to the NS Reporting Office. ZARA sends the inflammatory comments to this office so that they could be checked with regard to their criminal relevance and, if necessary, forwarded to the public prosecutor's office for prosecution. These postings are also reported to YouTube and deletion is requested.*

*The reporters thank for the counseling and for forwarding the degrading comments to the responsible authority.*

The principle laid down in Sec 62, in conjunction with Sec 67, of the Austrian Criminal Code, stipulates that Austrian criminal law applies if the offender is physically within the country, when the action (meaning the results of the action) takes place within the country or when the action is intended to take place within the country. This also generally applies to crimes committed on the internet. The situation, or the possibility of public prosecution, is more complicated when the relevant websites are located

on a server outside Austria, or when the users are not located in Austria.

The comments above made by the user are in breach of Austrian criminal law. Some people believe that inflammatory comments and statements injurious to human dignity are expressions of their freedom of opinion and therefore allowed without exception. They are mistaken. Austrian law provides, in accordance with various international legal regulations to protect human rights, for exceptions to the protection of freedom of speech. These exceptions are to be found where it is no longer a matter of an opinion, but an incitement to hatred (Sec 283 of the Austrian criminal code) or a breach of the Prohibition Act.

According to the jurisprudence regarding the crime of incitement to hatred which has been collected up to now, "incitement" is defined as "a tendentious appeal to existing feelings or passions inciting hate and contempt" (cf. Supreme Court 28/01/1998, 15 Os 203/98).

The amendment to the criminal law 2015, which came into power on January 1, 2016, means the criminal offense of incitement to hatred has been newly worded in order to correspond to international obligations and to compensate for the existing deficit, also in protecting people currently affected by incitement to hatred.

As stipulated in Sec 283 of Austrian Criminal Code the following persons are now liable to prosecution for incitement to hatred:

(1) Whoever publicly carries out one of the following in a manner such that it will be accessible to a large number of people

1. incites violence or hatred against a church or religious community or other groups of people defined by the presence or absence of the criteria of "race", skin color, language, religion, world-view, citizenship, national or ethnic heritage, gender, physical or mental disability, age, sexual orientation or against a member of said group expressly because of their affiliation to this group;

2. insults someone from the groups defined in Subsection 1 with the intention of likely injuring their human dignity in a manner which would inspire contempt for this group or degrade them among the broad public; or

3. endorses, denies, seriously plays down or justifies crimes pursuant to Secs 321 to 321f which have been legally established by a domestic or international court, in which the crimes are directed against the groups defined

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in Subsection 1 or against a member of said group expressly because of their affiliation to this group and when this is done in a manner likely to incite violence or hatred against said group or a member of said group.

(2) Whoever carries out acts defined in Section 1 by means of a printed work, in public broadcasting, or in any other public manner such that the actions described in Section 1 are accessible to a broader public, is to be punished with a custodial sentence of up to three years.

(3) Whoever causes, through an action as described in Section 1 or 2, other people to perform violence against the groups defined in Section 1, Subsection 1 or against a member of said group expressly because of their affiliation to this group, is to be punished with a custodial sentence of six months up to five years.

(4) Whoever distributes or otherwise makes publicly available in an approving or justificatory form and through a written publication, through public broadcasting or in another manner which make it available to the broad public written material, images or other representations of ideas and theories which endorse, demand or incite hate or violence against groups defined in Section 1, Subsection 1 or against a member of said group because they are a member of this group, is to be punished with a custodial sentence of up to one year, or with a fine of up to 720 daily rates if the person in question is not threatened with another harder punishment because of involvement in an act as stipulated by Sections 1-3 (Subsection 12).

The protected category of persons includes groups and also individual members of the groups defined according to the specific presence or absence of criteria referred to in Section 1, Subsection 1. In relation to racist incidents, this law includes people or groups of people as victims as defined by the presence or absence of the criteria of “race,” skin color, language, religion, citizenship, origin, nationality or ethnicity. The new wording establishes that this now includes inciting hatred against “foreigners,” “migrants,” “refugees” and “asylum seekers” in its scope of application.

It is, according, to Section 1, forbidden to incite or provoke violence or hatred against said group or member of said group. According to Section 2, people who have the intention of violating/breaching someone else’s human dignity by insulting a member of this group in a manner likely to inspire contempt for them or degrade them in the public opinion are liable to prosecution.

Such acts are punishable if they are done

“publicly in a manner such that it will be accessible to a large number of people” (actually receiving the inflammatory statement is not necessary). According to jurisprudence and doctrine, a “large number of people” indicates around 30 people.

The criminal offense contained in Section 1, Subsection 3 is completely new. This implements international standards with regards to prosecuting certain forms and expressions of racism and xenophobia. The higher threat of punishment given in Section 2 comes into use if the inflammatory statements are accessible to a “broader public.” A circle of people of around 150 people fulfills the requirements of a broader public, which means hate propaganda and inciting hatred on the internet, in magazines or as part of a well-visited public event fall within this category.

If the inflammatory action results in violence against a group or member of said group, then it is liable to prosecution according to Section 3. Finally, Section 4 forbids the dissemination of hate and inflammatory propaganda “in an approving or justificatory manner,” providing this is accessible to a broader public. This Section clearly states that not only the independent writing of inflammatory material but also its distribution (for example on the internet) is forbidden. Merely reporting on something with a critical intention is not included in the law.

Incitement to hatred competes with the Prohibition Act, which punishes National Socialist activities and is subsidiarily applicable to the law concerning incitement. The Prohibition Act is explained in more detail in the section “Know your rights” on the chapter on “smearings” (see page 33).

**What can those reporting inflammatory comments do?**

Those reporting can directly contact the NS Reporting Office of the Federal Ministry of the Interior. It is located at the Federal Office for the Protection of the Constitution and Counterterrorism (→ Glossary) and receives reports on websites and articles with neo-Nazi, racist and anti-Semitic content at ns-meldestelle@bvt.gv.at. If the persons who wish to report turn to ZARA with an incident, ZARA can submit the report for them – as described above. In order to remove inflammatory comments from the Internet, ZARA usually contacts the operators of the relevant pages or social media platforms and

points out the general terms and conditions (→ Glossary) if they exist and exclude such content and/or the criminal relevance of the entries. The operators are obligated to delete entries offending criminal law if they are informed

about them. If the texts are inflammatory or fulfill the offense of glorifying and identifying with National Socialist activities and knowingly remain accessible, the operators of the site can also be prosecuted.

**Beratungsstelle**  
**#GegenHassimNetz**

**Beratung und Unterstützung für Betroffene von Hass und Hetze im Internet.**


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## Politics and the media

Events in this chapter refer to racist incidents produced by politicians and the media (newspapers, magazines, radio, and TV). These involve political statements, slogans on election posters or newspaper articles which seed dissension, promote prejudice and disseminate false facts respectively. Even though the media in its function as "opinion former" and "fourth state power" has the possibility to intervene as a corrective to meet its democratic task, there are repeatedly biased and poorly researched contents which encourage racist prejudices.

### 22 | Racist argument in municipal council

In mid-October, Mr. F. worriedly contacts ZARA and transmits the protocol of a municipal council meeting. The reason for the meeting was to discuss an application concerning reduced tickets for the public outdoor swimming pool for clients of the rehabilitation and asylum center. The council decides to grant reductions for patients of the rehabilitation center but not for residents of the asylum center. The minute containing the individual statements clearly proves discriminating positions and arguments concerning the causa. Although the minute clearly shows that the council members knew about the fact that during the whole swimming season 2016 there was not a single negative incident involving asylum seekers – inter alia, statements of the lifeguards confirm this – generalised security concerns in connection with asylum seekers are expressed by several counsellors as justification of the negative decision. In this regard, they referred to media reports in which it is written that women would be "raped and harassed in public pools" and we would live "in the age of terror." Although it is conceded that much would be generalized and the fear in the case of this public pool might be unwarranted, however, "to set an example" would be a necessity. Therefore, it is problematic to offer reduced tickets for asylum seekers. It is also mentioned that it might be conceivable that other guests would stay away if more asylum seekers were in the public pool and this could have a negative economic effect on the public pool.

Despite the fact that some counselors do not share this opinion and are highly critical of the generalizing and racist reasoning, it was still voted by the majority that there will be no discount for asylum seekers.

Mr. F. wants this type of discriminating argument patterns in a political decision-making body to be documented.

### 23 | General disparagement of Islam in an interview

On New Year's Eve the "Kronen Zeitung" publishes an interview titled "Will Islam conquer Europe, Mr. Cardinal?" on its online edition. On New Year's Day, Ms. G. takes notice that the journalist conducting the interview repeatedly puts Islam into context with certain crimes and considers it to be incompatible with "Christian values". During the interview, she asks questions concerning the "conquest of Europe by Islam" and wants to know if the Cardinal is worried about a transformation of the "Stephansdom" (TN: St Stephen's Cathedral) to a "Stephansmosque" (TN: St Stephen's Mosque). Particularly the following question contains a general accusation of Islam as being a "violent and criminal religion" and is, therefore, to be seen as a racist and inflammatory comment: "Some Muslim lifestyles do not match our values and basic rights. Keyword honor killing, forced marriage, terrorism." This choice of words equating the religion of Islam with severe crimes takes effects on some readers. In the comments section of the article, some criticise that the Church would ignore the "imminent danger of Islamisation" and would not sufficiently oppose it; others conjure the "decline of the West" and the "conquest by Islam." The journalist's language which directly links crimes like honor killings and forced marriages with the religion of Islam is frequently copied and widespread in the comments. Ms. G. has concerns to proceed against a big media conglomerate; this is why she contacts the ZARA counseling unit.

ZARA documents the incident on the basis of journalistic reporting and informs Ms. G. about possible actions. She does not want to set further steps.

### 24 | No kindergarten teacher with headscarf wanted

At the beginning of November, Mr. T. contacts ZARA and reports an OTS release of the Liberal Club in Lower Austria. The emission contains a statement of FPÖ representative Udo Landbauer who has the opinion that the employment of an "intercultural worker" with a headscarf by a Lower Austrian state kindergarten is an "Islam scandal" and an "Islamisation of kindergartners". Landbauer states that "every Thursday the children have to learn Turkish and sing Turkish songs with the intercultural employee". He accuses the ÖVP of Lower Austria of "reaching the summit of the ingratiation with Islam" and thinks that the Turkish language and the Islamic headscarf as a "symbol of oppression of women" would be out of place in "our kindergartens". In the article, the FPÖ demands "an immediate end of intercultural employees and a ban on Turkish lessons in kindergartens". Furthermore, a mother would have been very upset that there is a pedagogue with a headscarf, and she would not have received an acceptable respond to her complaint from the kindergarten management. The management would have merely stated that the Muslim pedagogue would only be responsible for two children with a migrant background. The FPÖ counters by stating that the woman herself would only speak broken German and would delight all children "in Turkish language and in the form of dances, games and Islamic celebrations". Besides that, Landbauer states: "It is scandalous and shocking how the ÖVP in Lower Austria is treating our little ones and that Muslim traditions are introduced already in kindergartens. What is next? Are intercultural employees from now on supposed to teach our children how to slaughter?"

The debate extends to other media and social networks. On Heute.at, a report is published the same day telling the story of a mother who announces to take her children out of the kindergarten because she does not desire a pedagogue with a headscarf who sings Turkish songs with the children. The press release and the covering about it produce a wave of hate postings by the readers.

### 25 | False information about alleged St. Nicholas ban

For many years, the ZARA counseling unit receives reports of assertions by the FPÖ that St. Nicholas would be banned from Viennese kindergartens. Since then, the City of Vienna, as well

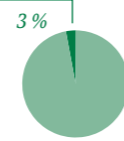
as the Viennese kindergartens, have repeatedly clarified that such a ban is not existent. It would be important for them to give the children pleasure with this traditional celebration. Despite these clarifications, the hoax is spread year after year and in connection with the assertion "the Christian St. Nicholas?" would be banned to avoid insulting "Muslim children."

This December, various print, and online media are again covering the alleged St. Nicholas ban. On the Facebook page of FPÖ leader Heinz-Christian Strache, the ban is mentioned as well with the following wording: "It is irritating what is happening in red-green Vienna! A ban on St. Nicholas & Christ Child, but compulsory Turkish lessons for our little ones..." Various Viennese newspapers even place their report about the alleged "ban" on the cover page. In the daily "Österreich" the St. Nicholas ban is justified by stating that there would be many children with "other religions" and they would hence feel insulted. In this context, it is also asserted that children in schools would no longer get pork-meals. It is critically noted that the "more important" topics for discussion among teachers should be the veiling of girls and compulsory Turkish lessons which would have been ignored until now.

Due to the widespread contents concerning the alleged St. Nicholas ban, several persons contact the ZARA counseling unit. Posts are documented, and media reports are forwarded to the press council for examination. ZARA suspects a violation of the ethics code in connection with due diligence and propriety of research and reproduction of news and protection against general disparagement and discrimination. The press council decides to not initiate proceedings but writes an admonishing letter to the editor-in-chief of the relevant newspapers. This letter contains a demand to prospectively treat such "emotional topics" with more due diligence and to present them more accurately.

### 26 | Newspaper article discredits Islamic kindergartens

At the end of June, Mr. O. informs ZARA about an article in the daily "Kronen Zeitung" which he finds extremely derogatory. The relevant article is titled "Photographic evidence from Vienna – headscarf, radicalization. Everyday life in kindergartens." The article postulates that a "Krone"-reader took the photos in an Islamic kindergarten with his smartphone. These photographs would prove that girls at the age of



four years have to wear a headscarf and that there is "totally uncontrolled religious education." According to the alleged photographer, German would not be spoken and there would be no "integration" but rather "separation from our culture." He further criticises that the city government would pursue a "policy of appeasement" and would employ too few inspecting officials who should monitor "constant compliance with language criteria and the handling of traditions and religion."

Mr. O. considers it alarming to use newspaper articles for spreading hate and false information about Muslims. ZARA informs him about a clarification report by "Die Presse" which was published a few days after the publication of the "Krone" article. The report clarifies that the photos were not taken by the aforementioned reader but rather come from the photo gallery of the Vienna Islamic Centre; the watermark is partly still visible in the photos. The photos were taken at a summer festivity and showed a group of girls aged 9 to 13; therefore, they are not at kindergarten age. Some of the pictured girls recite the Quran and sing songs on a stage and have their faces painted with clouds, rainbows, and stars. The majority of the girls would have worn the headscarf only for this particular event.

Despite the clarification, the author of the "Krone" article sticks to it, saying that his story is true. ZARA informs Mr. O. about the possibility to report the article to the Austrian press council. Mr. O., however, did not get in touch with ZARA again, subsequently.

## 27 | FPÖ's youth wing is disturbed by the origin of Mister Carinthia

In summer of 2017, a public statement of the FPÖ youth organization concerning the current Mister Carinthia Contest causes a stir in the media. A member of the young FPÖ-board is disturbed by the Iranian origin of this year's winner. The board member publicly raises the question of

how the new Mister Carinthia "with his look and his Iranian origin should represent our homeland Carinthia or Austria." Additionally, he states that "this result is most likely another expression of Carinthia's solidarity with migrants" and finds it unbearable to "sacrifice even events like beauty contests in favor of political correctness."

These discriminating statements provoke criticism. When questioned, the executive secretary of the FPÖ youth organization in Carinthia states that the public statement would have been right and he would support the expressed opinion. The promoters of the beauty contest note that the winner would have been living in Austria since the age of 10., that he would have Austrian citizenship, would speak Carinthian German and would have convinced the jury with his performance. Politics should not play a role in this field.

ZARA documents the incident based on media coverage.

## 28 | Racist tweet by Member of Parliament

At the end of March this year, a friendly organization reports to ZARA a racist tweet by free parliamentarian Marcus Franz. In the course of the political debate about refugees, he writes on Twitter: "Bringing foreign genes into Europe is a biotechnical act with negative long-term consequences for indigenous people." For spreading hate, the independent MP is massively criticized on Twitter. Some users criticise the statement and are reminded of National Socialist ideology. Marcus Franz responds like this: "Well, unfortunately, Franz is always able to objectively prove his statements. So, you can rant as much as you want." Underneath, he posts a link leading to a self-composed article on his blog. In this article, he claims to be able to prove the "displacement" of the "indigenous population" by "very devout subpopulations". The discriminating statement of Marcus Franz attracts massive media attention.

## Know your rights

### 29 | The equation of asylum seekers and criminals

*This March, Ms. K. and Ms. S. independently contact the ZARA counselling unit because they are disturbed by a cover page of the newspaper "Heute". It shows a picture of the Minister of the Interior Wolfgang Sobotka with an unhappy face, titled "Austria is this (un)safe – The current crime statistics". Next to him are a few numbers in diagrams showing the increase or decrease of single crimes. This diagram illustrates percentage changes in reported crimes like rapes, burglaries, sexual harassments, violent offenses, etc. One diagram, however, is titled "asylum seekers" and shows a plus of 54%. Ms. K. and Ms. S. are shocked that the increase of various crimes is associated with the increased number of asylum seekers in this manner. Furthermore, the diagrams suggest that the mere presence of asylum seekers would be connected with the increase in such crimes. This sort of criminalization of asylum seekers contributes to hate and incitement to hatred against them.*

*Ms. K. and Ms. S. subsequently receive information from ZARA on possible ways to complain to the Austrian press council. The two individuals ask ZARA to transmit the cover page to the press council in order to initiate proceedings. Subsequently to the report, the press council informs ZARA that an examination procedure is already initiated since many readers have already turned to them with the same concerns.*

*At the end of April, ZARA receives the press council's decision concerning the contested cover page. A minor infringement of point 7 of the Austrian press code of honor, which provides protection against general disparagement and discrimination, have been detected. The press council considers the diagrams on the cover page to be misleading since it would not be clear, what the percentage increase of asylum seekers is referred to. It could not be ruled out that some readers relate the increase not to the number of suspected asylum seekers like it is outlined in the story inside the newspaper, but rather to the asylum applications themselves. It would, therefore, be possible that the diagrams are suggestive of equating the status of asylum seekers with criminal acts. Thus, the media holder would have had to prepare the contents more precisely or to take a pass on the circle titled "asylum seekers." The fact that merely a minor infringement has been detected is justified with the clarification of the ambiguity on the cover page in the actual article inside the newspaper.*

Although "Heute" did not comply with the Austrian press code of honor, those reporting, Ms. K. and Ms. S., appreciate the response.

One-sided racist reporting in the media is legally elusive. Newspapers are allowed to decide for themselves, which reports and (allowed) opinions they publish. As long as there is no attack on the rights of individuals, like due to defamation (→ Glossary), disregard for the presumption of innocence, representation of opinions which violate the Prohibition Act (chapter „Racist smearings“) or other acts which are punishable under criminal law (e.g. incitement to hatred in chapter „Internet“), legal measures are not possible.

Since the re-establishment of the Austrian press council (→ Glossary) in 2009, it has again been possible to induce a proceeding for a possible violation of media ethical principles of the Austrian press code of honor by filing a complaint.

The code contains (according to its definition) rules for the daily work of journalists which should ensure the protection of journalist

professional ethics. For the protection against discriminating and racist reporting, point 7 of the code applies:

Protection against general disparagement and discrimination

7.1. General suspicions and general defamation of persons and groups are to be avoided at any rate.

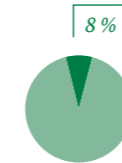
7.2. Any discrimination on the grounds of age, disability, gender, ethnicity, nationality, religion, sexual orientation, and worldview or of other reasons is inadmissible.

(...)

All decisions of the press council can be found on the website (<http://www.presserat.at/>). Some of them are also brought to the public by being published in the council's own press releases.

Private persons always have the possibility to protest against racist reporting of media owners by themselves and to clearly point out that such texts are rejected by the readership. If the report is done by ZARA, the counselors can undertake this step for the reporting person and provide assistance.

## Racist smearings



This chapter is about racist paroles and symbols in the public and semi-public sphere. This involves walls, stops, public transport or car parks. ZARA documents the smearings, arranges their removal and processes them statistically in this section.

### Swastikas on refugee accommodation

Smearing case no. 1

Ms. F. works in an emergency accommodation for asylum seekers in Vienna. One day her colleagues recognize the front was smeared with several swastikas. Since they are very shocked by this targeted hostility, they make a complaint to the police. Additionally, they want the case to be documented by ZARA.

### Smearing on Turkish club house

Smearing case no. 3

This October, Ms. W. is walking in the streets of Vienna and passes a Turkish clubhouse. There, she shockingly discovers the front to be smeared with the phrase "Muslims out". She turns to ZARA asking for support. ZARA documents the smearing and asks the city service to remove it. Shortly after, the city service confirms the removal.

### NS smearings in the tram

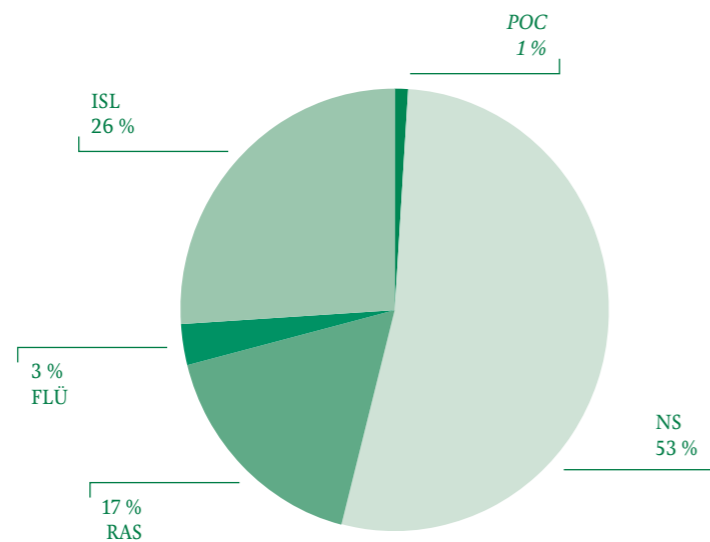
Smearing case no. 2

Ms. N. is on a tram in Vienna when she notices that the back of a seat is smeared with swastikas and the abbreviations HH and 88, which are short forms of "Heil Hitler," "SS" and "Sieg Heil." Since she does not know how to obtain the removal of the smearings, she contacts ZARA. ZARA documents the smearings and forwards the report to the Wiener Linien service department, which arranges the removal within a few days.

**Statistics**

In 2017, a total of 89 smearings were reported to ZARA. 79 of the smearings were in Vienna, 15 of them in public transport.

POC	"Against People of Colour"
NS	"NS-Symbols/-Paroles und Anti-Semitic Content"
RAS	"Racist Content"
FLÜ	"Against Refugees"
ISL	"Anti-Muslim Content"



**Know your rights**

**How should such smearings be legally classified?**

According to Sec 125 of the Criminal Code, whoever destroys, defaces, damages or makes useless the property of another, commits an act of criminal damage to property. Smearings are mostly considered to be defacement, as they are 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, for example, when a small part of a glass wall is painted using water-soluble ink, it is not a criminal offense.

For basic damage to property, the maximum sentence is six month of imprisonment or a fine of 360 daily rates. If the damage exceeds the amount of €5,000 or was done to a church, grave or a building that is protected as a historic monument, the maximum sentence is two years. Alternatively, a fine of up to 360 daily rates can be imposed. If the damage exceeds the amount of €300,000, the sentence range is from six months to five years of imprisonment.

Racist smearings are additionally considered to be a crime according to the Prohibition Act, Article III, Subsection 1, Number 4 ("Introductory Act to the Administrative Procedure acts") or according to Section 283 of the Criminal Code ("incitement"). Information in greater detail on the offense of incitement to hatred is to be found in section "Know your rights" in chapter "Internet" from p. 20 onwards.

**Prohibition Act**

Section 3g. Whoever is active in a manner which may be considered national-socialist, that person shall be sentenced to imprisonment between one and ten years, provided that the act is not subject to a more stringent penalty under another provision. If the offender or the committed act itself is considered to be particularly dangerous, the maximum sentence is 20 years.

Section 3h. According to Section 3g the following acts are considered to be a crime as well: the denial, gross trivialisation, endorsement or justification of the National Socialist genocide or other National Socialist crimes against humanity in a printed medium, on the radio or by using any other instrument with which a large number of people can be reached.

The fixing of swastikas, SS runes, National Socialist slogans and the like may fall within the scope of this penal provision, provided that the

offenders do have the intention to act according to National Socialist ideologies or to endorse NS crimes.

The Austrian Supreme Court has repeatedly decided that exclamations like "Heil Hitler" or "Sieg Heil" as well as the Hitler salute are characteristic National Socialist symbols. Therefore, the demonstrative use of paroles and gestures of this kind in public in connection with the intention to carry out National Socialist ideologies and activities falls under the Prohibition Act and therefore are punishable offenses (see inter alia decisions of the Austrian Supreme Court of the 13/09/2000 with the reference numbers 13 OS 45/00 or 13 OS 47/00).

EGVG (Introductory Act to the Administrative Procedure Code) Article III

states the following

(1) Whosoever...

4. disseminates National Socialist ideologies (as defined by the Prohibition Act, Austrian Criminal Code No. 13/1945, as amended by the Federal Constitution Act, Federal Law Gazette No. 25/1947)

is with regard to the offense under subparagraphs 3 and 4, only in cases not subject to more stringent penalty according to other provisions on administrative offenses, guilty of an administrative offense punishable by the district administration authority.

– in cases of number 2 and 4 for areas of a municipality in which the Land police directorate simultaneously as security authority of first instance: by the Land police directorate – with a fine of up-to € 2180. In cases of subparagraph 4, an attempt to commit the offense is punishable (...).

If the intention demanded by the Prohibition Act (promotion of National Socialist ideas) is missing in the act of fixing National Socialist symbols and therefore, no conviction will be made, the offenders can still be punished according to Article III, Subsection 1, Number 4 EGVG. For the dissemination of National Socialist ideology according to the Prohibition Act, an administrative penalty of up to €2,180 is intended.

**What can you do about racist smearings?**

Smearings are (whether or not they violate other criminal provisions like the Prohibition Act or Section 283 of the Criminal Code in addition)

damages to property and, as such, offenses prosecuted ex officio, meaning the police have an obligation to file a complaint when recognizing them. This rarely happens, and that is why smearings can be reported to a police department personally, or an exposition of the facts can be submitted to the prosecution office. Since the offenders are in many cases unknown and it is unclear whether or when their identity can be determined, such complaints are sometimes merely useful for statistical purposes.

Ms. F., Ms. N., and Ms. W. can report racist smearings to ZARA. Location and content should be indicated as precisely as possible (address of the building, number, and line of the public transport vehicle, etc.). ZARA will try to obtain the removal of the smearings. In any case, ZARA documents the content, location, and type of the smearing. Depending on the location of the smearing, ZARA staff members get in touch with public institutions or with relevant private contact points (e.g., Vienna Citizen's Service, Wiener Linien, house managements) and ask for the removal. Most of the institutions contacted transmit the request to the relevant body if they are not responsible and inform ZARA about it. The Vienna Citizen's Service, for example, arranges the removal in any case. If the smearing is placed within a private area, the owner is contacted and the removal is requested. Persons who recognize racist smearings can, of course, contact the respective institution on their own. In this case, ZARA still requests a report because smearings and other racist incidents are also

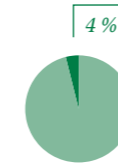
collected for documentation. The response of the removal of the smearing is documented as well. Otherwise, a request and urgency in this regard is principally made as far as possible.

One day Ms. J. decides to paint over racist smearings on her house. She strikes out the words "N\* out" with (easily removable) chalk.

If anyone wants to remove or cover a smearing autonomously, caution should be exercised. Overpainting discriminating words or symbols of this sort with something easy to remove is harmless. Like in case of Ms. J., chalk, or else, easily removable stickers can be used to cover the smearing.

If a smearing is painted over and an additional damage is thereby caused, because, for example, the removal is made more difficult in consequence of using a permanent lacquer instead of chalk which has been used originally, the person who painted over the racist smearing commits criminal property damage as well. Concerning an overpainting of a smearing that is legally regarded as incitement, it could be argued to the effect that the previous condition is restored by blurring the prohibited parole / symbol and therefore, there is a justification. However, it is questionable whether the court agrees with this argument. Property owners can give permission to the racist smearings being painted over. Anybody has the possibility to allow damage to objects on their property caused by others a priori as far as the content of the painting itself is not criminal (e.g., incitement).

## Racist reactions to anti-racism work



The fight against racism does not only provoke positive reactions; there are also critical voices. Negative reactions to ZARA's work show that it receives attention and leads to people engaging with our central concerns. Unfortunately, ZARA has repeatedly been confronted with threats, insults, and attempts at intimidation in the form of letters, e-mails and calls. In this chapter, we present selected contributions which are directed against ZARA and other institutions working for a racism-free society.

### 30 | Hateful Facebook message

At the end of March, ZARA receives the following hateful message via Facebook:

"Dear Zara Team, I just can't hear your grouching about the xenophobia of us austrians anymore. It is also foreigners and above all migrants who permanently insult and degrade us Austrians and especially the Austrian women. Whores,,bitches worthless trulls you can rape at any time etc. etc. etc.. do you also think of us natives?? Probably less, isn't so great for publicity as a peg to hang! if the immigrants and pseudo-austrians would stick to our values and laws and not constantly work against it, you would have no more work. Take care that the non-austrians behave properly and adapt, then we won't need any self-appointed etiquette judges ala ZARA, GREEN etc. etc... a committed voice from the people rgds"

### 31 | Racist E-Mail to politician

In spring Alev Korun, then member of the national parliament for the Green party, sends the following e-mail she has received to ZARA asking for documentation:

"Ms. Korun, are you light in the head? If a fckn... Turkish accepts the citizenship of, e.g. Austria, he had to give up the Turkish one. If he as 'Austrian' also accepts the Turkish again he should, or better said he has to return the Austrian again. My common sense tells me this. So these fckn... Turks are not Austrians – so out with them to their beloved and revered home

land because here nothing is good enough for them anyway. Or is life at someone else's expense handy. Also you came to Austria to study – it was free of charge, nah.

Once again: Please take your fckn... Turks by the hand and lead them to the promised land of Turkey so that peace returns to us. But stay there, too.

I only send kind regards to people I respect, so this time I won't send any!"

### 32 | "More gas from Russia."

A user named "Adolf" sends ZARA the following message via the contact form:

"Subject: dirty country

Message: I think you are the best there is, you are what

we need, somewhere where we can puke!!!! we need

more gas from Russia, it's cold!!!!"

### 33 | Anonymous hate call

This October, a lady who wants to remain anonymous calls the ZARA counseling unit. She demands the deportation of "the black whore vermins." After making this disparaging remark, she hangs up.

## Police

All racist incidents that happened in connection with the organs and personnel of the security authorities fall into this category. Abusive behavior by law enforcement officials – be it threats, disrespect or ethnic/racist profiling (i.e. the targeted control of persons of dark skin without any real reason for suspicion) – reduces the trust of those affected and their relatives in the police apparatus, whose real task would be to protect all persons and ensure their security.

6 %



### 34 | Humiliating physical inspection of a teenager

Ms. V. is a youth worker in a shared flat for minor refugees. At the beginning of October, she turns to ZARA and reports a humiliating police check that Mr. L., a Nigerian teenager living in her institution, had to experience:

Mr. L. is in Vienna and is suddenly searched by the police for no comprehensible reason. The officers ask him to come with them to the police station. There, he is prompted to undress naked. They also perform a rectal examination. They do not find anything noticeable in any of the searches. The policemen also check Mr. L.'s wallet and discover a sealed condom in it. Subsequently, they begin to ridicule the young man. They request him to unpack the condom and put it on, which is particularly humiliating for the young man. In Mr. L.'s purse are €20, which the officers take. Additionally, they discover another €50, which the young man keeps in his shoes, as it is known among young refugees that they are repeatedly and unjustly deprived of money. The police also take this money from him. They additionally impose administrative penalties on him for exactly these two amounts (€20 and €50) – without clarifying why he receives the fines.

A ZARA counselor informs Ms. V. about the different options she has in bringing a complaint against such abusive conduct by the police (complaint pertaining to the code of conduct for law enforcement officers → Glossary, procedural complaint → Glossary, appeal against the administrative penalties). Ms. V. then discusses the existing options for action with Mr. L., who decides against legal measures due to the poor prospects of success. A staff member of the ZARA counseling unit visits the shared flat in which Ms. V. works a few days after the report of this horrific incident and explains the opportunities available to the young people living there to de-

fend themselves against the most diverse forms of racial discrimination.

### 35 | Police accuses somebody of mental illness

Ms. N. wears a headscarf for religious reasons. She keeps having trouble with a family next door. At the beginning of February, it is very noisy in the evening when Ms. N. comes home. As she wants to pass by several people, they insult and threaten her. Ms. N. finally calls the police. Meanwhile, a young man throws a glass bottle at Ms. N. Fortunately, she can duck the bottle and does not get injured. When Ms. N. succeeds in closing her apartment door, a young man kicks it open again, and she gets thrown back.

When the police arrive, Ms. N. does not feel taken seriously enough. For this reason, she asks for a confirmation of the report at the police station a few days later. There she feels that her descriptions are misunderstood, and she gets asked whether she has already been to the Otto Wagner Hospital (TN: Mental Health Facility in Vienna). This allusion that Ms. N. is mentally ill, strongly offends her. Ms. N. is listed as a victim and as an accused person – the proceeding against her and the neighboring family is terminated. ZARA refers Ms. N. to 'Weisser Ring,' where she receives support in filing a motion for continuation. The latter is rejected. ZARA also helps Ms. N. with lodging a complaint pertaining to the code of conduct for law enforcement officers. This can be ended with a successful mediation talk (Klaglosstellungsgespräch).

### 36 | Disrespect because of Polish origin

Ms. S. was born in Poland and has lived in Vienna with her two children for many years. In spring, she and her mother travel on a subway in Vienna. She usually buys a monthly ticket every month. When Ms. S. realizes the controls

at the exit of the subway, she gets frightened, because she notices that her current monthly ticket expired the day before. She immediately asks her mother to buy her a new ticket. Ms. S. asks one of the ticket inspectors to bear with her as she forgot to buy a ticket. She says she was very sorry and could not afford any fines in her current financial situation. A colleague of the ticket inspector says that they could let her off the penalty because she has already bought a new monthly ticket. The first inspector, however, insists on the necessity of punishment and says that they have to go to the police together. Ms. S. follows his instruction, and they seek the police officers at the station. Laughing, the ticket inspector starts to report the incident to the police officers. He notes that almost all "foreigners" would always claim to buy a ticket, while they do not. The police officers and the ticket inspector discuss why Ms. S. won't go "back to Poland." Further, they call her "Tschusch" (TN: pejorative term for a Slav). Ms. S. finds these contemptuous remarks about her origins very offensive and is particularly shocked that the policemen use such degrading terms.

Finally, the officers tell Ms. S. that she has to come to the police station because she has no ID with her. She wants to follow this police instruction too but asks the ticket inspector to return her current monthly ticket first. Thereupon the policemen grab her by the arms and drag Ms. S. away. She then explains once again that she is going to come along anyway and asks them to let go of her.

Finally, Ms. S. receives administrative penalties, being accused of having acted aggressively, of having scolded and of having been too loud. She feels that the punishments are unfair because she had not acted in this way and turns to ZARA. A counselor explains the existing options for action to her. With the support of ZARA, Ms. S. lodges an appeal against the administrative penalties and a complaint pertaining to the code of con-

duct for law enforcement officers. In the written statement of defense, the police state that they behaved exclusively correctly, which disappoints Ms. S. bitterly. The outcome of the complaint proceeding against the administrative penalties is not known at the time of going to press.

### 37 | Witness racist insults via an air duct

Ms. K. lives in a house in Vienna, which also houses a police station. Both, the bathroom and the toilet, are connected to an air duct like it is the case in all other apartments. Again and again, Ms. K. gets what happens in the police station. It seems as if the policemen would use their bath to subject persons to body searches among other things. For example, Ms. K. could hear the request that someone should undress already several times. Further, a person would have been called a "jerk."

At the beginning of April, she witnesses a particularly ugly official act through the air duct. She hears several people calling one person names, asking this person to undress and finally, she hears someone say: "I am your boss, you are my slave!" A little later, the person under investigation is called an "n\*," and an officer adds: "What don't you understand, you asshole?" Furthermore, Ms. K. hears someone banging firmly against the wall and laughing out loud.

Ms. K. is very shocked by the "observations" she had to make. She would like to know whether there is a possibility of complaining about this incident and turns to ZARA. ZARA informs her that it is not officially possible to complain about what she has heard. However, she has the possibility to contact the Office for Citizens' Information of the Police to lodge an unofficial complaint in this way. ZARA offers to assist with this form of complaint. However, Ms. K. did not contact us again.

## Know your rights

### 38 | Ethnic profiling on the Danube Canal

*Mr. P. is a black German. He has lived in California for several years and works there as an analyst in a medical technology company. For professional reasons, he attends a fair in Vienna in April.*

*One afternoon he rents a bike from his hotel to explore the city. On the Danube Canal Mr. P. takes a break and sits down on a bench. As he wants to get back on his bike, a police car approaches him. First Mr. P. thinks that this has nothing to do with him and that the car will pass by him. Contrary to his expectations, however, the police car blocks his way. The two police officers get out and tell Mr. P. that they carry out identity checks and that they want to see his identity card. When he asks why it is him who is being controlled, the policewoman replies that this was a "normal" control and that they have had frequent problems with drug dealers lately. Mr. P. would like to know why it is him of all people who is believed to be dealing with drugs. The policewoman comes to say that she herself is not an "original Austrian" and that she is therefore certainly not racist. Mr. P. stresses that he does not want to imply any racist motivation, he is just trying to understand the situation. At that moment, the policewoman's colleague intervenes and asks Mr. P. to cooperate. He also asks him what he is doing in Vienna. Mr. P. expresses his surprise at this question, as he cannot understand to what extent it is relevant for the identity check. His amazement again causes irritation among the police officers. Mr. P. explains that the relationship between the police and the black population in the USA is difficult and that he has already had many negative experiences in Germany. For this reason, he would perceive the situation as problematic. The policeman replies: "Listen, the check can be very simple or, if you continue to act this way, rather like a check from the police in the USA!" After this threat, Mr. P. explains why he is in Vienna, and that concludes the official act. The incident deeply upsets Mr. P., especially since he has had several racist experiences with the police and has also dealt with racist phenomena at an academic level. At first, Mr. P. felt very comfortable in Vienna. This experience, which showed him that he is not a "welcome guest" in the eyes of the police, but rather poses a danger, puts a heavy strain on him*

*and clouds his impression of this city. He turns to ZARA to find out what legal possibilities there are to defend himself against ethnic profiling. A ZARA counselor explains to Mr. P. that ethnic/racist profiling, unfortunately, occurs over and over again during police checks and informs him about existing options for action – such as in particular the possibility of lodging a procedural complaint. Mr. P. is seriously considering lodging a procedural complaint, and ZARA makes contact with a lawyer who could support him in this. Ultimately, however, he decides against such a complaint procedure because of the high-cost risk and the unforeseeable prospects of success.*

#### **On the general permissibility of identity checks**

There is no general obligation under the law to identify yourself in Austria. Every identity check by the police must, therefore, have a clear legal basis. Section 35 of the Police Security Law and Section 118 Penal Procedure Code establish varying cases in which organs of the security authorities are authorized to check a person's identity and also set the limits for the permissibility of an identity check:

When it is to be assumed, based on certain facts, that somebody is in some way connected to a criminal offense, or may be in a position to give information on such an offense, then they are obliged to cooperate in the process of identification. Thus, both alleged and potential offenders and witnesses of a punishable act are obliged to cooperate in identifying themselves.

Furthermore, Section 35, Subsection 2 of the Police Security Law states 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 that person is currently situated." The executive authorities have made greater use of this provision in recent years to carry out identity checks at heavily frequented areas (i.e., bus tops, public spaces, pedestrian zones, etc.), also regardless of whether the suspicion exists that a serious crime could occur. This very broad interpretation of the provision is used to argue that such identity checks are permissible without a reasonable suspicion existing of the person's involvement in a punishable crime. This is problematic, to say the least and, legally speaking, an extremely contentious issue.

Section 1, Subsections 6 and 7 of the Security Police Law also provide further legal grounds for carrying out identity checks for the field of travel (trains, train stations, motorways,

airports, etc.):

Item 6:

Item 6: If it is to be assumed, according to the circumstances, that the person in question has, in the course of an ongoing journey, crossed the internal border, or will cross it.

Item 7: If the person in question is met on a transport route used by international through traffic under circumstances that are typically associated with cross-border criminal acts.

These regulations clearly do not make it lawful for police officers to "select" a person to check based on their skin color or their ethnicity and therefore presents an unlawful act of ethnic profiling. The Aliens' Police Act also contains provisions for establishing a person's identity: Non-Austrian citizens ("aliens") in Austria generally either have to carry a travel document on them to prove their right of residence, or keep the document in a place from where it can be fetched without disproportionate delay (inside an hour). This "alien" person's identity may only be established if suspicion exists that their presence on federal territory may be illegal.

The principle of proportionality (Police Security Law):

Sec 29 of the Security Police Act defines the so-called principle of proportionality. This principle states, among other things, that the officers carrying out the checks must choose from the methods which they are entitled to use when dealing with the person in question the method which is expected to cause the least amount of harm to said person. The protection of the person's rights and their legitimate interests shall also be taken into account. The expected result of the official action must be in justifiable proportion to the damage and danger expected.

#### **What can Ms. M. do?**

There is, as was mentioned above, no general obligation under the law to identify yourself in Austria. Every identity check by the police must, therefore, have a clear legal basis. The person shall also, on request, be informed of the reason for the check.

If there is no legally permissible basis for an identity check, and if this only takes place using ethnic/racist profiling, then the person af-

ected can file a so-called procedural complaint. They will be supported in doing so by ZARA. The complaint is to be submitted to the responsible regional administrative court within a six week's period (→ Glossary).

A procedural complaint cannot only be lodged because of breaches of the Police Security Law, but also against violations of a person's constitutional rights (e.g., the prohibition of torture and inhuman or degrading treatment according to article 3 of the European Convention on Human Rights, the right to a private and family life according to article 8 of the European Convention on Human Rights and the Federal Constitutional Act on the Protection of Personal Freedom) or breaches of other rights guaranteed by simple law to which people are generally entitled and which have to be observed at all times by law enforcement officials when performing their duties.

Independent judges decide in procedural complaint proceedings whether the police officer's action was unlawful. The competent authority in these complaints proceedings is the supervisory body in question. Individual officers 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 there are, in individual cases, possible disciplinary consequences for the officer in question, as according to the public sector employment law. Persons affected have, however, no influence on internal police disciplinary proceedings. A claim to compensation for victims of unlawful treatment by the police is also not provided for in these proceedings.

If the court upholds the complainant's claim and establishes that the official act was unlawful, then the complainant is entitled to a lump sum reimbursement of the procedural costs. If the complaint is found to be unjustified, then the authoritative body in question is entitled to a lump-sum reimbursement of their procedural costs. This has to be paid for by the complainant.

This method of settling costs means a considerable cost risk exists for the complainant if the proceedings find that there was nothing unlawful about the officer's conduct. Because of the financial hurdles, those affected (like in the case of Mr. P) often do not open proceedings at the regional administrative courts, even though their complaint is justified in many cases.

## 39 | Police control and punishment due to skin color

*Mr. M., who was born in Tanzania and has lived in Austria for 20 years, contacts the ZARA counselling unit and reports the following incident with the police:*

*At the end of October, Mr. M. en route by public transport in Vienna and waits for the subway at a platform. Suddenly two police officers approach him and say that they want to carry out an identity check. They claim that they were informed by a group of people that there was a black man selling drugs on the platform. Mr. M. is very surprised by this insinuation and suggests that he and the officers go to the group of people to find out whether he was the man in question. Arriving at the group, they state to have told the police that a "Serb" and not a "black guy" is selling drugs. They also apologize to Mr. M. for the inconvenience caused to him by this misinterpretation of their statement. The police officers, however, stick to their opinion and say that other people in the same group must have made this statement then. They decide to carry out a check on Mr. M.. Mr. M. is deeply shocked by this approach, which he cannot understand. It deeply offends him to become target of a police control just because of his skin color. Mr. M. explains to the officers that he finds the check to be unfair and offensive and politely asks them for their service numbers so that he could find out whether this procedure was legally covered. One of the police officers then demands Mr. M.'s identity card again and says that he can now report him. As the officer seems to be frightened, Mr. M. again emphasizes that he only wants to know what his rights are. In response to this statement, Mr. M. is given administrative penalties because he is alleged to have become loud and to have acted aggressively. Mr. M. has no idea how the officers can justify these accusations, since he has always behaved calmly and remained polite. A little later, three more police officers join them and Mr. M. describes the incident to them as well. As a result, however, the officers just say that he should "just leave". They do not react to Mr. M.'s renewed reference to how humiliating the situation was for him.*

*A ZARA advisor informs Mr. M. about the different options he has in bringing a complaint (complaint pertaining to the code of conduct for law enforcement officers → Glossary, procedural*

*complaint → Glossary, appeal against the administrative penalties), as well as his other rights and obligations with regards to official action. Subsequently, with the support of ZARA, Mr. M. appealed against the administrative penalties imposed on him and lodges a code of conduct complaint, since the police officers concerned gave the impression that they were biased.*

*The administrative fines are subsequently converted into a warning so that Mr. M. does not have to pay them. As he does not wish to deal with this incriminating and offensive incident any further, Mr. M. decides to withdraw the complaint he submitted.*

### **Code of conduct regulations:**

The Federal Minister of the Interior has set out guidelines based on Sec 31 of the Police Security Law which form a code of conduct for how law enforcement officers are to conduct themselves (code of conduct regulations). The regulations contain a type of "code of conduct" for organs of the executive and set out certain duties:

Sec 5 of the code of conduct regulations ("Respect for human dignity") states, among other things, 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, "race", skin color, national or ethnic origin, religious belief, political beliefs or sexual orientation. Law enforcement officers are obliged to use the polite form of address "Sie" (instead of the familiar second person singular, "Du") to all persons where this corresponds to social conventions or who wish to be thus addressed.

According to Sec 6 of the code of conduct regulations, the persons affected by the official acts must be informed of their rights and the purpose of the act by the law enforcement officer in question, unless the purpose of the act is obvious or if explaining it would prevent the officer from fulfilling their task. Victims of criminal offenses or persons who cannot, for physical or psychological reasons, recognize that an official action is taking place are to be treated with especial consideration. This also applies to persons who, for physical or psychological reasons, are not capable of behaving in a manner in accordance with the fact that an official action is taking place.

Sec 8 of the code of conduct regulations stipulates that persons entitled to information or to

involve a trusted person or legal advisor must be informed of said rights.

Sec 9 of the code of conduct regulations stipulates that officers are to give their service numbers to persons subjected to official acts upon their request. This should preferably be given as a card.

If the officers do not act in a manner which complies with these regulations during an official action then, according to Sec 89 of the Police Security Law, those affected have the option of registering a complaint about this breach (complaint pertaining to the code of conduct for law enforcement officers). ZARA can support them in making this complaint and accompany them in the proceedings. The deadline for submitting a complaint pertaining to the code of conduct for law enforcement officers is six weeks. The complaint can either be submitted to the responsible supervisory body or to the regional administrative court. The responsible supervisory body (in the case of Mr. M. this would, for example, be the Regional Police Directorate Vienna) would then have to investigate the accusation (by, among other things, inspecting files and questioning the officers). They then have to inform the complainant in writing of whether the code of conduct regulations have been breached. The LPD also has the option of organizing a discussion between representatives of the authoritative body in question (or the officer involved) and the complainant. The aim of these discussions is for the matter to be settled without any charges being brought. If the person concerned is satisfied with this meeting and its outcome, then the code of conduct complaints procedure is closed. A written declaration by the complainant is made, stating they no longer hold a complaint. The LPD is no longer required to make any comment regarding the incident. If, however, the complainant

is not satisfied with the encounter and its outcome then the supervisory body has to provide them with a written statement containing their opinion on the alleged violation of the code of conduct regulations.

If the statement denies that a violation has taken place, or if no statement is delivered in the three months which have passed since the complaint has been filed, then the complainants may demand an assessment of the complaint from the regional administrative court. The regional administrative court then has to initiate their own proceedings to determine whether the guidelines have been violated.

The proceedings before the court are carried out in a manner similar to those for a procedural complaint (see explanation above in case RR-Nr./ON 9462). The competent authority in these complaints proceedings is the supervisory body in question. Individual officers act as respondents and are not directly affected by the regional administrative court's decision. Decisions on whether the officer's conduct was unlawful are made in a manner similar to the process for a procedural complaint. The reimbursement of procedural costs is also dealt with in a similar manner. If the court decides that the complaint is justified and that the officer has breached the code of conduct regulations, then the complainant is entitled to a lump sum reimbursement of the procedural costs. If the complaint is found to be unjustified, then the authoritative body in question is entitled to a lump-sum reimbursement of their procedural costs. This has to be paid for by the complainant. As with a procedural complaint, a considerable cost risk exists for the complainant in these proceedings. This risk often prevents the person affected by allowing their complaint to be subjected to judicial review.

## Other authorities, public institutions and service providers

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This section deals with incidents between individuals and authorities and/or their representatives. These include government departments, schools, and other communal facilities. Discrimination experienced in this area is especially problematic: People expect civil servants, whether they are teachers, public officials or health care workers, to act as role models. Racist statements or actions in these sectors aggravate the mistrust of a fair and unbiased administration and therefore of a state governed by the rule of law which can guarantee this.

### 40 | Exclusion from swimming competition due to too long top

The 13-year-old daughter of Ms. H. is attending an Islamic school in Vienna. She regularly participates in sports lessons where she wears trunks for boys and a long sleeve particularly suited for swimming. For several weeks the girl has been training for an external swimming competition and has been looking forward to her participation. On competition day, the girl gets home very upset and tells her mother that she has been disqualified before the competition had begun; apparently due to her clothing. Her sports teacher would have tried to help by explaining to the lifeguards that her swimwear would neither be an advantage nor a disadvantage for her; however, unsuccessfully. In fact, the present lifeguards would have tried to note the girl's name to report her to the Municipal Education Authority. Her teacher would have been able to stop that. Another female person in charge tells the girl that she would be allowed to participate if she would roll up the sleeves. The girl follows the proposal. Just before the start of the competition the referee, however, decides to reverse this decision by telling the girl that she is disqualified. The situation is very humiliating for the girl, especially because her disqualification has taken place in front of all those present.

Ms. H. is shocked and angry about that incident. She doubts the admissibility of her daughter's disqualification from the competition, especially considering that, despite the long sleeve, her swimwear was like the other participant's swimwear. Furthermore, no information concerning the dress code for the

children's swimming competition was given in advance. It is important for Ms. H. that this incident, which was very burdening for her and her daughter, is taken seriously. She, therefore, contacts ZARA. A counselor offers support concerning a complaint against the responsible institution. Ms. H., however, did not contact ZARA, subsequently.

### 41 | Racist pictures in course materials

Ms. B. participates in a course at the Vienna University of Technology (TU Wien) in the summer term of this year. For the presentation, the external lecturer uses materials that contain racist images and provides them also online. One of the images shows white "civilized" men who are threatened and cooked by apes and black, naked men ("cannibalism").

Ms. B. is shocked by this type of colonial representation and decides to contact the lecturer to bring her recognition to his attention. She tries to constructively and politely state why she considers the images of his materials racist and therefore inappropriate and offending respectively. Additionally, she asks him to replace the relevant graphics with others that are free from discrimination. Unfortunately, she does not get any response to her intervention. That is why she turns to the ZARA-counselling unit and asks for support. ZARA writes an intervention letter to the lecturer emphasizing that the representation of black people "eating" white travelers stems from a colonial myth which was functionalized to justify the enslavement and killing of millions of black people. The linking of black people with cannibalism is without any foundation, why representations and constructions of this kind are to be considered racist and should be avoided. ZARA stresses that the aim of the letter is not to assume bad intentions but rather to draw attention to the fact that acts, which are considered

neutral but are still offending, are frequently performed. Unfortunately, ZARA's invitation to submit comments addressed to the professor is not followed. Ms. B. is, however, satisfied to have given a thought-provoking impulse. She hopes to have contributed to the omission of the use of racist graphics in a university environment.

### 42 | Discrimination of third-country nationals in allocating housing grants

ZARA documents the following case on the basis of the press release of the Litigation Association of NGOs Against Discrimination (→ Glossary):

The Litigation Association has supported Ms. T., who is a Turkish citizen and single mother, in a court proceeding based on the Upper Austrian Anti-Discrimination Law. The basis of the proceeding has been the fact that the requirements for the approval of housing grants are far stricter for third-country nationals than for Austrian or EU and EEA citizens. As an additional requirement for the approval of housing grants only third-country nationals have to provide evidence of 36 incomes within a period of five years. Ms. T. felt disadvantaged by this regulation as a Turkish citizen and single mother because her periods of work were interrupted by waiting periods and were therefore not recognized. Since the Upper Austrian Anti-Discrimination Law clearly prohibits discrimination due to ethnicity, a complaint on this basis has been possible.

Finally, the Province of Upper Austria has been convicted of unequal housing grants admission requirements for third-country nationals and had to pay a compensation of €1,000 and subsequently €1,500 housing grants. The amounts awarded are not paid by Upper Austria within the legal deadline. This is why the Litigation Association subsequently supports Ms. T. with the execution proceeding. Along with this path, Ms. T. receives the amounts awarded. The amendment of the Upper Austrian Building Subsidy Law, which has been in force since 2018, further complicates the access to housing grants for third-country nationals. At the time of going to press it is unclear whether this fact will entail other anti-discrimination proceedings.

### 43 | Racist comment by a teacher

R. is 13 years old, her parents are of Turkish origin, and she is attending a new Middle School

in Vienna. Together with her father, she has an appointment at ZARA. She is under the impression that her teacher, Ms. A., would treat pupils with non-Austrian background worse than Austrian pupils. Ms. A. would regularly use lessons to talk about "political" topics. In this context, she would make the following comments: "If your parents do not speak German, pack your bags and return to your home!", "Erdogan has a house in France; you are here in Austria. What's the point of that?" and "If Turkey is that good, why don't you just go back there?" To a pupil with a headscarf, Ms. A. says: "You don't do that in Austria!" A refugee girl who is new in class and does not speak German that well is welcomed by Ms. A. with the following words: "You have to know German. If you don't, pack your bags and goodbye!" Due to these comments, R. and her classmates do not feel welcome and very uncomfortable in Ms. A.'s class.

Since the pupils are afraid of negative consequences to follow, like poorer grades, they have not had the courage yet to report the incidents with Ms. A. to the principal. They have already tried to speak to their class teacher. She, however, has not taken the complaint appropriately serious and stated that Ms. A. would be "old enough" to know what she is doing.

Upon request of R. and her father, ZARA writes an anonymized invitation to submit comments to the principal of the relevant school and points out the discriminating behavior of Ms. A. Subsequently, the principal informs ZARA that she has spoken to the class teacher and Ms. A. about the accusations. Additionally, she has called on the relevant administrative authority. ZARA informs R. and her father about this positive response. R. is very happy about the outcome of this intervention, especially since she feels very comfortable in her class, except for the incidents with Ms. A.

### 44 | The equation of Germans and Nazis by a lawyer

In October, a tenancy law proceeding takes place at a district court in Vienna in which Ms. M. and another applicant complain about the rent, which is set too high for an old building. In the context of a discussion on the appropriate amount of the interest rate for the rent's repayment, the opposing counsel starts to refer to Ms. M.'s German origin. He notes that Ms. M.'s claim is harmful to the "German-Austrian friendship." Initially, Ms. M. is just slightly irritated by this non-objective reference to her nationality, apart

from the fact that she has German and Austrian citizenship. She offers to show her Austrian passport to the lawyer. The lawyer, however, continues by stating that the Habsburg family in the days of Maria Theresia would have stayed in Berlin only for one day, while, in comparison, the Germans would have stayed in Austria for seven years from 1938 onwards. Ms. M. is shocked by the equation of the "occupation" of Austria by the National Socialists with her presence as a (supposed) German in Austria. Also, Ms. M.'s mother, who is present in the courtroom as a listener, feels racially insulted by the comments

of the lawyer. It is important to Ms. M. to constantly behave thoughtfully and with awareness of history, why she is particularly hurt by the lawyer's prejudgment. Furthermore, she cannot understand why the present judge is not eager to stop this type of non-objective comments in the courtroom.

Ms. M. contacts ZARA to get information on possible options for action. Subsequently, a ZARA counselor writes a complaint about the lawyer to the Chamber of Lawyers. At the time of going to press, a response to the complaint is still pending.



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## Employment and entrepreneurship

The following chapter deals with discrimination in the work environment. This involves employment relationships, job seeking conditions, employment relations as well as job ads. Prejudices concerning labor and migration are part of everyday life in Austria. Too often, job-seeking is made more difficult or impossible for migrants due to their origin or appearance. To get invited to a job interview is frequently already an insurmountable obstacle.

### 45 | Rejection at model agency due to skin color

This summer Ms. R. contacts a model agency to find out if she could be listed again, like a few years before. In the past, she had been very satisfied with the service, which is why she turns to the same agency again. In response to her request, Ms. R. is asked to send some up-to-date photos. She would be contacted again afterward. Ms. R. complies with the request and receives the following shocking respond: "We had an internal check, and we already have 1-2 girls with darker skin who are rarely booked. Unfortunately, it makes no sense to list you." Ms. R. is very hurt by the fact that her skin is used as a negative admission factor. She also mentions this in her response. Those responsible reply that there would be hardly any requests "in this direction." Therefore, the denied admission would have nothing to do with "racism" but rather with "business."

Ms. R. contacts ZARA to get information on how to oppose this rejection based on racist argumentation. A ZARA counselor writes an intervention letter to the model agency noting that this method violates the Equal Treatment Act. Thus, it is not legal to justify discriminations on the grounds of (supposed) customer needs and, associated with these, economic concerns. The model agency, however, shows no understanding. Ms. R., therefore, considers taking this case to the Equal Treatment Commission. At the time of going to press, it is not clear whether she wants to face such a burden.

### 46 | Harassment at the work place results in dismissal

Mr. E. was born in the Gambia, and since spring of this year, he has been employed as construction helper in a company in Vienna. At work, he is repeatedly confronted with racist comments, especially from the foreman. He, for

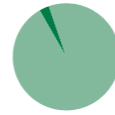
example, asks Mr. E. why he is working at all since all "Africans are dealing with drugs." Mr. E. is very hurt by such discriminating comments. He tries to point out verbally to refrain from these comments in the future. However, the situation does not improve as requested. Instead, Mr. E. is dismissed in fall. As he is under the impression that he has been terminated for discriminating reasons, he turns to the Chamber of Labour. At the same time, Mr. E. and his wife gather information at ZARA about options for action and their consequences. ZARA explains that it would be possible for Mr. E. to take action against the racist insults at work as well as against the discriminating dismissal. If he wants to do it in court, the Chamber of Labour provides support. Since Mr. E. did not contact ZARA again, it is not clear at the time of going to press, which steps he has set.

### 47 | Racist insult by restaurant owner

Ms. U. turns to ZARA at the end of October and reports the following observation, which she made during a restaurant visit:

Ms. U. is having dinner with her family in a restaurant in Vienna when suddenly a man comes out of the kitchen and yells at a janitor with the following words: "Bimbo, wipe that up!" The man complies to the demand without a word, in spite of the discriminating tone. Ms. U. is shocked about the discrimination of the employee. She reaches out to a waiter concerning her observation. In the course of the conversation, the offending man turns out to be the restaurant owner. The waiter shows no further interest in Ms. U.'s complaint but rather babbles something like "qualified immigration" while walking off. As it is important for Ms. U. that a situation like this does not recur, she turns to ZARA for support. A ZARA counselor writes an intervention letter to the restaurant noting that the Equal Treatment Law prohibits racist insults at work. Unfortunately, the restaurant does not reply to the letter.

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## Know your rights

### 48 | Complaint leads to harassment of ZARA counselor

*This June, Ms. C. is in a bakery in Vienna to drink coffee. There, she finds out that a salesperson is being sought. The list on what is expected from the applicants contains, among other things, "German without an accent." Ms. C. is irritated by this formulation and turns to ZARA. She wants to know to what extent it is legal to formulate a job ad in such a way.*

*A ZARA counselor advice Ms. C. on possible options of action and informs her that such a formulation is prohibited discrimination according to the Equal Treatment Act. Subsequently, she writes a demand for a statement to the bakery explaining the legal situation and asking to formulate the job ad according to the law and thus, free of discrimination. Thereupon, the counselor receives a responding letter in which her competence, her decision to work for ZARA and her German language skills are criticised in a discriminating manner. She would not be able to formulate "in a coherent manner." The counselor is advised to work "on her own German language skills." The relevant counselor has a name which allows the presumption of "not being Austrian." Since the demand for a statement is written grammatically and stylistically correct and with no spelling mistakes, it can be assumed that her "foreign-sounding" name alone is responsible for the instructive and discriminating reaction. As harassments due to ethnicity by third parties at work are prohibited according to the Equal Treatment Act, the ZARA counselor decides to initiate a proceeding at the Equal Treatment Commission with support from the Ombuds Office for Equal Treatment. The discriminating formulation in the job ad is reported via the Ombuds Office for Equal Treatment as well. This proceeding has not been closed at the time of going to press.*

#### Discriminating job ads

According to the Equal Treatment Law (→ Glossary) job ads are to be formulated free of discrimination. In case of violation, warnings and, subsequently, administrative penalties could be imposed. The outlined case violates the commandment of non-discriminatory job ads.

This commandment, standardized in Section 23 GIBG, basically implies that a job ad may not exclude persons due to ethnicity ("nationals only") or religion, etc. Exceptions are only legal if the relevant feature is a "significant and determining" occupational requirement which is needed in a specific professional activity or its execution, as long as it concerns a "lawful purpose and a reasonable requirement."

### **"German without accent / mother tongue German."**

A discriminatory formulation also occurring in job ads is the requirement "German without accent" or "mother tongue German." Even though this requirement seems to be neutral, it is, however, a method to disadvantage persons in a particular way, due to their ethnicity. Many activities do not require to speak "German perfectly." Formulations like "excellent German" or "perfect German" are used in job ads for jobs that do not require "excellent language skills," merely to exclude applicants of non-Austrian origin in the first place. Even if, like in the case of Ms. C., good language skills are a part of the occupational competences necessary in the sales area, and they can, of course, be mentioned in job ads as a requirement, demands for "German without accent" or "mother tongue German" are objectively not justified disadvantages and prohibited according to the Equal Treatment Act.

### **What can people affected do?**

According to Section 24, Subsection 2 GIBG, job seekers who are affected by discriminating job ads have the possibility to file an application to the competent district administrative authority (→ Glossary) concerning the initiation of an administrative penalty procedure. This authority issues a warning to the company and, in case of recurrence, can fine €360. ZARA can provide support in writing and lodging the application.

The main problem with complaints to the district administrative authority is that those affected are not a party to the case (→ Glossary). This means, they do not have the right to know whether the potential employer was penalized or not, and in case of non-penalisation, they are therefore not allowed to appeal against the authority's decision. However, if an applicant or a witness of a discriminating job ad, like Ms. C. is, turns to the Ombuds Office for Equal Treatment (→ Glossary), he or she has not only the possibility to file an application for penalisation but the Ombuds Office for Equal Treatment is

also a party in the administrative penalty procedure with the right to appeal. Thus, the Ombuds Office can initiate proceedings for discriminating job ads without an individual specifically affected.

### **Discriminating harassment**

The Equal Treatment Act, which provides for the right not to be discriminated at the workplace, basically standardizes the principle of equal treatment for all employees regardless of their gender, ethnicity, religion or worldview, age or sexual orientation.

It comprises various fields, among others, the right of equal payment for equal work and equal career opportunities, protection against unjustified disadvantages concerning measures for vocational education and training as well as retraining or against other working conditions.

Racist comments and insults by colleagues, superiors as well as third parties in relation to the employment relationship, like it is the case with the affected ZARA counselor, are considered to be harassment (→ Glossary), which can also represent a case of unlawful discrimination according to the Equal Treatment Act:

Section 21 GIBG  
Harassment  
(...)

(2) It is considered harassment if undesired behaviors applying to [prohibited discrimination] reasons according to Section 17 are displayed,

1. which violate or aim to violate the dignity of the person affected,
2. which are undesired by the person affected, are inappropriate or offensive and
3. which create or aims to create an intimidating, hostile, degrading, insulting or humiliating environment for the person affected.

The instructive discriminating and racist reaction addressed to the ZARA counselor was definitely related to her (assumed) ethnicity and in its intensity qualified to be considered a violation of her dignity. It was utterly humiliating for and insulting to her. This harassment could, therefore, be considered to be a violation of the Equal Treatment Act.

According to the provisions of the Equal Treatment Act, supervisors have an obligation to act and ensure that discriminations – by, e.g. co-workers or clients – stop as soon as they take notice of them. Otherwise, they are held liable for the harassments as well and have to pay damages.

### **What can those affected do?**

Affected employees can turn to a counseling unit like ZARA, the Ombuds Office for Equal Treatment (→ Glossary) or the Chamber of Labour (AK) and get comprehensive information on possible procedures and offers of support. Those affected by discriminations have the possibility to take the case to the Equal Treatment Commission (→ Glossary) and/or to pursue their claims in court. For complaints concerning violations of the Equal Treatment Law in the field of employment, the Labour and Social Courts are responsible.

In case of harassment in a working context and within the meaning of the law, the person affected is entitled to compensation. Payments for property losses, if physical damages were caused, as well as compensation for immaterial damages, to compensate for personal damages suffered, is granted. The amount of the compensation has to be appropriate and is, according to the law, at least € 1,000. The claim is asserted against the harassing person, be it the employer, third parties (e.g., co-workers) in connection with the working relationship or outside a specific work relationship. There is also a claim against the supervisor if he or she did not take remedial action against possible harassments.

## **49 | Rejected for a job as an assistant in train**

*Ms. O. is a student. She is wearing a headscarf for religious reasons and is looking for a part-time job. Via an employment agency, she becomes aware of a job as an assistant on a train. She applies and gets invited to an information meeting. In the course of the meeting details about the workflow and the uniform are discussed. In the open Q&A break, she asks if it would be possible to exchange the transparent tights for opaque ones of the same color. Since she is a faithful Muslim and wears a headscarf, this is important to her. The lady who manages the meeting says that she would have to talk that over with the team manager. She lets Ms. O. know that she would reach out to her as soon as she figured it out.*

*Approximately 20 Minutes after the meeting Ms. O. receives an e-mail that says she was rejected for the train assistant job. Additionally, she gets a call from the lady who has managed the meeting. She informs Ms. O. that, on the instruction of the team leader, it would not be possible*

*to work as an assistant on the train wearing a headscarf. It further would not be possible to offer her another job since "the clients do not want this."*

*Ms. O. is very surprised and hurt by this rejection due to her headscarf because it was already visible on her application photo that she is wearing it. Due to the fact that she was still invited to the meeting, she would not have expected to be discriminated because of her headscarf. She contacts the ZARA counseling unit to find out how she can fight this unequal treatment. At first, a ZARA counselor writes an intervention letter to the employment agency in which she demands a statement and informs about the legal situation. According to the Equal Treatment Law, the exclusion of a person from the application due to a headscarf is prohibited. As the agency does not react understandingly, Ms. O. decides to initiate a proceeding to the Equal Treatment Commission with support from ZARA. The proceeding has not been concluded at the time of going to press.*

Part II (Section 16 to Section 29) of the Equal Treatment Law provides protection against discriminations due to ethnicity, religion or worldview, sexual orientation or age in the world of work. The ban on discrimination in the broadly defined "world of work" is applicable to applications (establishment of an employment relationship), matters of wage, promotions, and terminations of an employment relationship. Wearing religious clothes at work is protected by the GIBG. A Muslim, for example, who wears a headscarf for religious reasons may be disadvantaged neither in the course of the application process nor somehow or other at the workplace because of the headscarf. The indication on the part of the employer to not be able to offer a job because the clients would reject employees with a headscarf is clearly a violation of the provisions of the GIBG.

The exception is permitted in occupations in which wearing a headscarf is a significant obstacle to carrying out the work. In individual cases, specific technically necessary hygiene and safety regulations can justify that it is not possible to carry out specific tasks while wearing a headscarf.

### **What can Ms. O. do?**

If Ms. O. is rejected in the course of the application or upon entering into office, and if she is

informed that the rejection is connected with her headscarf, she has the possibility to make an application to the Equal Treatment Commission (GBK → Glossary) for the ascertainment of discrimination during the establishment of the employment relationship. If Ms. O. wants to, ZARA supports and gives advice on this procedure. Ms. O. is entitled to compensation from the (supposed) employer concerning the violation of the principle of equal treatment in the course of her application and the personal impairment that she has suffered. The amount of the compensation depends on whether Ms.

O. would have gotten the job in case of a non-discriminating selection, whether she was not even considered due to her headscarf or whether another more qualified applicant would have gotten the job anyway.

In addition to the GBK-proceeding, Ms. O. has the possibility to lodge a civil suit for enforcing her claims. In contrast to decisions of the Equal Treatment Commission, which has merely the possibility to speak out recommendations, a court decision is legally binding – the adjudged compensation must therefore actually be paid. If this is not the case, the payment can be legally forced.

## What happened to ...?

### Incident 44 of the Racism Report 2014

Ms. A. was born in Austria; her parents are from Bosnia. She is a Muslim but does not wear a headscarf. Ms. A. applies for a job in a Carinthian glazier's workshop at the beginning of September. During the interview, she is asked where she was born and what her religious beliefs are. As she is surprised by the relevance of the questions, Ms. A. asks why this was important, to which the manager answers: "I only take Catholic ones." The manager also advises her to look for a job in Bosnia, her parents' homeland, or to ask the "Muslims" for a job. Ms. A. is greatly upset about being confronted with such racist questions during a job interview. That's why she comes to the ZARA counseling unit. ZARA informs her about her legal options. She decides to initiate proceedings at the Equal Treatment Commission with the support of ZARA.

### What happened in 2017:

At the beginning of 2016, the lawyer of the manager of the glazier contacted ZARA and offered her a settlement. The offer included a letter of apology for the injuries inflicted on Ms. A. and a compensation sum of €300. In return, Ms. A. is

to withdraw her application to the Equal Treatment Commission. After ample consideration, she decides that she will not agree to the settlement offer. Ms. A. wishes to see clear recognition of the discrimination that has been inflicted on her and of the impairment that this has caused. With this in mind, she does not consider the offer to be appropriate.

The proceedings before the Equal Treatment Commission take place in March 2017 after all. As the managing director of the glazier apologizes honestly in the course of the proceedings, Ms. A. is willing to reconsider a possible settlement. They agree to hold a clarifying discussion with each other, which is led by a mediator in the Carinthian regional office of the equal treatment lawyer's office. In addition, the defendant continues to agree to write a letter of apology and pay an amount of €300 in recognition of the discrimination inflicted.

Since the mediated settlement meeting in autumn 2017 is going well and the other points will also be fulfilled by the managing director of the glazier, Ms. A. withdraws her application to the Equal Treatment Commission. Ms. A. is satisfied with the result and is under the impression that the discriminatory incident has been investigated adequately.



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## Goods and services

### Living and Neighborhood

12 %



This chapter contains reports from the housing sphere – including everything from the search for housing to neighborhood conflicts. Discrimination in this area already begins with the advertisement: The phrases "Only to be let to Austrians" or "Locals only." This general exclusion of certain persons is not only forbidden by law, but it also causes deep concern among those seeking accommodation, as it creates fear of not being able to find a home.

### 50 | Pig head under the blanket

Ms. O. works in a socio-pedagogical residential community for children and adolescents in Vienna. She turns to ZARA because the following racist incident occurred between the children of the shared flat:

One weekend a caretaker notices that a 13-year-old boy wants to sneak into K.'s room, who is also 13 years old, fled Afghanistan and is the only Muslim resident in the community. When asked why he says he wanted to smear soap in his room. He is under the impression that K. always „receives preferential treatment“ and this annoys him. The caregiver concerned can clarify in conversation that this perception does not correspond to the facts, and the boy admits that his planned prank would have been mean. A little later K. comes home and wants to lie down in his bed. There, he discovers that someone has hidden a pig's head under his bedspread. K. is extremely frightened and severely affected by this incident, which he immediately reports to the caretakers of the flat-sharing community. They then discover a pig's foot in the general fruit drawer.

The next day the caregivers discuss the incident with the children of the shared flat in a crisis discussion. K. doesn't want to participate, because the incident is still too much for him. Most children can well understand that this assault was very hurtful for K.

Ms. O. is very grateful for the comprehensive advice from ZARA and feels strengthened by the possibilities for action and support shown. Together with K. and the other counselors, she will reflect on whether they consider legal steps against those who perpetrated the assault, as reasonable.

### 51 | Assault on a dormitory for refugees

Ms. M. is a volunteer in a dormitory for refugees in Upper Austria. In October, there is a racist attack on the asylum seekers living there. Two drunken men loudly enter the dormitory, shouting and insulting the residents with racist slurs. The two intruders strongly frighten the residents, who nevertheless remain calm and try to move the more aggressive of the two men towards the exit. Despite these efforts, he keeps going after the residents, pushing them. Fortunately, after a while they manage to edge the two attackers out and close the door. The more aggressive of the two men then hits the (very thick) glass door so hard from the outside that it shatters. Besides, the man rips the door open again, shouts loudly and threatens to come back the next day. The residents are in shock and want to contact the police. Since they are so overwhelmed and frightened by the situation, the first call Ms. M. and inform her about the incident. Ms. M. tries to calm the residents and immediately notifies the police. Subsequently, a complaint is made for damage to property. Ms. M. also wants ZARA to document the incident and therefore contacts the counselling unit.

### 52 | Antiziganism in the neighborhood

Mr. D. is a Roma and lives together with his family in Burgenland. In October, there is an incident with the partner of a neighbor; Mr. X. Mr. X. meets Mr. D., his wife and daughter in the entrance area of the house. When he sees them, he becomes very aggressive and begins to shout and scold loudly. Among other things, he shouts the following insults: "Always the same with the

fucking Gyp\*! You should be sent back where you came from. You deserve to be gassed. You fucking Gyp\*!" Mr. X. briefly enters his partner's apartment and thus interrupts his outburst of rage. Only a few minutes later he comes down again, continues his assault and threatens: "Shut your trap now, or I will slap you in your face!" In addition, he indicates with his fist that he wants to punch Mr. D. in the face. Finally, he also begins to insult and threaten Ms. D. by gesticulating wildly with his hands in front of her face. Mr. X. even insults the 13-year-old daughter of the D. family. He screams: "Your stupid wife and your stupid daughter, they are worth nothing. They just sit around 20 hours a day!" Ms. D. notifies the police because she is extremely frightened and does not know how to end the threatening and insulting situation. Family D. asks the officers to file a complaint about the racist insult and the dangerous threat. However, the police declare that no charges could be filed because Mr. X. did not really strike and therefore they would not have been seriously threatened. As the D. family insists on pressing charges, they are asked to come to the police station. There, however, they are only referred to civil law and thus to the private prosecution of the incidents.

Mr. D. turns to ZARA and asks for support with the written reporting of racist insults and dangerous threats. A ZARA counselor helps Mr. D. to write an exposition of the facts to the public prosecutor's office. The outcome of the proceeding is not known at the time of going to press.

### 53 | Racist e-mail from the landlord

In February, Ms. P. contacts the ZARA counseling unit due to a racist incident with her landlord:

Ms. P. was born in Austria, her husband in Cameroon. Mr. P. spent several years in Germany. The couple has been living in Austria for a considerable time by now. They moved into a new apartment recently. The rental agreement was processed by Ms. P. Since she first forgot about it, she only sends her husband's passport to the landlord of her new apartment with a delay of one month. In response, Ms. P. receives an angry e-mail from the landlord containing the following racist passages:

"I had to wait a month for your husband's passport copy. There was obviously a reason for this: you were talking about a manager in Germany. So I was a bit surprised that a student from Cameroon moved in. Is this man in the country legally? Have any other men from Africa moved in? Do you personally live in the apartment?"

Please note: I wish for quiet neighbors. A landlord can choose the lodgers. I do not agree to a refugee camp with several people. I'm also not interested in a constant coming and going neither in the apartment nor in loud, African parties being celebrated.

Our paths would part then.

Just so you don't get me wrong: I spent some good times in East Africa. But I have also known the difficulties with African migrants for many years."

Ms. P. is deeply shocked by the prejudiced, negative images that the origin of her husband triggered in the landlord. The landlord does not even seem to have an inhibition threshold when it comes to express such racist accusations, even in writing. Ms. P. would like to know if and how she can combat this attack. A ZARA counselor informs Ms. P. about the existing options for action on the basis of the Equal Treatment Act. She also offers to send the landlord a letter of intervention. However, Ms. P. did not contact us again.

## Know your rights

### 54 | Discriminatory housing advertisement

*At the end of October, Ms. S. forwards a link to a discriminatory housing advertisement to ZARA, which was directed at students. In the advertisement, in addition to information about the apartment, there is a note that a "student from Austria or Germany is preferred as a tenant." The English version states that only students from the EU are accepted. Ms. S. is deeply shocked that this wording used by the landlord excludes persons of non-Austrian or non-German origin from the apartment advertised.*

*ZARA forwards the advertisement to the Ombuds Office for Equal Treatment, which files a complaint in order for administrative, criminal proceedings to be initiated pursuant to the Equal Treatment Law. Such discriminatory advertisements for housing are illegal according to the Equal Treatment Law (→ Glossary) and can be reported by both persons affected and the Ombuds Office for Equal Treatment.*

It is, according to the Equal Treatment Law (GlBG → Glossary), forbidden to discriminate against people on the basis of their ethnicity when gaining access to or providing housing. This includes advertising for housing in a discriminatory fashion and also asking third parties to do so.

#### What can Ms. S. do?

Interested parties, as well as the lawyers from the Ombuds Office for Equal Treatment, can lodge a complaint against such breaches of this principle at the competent district administrative authority (→ Glossary). The first breach results in the authorities issuing a warning, any other breaches will result in a fine of up to €360. This provision is, unfortunately, not formulated as an offense ex officio (→ Glossary). This means that, according to the law, only the persons and institutions referred to above can bring charges against the discriminatory advertisement. ZARA can support clients, on request, in drawing up such complaints or in forwarding the discriminatory advertisement to the Ombuds Office for Equal Treatment for further processing.

### 55 | No apartment because of Syrian origin

*In May, Mr. Z. is looking for an apartment for himself and his family. He comes across an online ad for an apartment that meets his requirements. He calls the landlord, expresses his interest and asks if he can make an appointment to discuss further details. But the landlord immediately asks where Mr. Z. comes from. Mr. Z. explains that he comes from Syria. The landlord replies that he would not rent his apartment to "Syrian people" – and hangs up without further comment.*

*Mr. Z. is so shocked by this statement and the way of social interaction that he calls the landlord again. When he answers the phone, Mr. Z. asks why the landlord treated him so rudely, although he himself had always been polite. Without replying, the landlord hangs up again.*

*Mr. Z. is in consternation to be excluded as a potential tenant because of his descent and turns to the ZARA counseling unit. A counselor drafts a letter of intervention in which she asks for comment and informs about the legal situation. Since this remains unanswered, Mr. Z. decides, with the support of ZARA, to initiate proceedings before the Equal Treatment Commission. In the course of this procedure, the landlord draws up a counter-statement, which is formulated very aggressively. He accuses Mr. Z. of having "had an abnormal conversation" and says that he is probably only turning the facts around "in order to gain advantages for himself." Mr. Z. is also deeply concerned by these insinuations. The outcome of the proceeding is not known at the time of going to press.*

#### What can Mr. Z. do?

People who have been discriminated against in gaining access to housing can apply for the Equal Treatment Commission (→ Glossary) to initiate proceedings to establish the existence of discrimination on the grounds of ethnicity. ZARA and the Ombuds Office for Equal Treatment both offer support in making the application according to the Equal Treatment Law (→ Glossary) and in the following proceedings. Not only can action be taken against putting people at a disadvantage through discrimination when providing housing, but also against the harass-

ment suffered (→ Glossary), for example in the form of racist statements.

Furthermore, the Equal Treatment Law provides for the affected person's right to claim for damages in cases of discrimination (replacement of material loss and compensation for the personal distress caused).

The person affected also has the option of bringing a civil action before the court, as according to the equal treatment law, to assert

their right to compensation. ZARA can forward some cases of discrimination to the Litigation Association of NGOs, who then asserts the rights of victims of discrimination (→ Glossary). If the association decides to take on the case, then they will represent the person affected in the proceedings before a court in order to assert the claims made according to the equal treatment law. The association will also bear any costs incurred.

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## Zivilcourage lässt sich trainieren!

Bedrohung, Mobbing und Diskriminierung sind Alltagserscheinungen. Doch kaum eine/r schaut hin oder greift ein - oft bleibt es nur bei guten Absichten. Wie kann ich helfen, wenn jemand angegriffen wird, ohne mich selbst in Gefahr zu bringen? Antworten auf diese und weitere Fragen erhalten die TeilnehmerInnen des ZARA-Workshops „Zivilcourage“ - dieses Training beschäftigt sich mit den konkreten Möglichkeiten des/der Einzelnen, an der Arbeitsstelle oder in der Öffentlichkeit in „unangenehmen“ Situationen einzugreifen.

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## Goods and services

### Retail, restaurants and other commercial services

12 %



Incidents in this chapter deal with access to bars, shops, and other services. Reports of the racist refusal of entry are basically on ZARA's daily agenda. If a person is denied access to a restaurant or club because of their "foreign" appearance, the person concerned often feels like a "second-class" citizen. Although some clubs have already been sentenced to compensation payments and administrative penalties in the past, they often do not change their racist admission practices. This may be due, among other things, to the low fines which are definitively not suitable to have a deterrent effect.

### 56 | Discrimination by delivery service

Mr. K. is a Chinese citizen and was born in Austria. At the beginning of June, he receives a parcel from an international parcel delivery company at his address in Carinthia. When the employee of the delivery service hands over the parcel to Mr. K., he writes on the delivery note that the parcel has been received by "CHING-CHANG-CHONG." Mr. K. finds this generalizing term, which clearly refers to his ethnicity, to be totally disparaging and inappropriate. For this reason, he turns to the ZARA counseling unit and reports the incident. It is important to him that the company takes measures to prevent such discriminatory statements by employees when talking to customers in the future. A ZARA counselor writes a letter to the delivery service and points out that the designation on Mr. K.'s delivery receipt constitutes a violation of the prohibition of discrimination in access to and supply of goods and services under the Equal Treatment Law (→ Glossary) and asks the company for a comment. The letter remains unanswered. Mr. K. turns to ZARA to obtain information about further legal possibilities. In mid-July, he submits an application to the Equal Treatment Commission (→ Glossary) with the support of the counseling unit, which initiates proceedings shortly afterward. The outcome of the proceeding is not known at the time of going to press.

### 57 | No tutoring place because of the mother's full body veil

Ms. B., a religious Muslim, is looking for a place for her son in a Viennese tutoring institution.

For this reason, she visits a center of this institution together with her son in September. Ms. B. is fully veiled and is therefore asked to leave the building by the supervisor of the facility. It is stated that wearing a burqa is prohibited throughout the building. Ms. B. is very surprised by this statement and the existence of a rule on which there is no precise information – such as a notice. In order to avoid inconvenience, she offers to remove her face veil. The institution does not respond to this concession. Ms. B. gets subsequently informed that there are no more free places. She is very confused by this rejection, as she did not yet have the opportunity at that time to say what type of learning assistance for her son she is looking for at all. For Ms. B.'s son, the situation is so stressful that he bursts into tears.

Ms. B. turns to the ZARA counseling unit and asks for support. She gets information about possible legal steps under the Equal Treatment Law. The ZARA counselor responsible writes a letter of intervention to the tutoring institution. In the statement of the institution the course of the meeting with Ms. B. and her son is presented differently, but they offer a clarifying discussion together with the ZARA counsellor and Ms. B. Since the situation is a lasting burden for Ms. B. and her son, she is still uncertain at the time of going to press whether she would like to take advantage of this offer.

### 58 | Racist drinks menu in a ski hut

At the beginning of the year, Ms. T. stops by at a ski hut in Salzburg. She is already irritated by the name: "Onkel Tom's Hütte" (TN: Uncle Tom's Cabin). She is truly shocked when she reads the drinks menu and discovers that a beer called "N\*" is on sale. She turns to the ZARA counseling unit to find out whether such a discriminatory composition

of a drinks menu is licit. ZARA points out that the use of the N-word constitutes massive racial discrimination but is not prohibited by law (at least if a person is not directly affected by it). In addition, the responsible ZARA counselor offers to ask the ski hut operators for a statement. After that, Ms. T. did not contact us again.

### 59 | Different fees for the use of a toilet

Mr. A. goes to an inn in Tyrol this summer. It strikes him that in the toilets there is a notice saying that guests who do not consume anything have to pay 50 cents for the use. A small slip of paper is added to the notice with the information in Arabic that the use of the toilet costs €1. Since it does not seem understandable to him why differentiation is made here, and he feels that this is discrimination on the grounds of ethnic origin, he turns to ZARA. ZARA uses a letter of intervention to point out to the operator of the inn that such a discriminatory distinction constitutes a violation of the Equal Treatment Law. ZARA also calls for the notice to be non-discriminatory. In response, ZARA receives a letter stating that the operator was unaware that such an approach constituted discrimination. He claims to have amended the Arabic addendum to the toilet use fees accordingly and to have adjusted the prices.

### 60 | Indian yoga instructor not wanted

Ms. K. runs a yoga school together with her husband, who is of Indian origin. In November, an interested person sends an inquiry about the offered courses. Ms. K. tells him via SMS that the course is held by an Indian yoga teacher in English. She receives the following reply: "Yeah, unfortunately, I don't speak English. Actually, I do, but I don't need no negro haha." Ms. K. is very taken aback by this racist reason for not wanting to attend the yoga course. She does not know how to confront her husband with this rejecting answer, as he has already had to make numerous experiences of racism in Austria and is very burdened by it. Ms. K. contacts ZARA and asks the team to show her possible options for action and to document the incident. A ZARA counselor points out different possibilities of support to Ms. K. However, Ms. K. does not answer anymore.

### 61 | Passenger racially insulted by a train attendant

Mr. G. takes the train from Vienna to Salzburg at the beginning of June this year. When he wants to get off the train, he observes the racist behavior of a train attendant towards a passenger.

The ticket inspector sees a black passenger and suddenly shouts loudly and aggressively: "So who is this here? Ticket, Biglietti!" The man in question replies very quietly that he is traveling to Germany via Salzburg. The train attendant reacts with the following words: "No understand, I'm not African. You're going to the sub's bench now, but certainly not to Salzburg!" The inspector further addresses the other passengers in proximity and says: "There, look at him – a new Austrian citizen!" At the next stop, the black man is asked to leave the train with the insulting words: "So, out, you Rotz (TN: insult meaning 'snot')! Fuck off!"

Mr. G. also gets off the train and is very upset by his observations. For this reason, he walks briefly to the train attendant and points out to him that he feels it is inappropriate to talk to passengers in this way. The ticket inspector then yells at Mr. G.: "Take him with you then! Take him!"

Since Mr. G. is so shocked by this incident, he reports it to both, the Railway Company concerned and ZARA. Fortunately, he receives feedback from the company stating that the case is being examined and the necessary disciplinary measures are being taken. ZARA documents the terrifying incident.

## Know your rights

### 62 | Refusal of entry and assault on the grounds of skin color

Mr. F. was born in the Gambia and has lived in Vienna for some time. One September evening, he wants to visit a Viennese club. As he stands in front of the door, a security employee refuses him access to the premise – on the grounds that Mr. F. certainly does not have money to consume anything. He says that he first needs to clarify whether he could let him in under these circumstances. A bartender watches this scene and asks the doorman to let Mr. F. in. The security employee lets Mr. F. into the club contrary to his previously expressed prejudice-guided concerns. A little later Mr. F. goes out briefly to make a phone call, as the mobile reception on the premise is not good. When he wants to go back into the club, the doorman stops him again and points out to him that he cannot "come and go all the time." Mr. F. is extremely confused that the security guard treats him this way and asks him to leave him alone. The consequence of this is that the doorman, without any indication whatsoever, accuses Mr. F. of being a dealer and of selling drugs. Since Mr. F. wants to continue his evening in the club and avoid difficulties, he once again asks the security staff to leave him alone. As a result, the bouncer suddenly strikes Mr. F. against his chest. At this moment, the bartender becomes aware of the dispute, admonishes the security employee to stop, takes Mr. F. inside the bar and offers him a drink. He explains the bouncer's behavior by saying that it was his first day at work there.

Suddenly another security guard approaches Mr. F., asks him what he wants from his brother (the first bouncer) and pushes him against the bar. After that, the first security employee comes from behind, and both security employees knock Mr. F. down. They pull Mr. F. by his backpack and jacket on the floor all the way out of the club to the street, causing him to suffer several abrasions. One of the two security staff strangles Mr. F. with his arms from behind as Mr. F. kneels on the ground; the other punches his face several times. The bartender interferes again, asks the bouncers to leave Mr. F. alone and notifies the

police. Other guests of the club also notice the incident and three young women also call out that they should let up on Mr. F. Mr. F. cannot defend himself and can hardly breathe. When Mr. F. gets the finger of security staff in his mouth, who punches him in the face, he bites it as he does not know what else to do. Mr. F. suffers painful injuries to one tooth, knee and face.

When the police enter, they examine Mr. F. for drug possession and illegally acquired money. They do not find any of it on him. Nevertheless, the officers recommend to Mr. F. not to visit this club anymore, as "many black people would sell drugs here." Apart from the fact that Mr. F. cannot understand why it is him who is being associated with drug business for all that he has just been massively mistreated, he already knows the place. He has visited it repeatedly and without any problems prior to that day. A policewoman wants to document the injuries on Mr. F.'s face by means of photos. Her colleague, however, prevents her because he does not think this is necessary. The police call the ambulance, and they take Mr. F. to the hospital. There he receives a medical report on his injuries. Mr. F. tries to report the security staff to the police but is not taken seriously in this matter. He is told to wait for a letter from the police. He is not questioned.

An employee of the Dialog association, who is looking after Mr. F. there, contacts the ZARA counselling unit and arranges a personal counseling appointment for her client. The ZARA counselor writes a letter of intervention to the place, in which the misconduct of the doorman – in the sense of violations of criminal law, the Equal Treatment Law and the EGVG (→ Glossary) – is pointed out. However, the club does not react to this, which is why ZARA has no statement from them.

Mr. F. is utterly shocked that he himself is being charged with assault in the sequel. The ZARA counselor in charge accompanies him to the police station for interrogation and supports him in obtaining further support for the trial as a crime victim via the 'Weisse Ring.' The outcome of the proceeding is not known at the time of going to press.

### What can Mr. F. do?

Mr. F. can take action against the doorman and the club as stipulated in the provisions of Article III, Section 1, Subsection 3 of the Introductory Law to the Administrative Procedure Code and as also stipulated in part III (sections 30 to sections 40c) of the Equal Treatment Law.

Part III of the Equal Treatment Law stipulates that people who are discriminated against because of their ethnicity when trying to gain access to goods and services can contact the Equal Treatment Commission (→ Glossary) to ask that the existence of discrimination be established. They may also enter into a civil lawsuit to assert their right to compensation.

Both the refusal to admit Mr. F. entry and the harassment (→ Glossary) in the form of the doorman's attack was obviously carried out in connection with Mr. F.'s ethnicity. Mr. F. is, on the grounds of this discrimination, entitled to the payment of damages as a replacement for the material loss suffered and as compensation for the personal distress caused. Mr. F. was not expressly told that he had been denied admission because of his origin, but it was obviously because of the color of his skin that they assumed that he did not have money to pay and that they assumed he was a drug dealer. Further, the law stipulates that those affected must have reasonable proof that they were refused admission on discriminatory grounds (lighter burden of proof → Glossary). The club must then prove that other, permissible reasons existed for denying him admission. No permissible reasons (i.e., unacceptable clothes, inappropriate behavior) were provided for denying Mr. F. entrance to the club. He could therefore credibly demonstrate that he was denied entry on discriminatory grounds in the course of the proceedings before the Equal Treatment Commission.

ZARA can provide the following support in such cases: ZARA can, if those reporting the case wish so, send a letter of intervention to the club in question, asking for a statement to be made regarding the incident. In some cases, depending on the club operator's reaction or that of the security firm involved, an out of court settlement may be reached, for example through explanatory discussions or an apology from the club. ZARA supports those affected in proceedings before the Equal Treatment Commission and, if so required, can also represent said person in any such proceedings.

Alternatively, or additionally, the person affected may also enter into a civil lawsuit. The case

may, in certain circumstances, also be sent to the Litigation Association of NGOs Against Discrimination (→ Glossary). If the association decides to take on the case, then they will represent the person affected in the proceedings before a court in order to assert their claims according to the equal treatment law. Further, the association also bears any costs incurred, which is a big relief for those affected by discrimination.

Article III, Section 1, Subsection 3 of the "Introductory Law to the Administrative Procedure Code" is an administrative penalty provision ruling that anyone who subjects other persons to discrimination, prevents them from entering premises or from obtaining services which are intended for general public use because of "their race, their skin color, their national or ethnic origin, their religious denomination or because of a disability" commits an administrative offense punishable by a fine of up to €1,090.

These charges should be filed with the district administrative authority (→ Glossary, in Vienna: the municipal authorities). This administrative offense is treated as a so-called offense ex officio (→ Glossary), meaning witnesses of the incident can also press charges, as well as those directly affected by it. ZARA supports those who witnessed the incident in drafting these charges and can, on this person's request, send a charge in writing to the authorities.

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 offense ex officio and must forward this to the responsible authorities (the district administrative authority, or, in Vienna, the municipal district authorities responsible for such matters). They are also to file and then forward charges to the same body in the same way as mentioned above if they are made aware of such an incident. The person reporting the incident does not bear any costs for the proceedings, but this has the disadvantage that they may not be party to the case (→ Glossary) and therefore have no way to influence it. They are also not entitled to information about the conclusion of the proceedings. Compensation for the person discriminated against is also not provided for. Whoever repeatedly breaches Article III, Section 1, Subsection 3 of the Introductory Law to the Administrative Procedure Code may have their trade license taken away from them. ZARA is, however, not aware of any cases where this has actually happened.

# A different way is possible –

## Best practice examples of civil courage

We have saved the best till last! As numerous, depressing and unbelievable the racist incidents reported to ZARA may be, there are also situations in which witnesses to racism have demonstrated civil courage and intervened. By doing so, they give those affected by discrimination the important feeling that they are not alone and that they have the support of other people. The following chapter presents reports, which were documented by ZARA, of positive examples of how to deal with racism and should encourage people to show civil courage when confronting racist situations.

### Commitment for those affected by racial profiling

At the beginning of February, Mr. A. travels by subway in Vienna and takes the escalator to exit the station. When he reaches the top, he realizes that about five young men, who – as far as Mr. A. can judge by their appearance – seem to be of non-Austrian origin, are standing by the wall. Opposite them are several police officers. Since Mr. A. is surprised by this situation, he asks the officers for what reason the persons are being held. Mr. A.'s question is visibly unpleasant for the police officers, and they warn him that he should not obstruct an official act. To illustrate their point, they tell him that he would not disturb a bus driver doing his job either. Mr. A. explains that he would very well do so if he were under the impression that the bus driver was not behaving correctly. The police officers finally return the passports to the five men. One policeman tells one of them that he "just looks Afghan," "Afghans are very criminal" and that he "belongs to the 10 percent of Afghans who are fine", which he as a policeman could not have known in advance. Mr. A. is shocked by this statement and accuses

the officer concerned of having carried out a racially motivated official act without suspicion in the form of racial profiling. This confrontation gives rise to a lengthy discussion, and Mr. A. appreciates the fact that the officer in question – in comparison with his colleagues – is willing to engage in this conversation. The policeman explains to Mr. A. that he considers this type of police control "normal and legitimate" because it is "desired by the population," and they often receive reports that "Afghan-looking people would behave strangely." Mr. A. asks how the population could be sufficiently certain that someone was from Afghanistan. The official cannot give a precise answer and tries to illustrate it with an example. He explains that they would increasingly control Nigerians at the U6, as they are "the ones who deal with drugs the most."

Although Mr. A. and the police officer disagree, Mr. A. is finally under the impression that they managed to have a constructive conversation and that the police officer was able to understand his position. Before Mr. A. leaves, the controlled persons thank him for his intervention.

### Complaint about discriminatory sales practices

In early November, Ms. H. accompanies a friend, Mr. M., to the branch of a large electronics chain in Tyrol, as he wants to buy a top-up voucher for his mobile phone. As they are standing at the checkout, and Mr. M. wants to pay, the seller asks him if he is sure that he wants to buy the voucher and asks him what he needs it for. Mr. M. replies only briefly that he needs it for his mobile phone. However, the seller continues to question Mr. M. and wants to know if Mr. M. is from Iran. Mr. M. is very surprised to be asked about his origin as a customer but still claims that he is not Iranian. The salesman does not believe this answer and says: "Yes, you are from Iran. Your accent sounds totally Arabic." Finally, the salesman emphasizes that the credit selected

by Mr. M., is only intended for members of the company. Mr. M. explains that he bought both his mobile phone and his SIM card in the very store. He also wants to know why it is so important for the seller, to know where he comes from and what the problem was. Finally, Mr. M. explains that he is Mexican. The seller ultimately sells Mr. M., albeit reluctantly, the top-up voucher.

Ms. H. is genuinely shocked by such treatment of her friend as a customer and therefore writes an intervention letter to the electronics retail chain, in which she complains about the behavior of the seller concerned. Although she has to wait for a reply, she finally receives an apology from the deputy managing director of the company addressed to Mr. M.

### Opposition to racist remarks by teacher

One afternoon Ms. I. takes the train from Innsbruck to South Tyrol. After some time two teachers and a school class with young pupils join the carriage. The teachers take a seat opposite Ms. I. In the same carriage is a black family with small children. Suddenly one teacher begins to talk about refugees, whom he calls "illegals". He gets up and discusses an alleged incident in Vienna, where a teacher is said to have confronted a fully veiled woman with the now valid Anti-Face-Covering Act (see article p. 68) and was subsequently threatened by "20 Arabs". The teacher says: "If you take care of law and order, you are threatened!" In addition, he said he found it outrageous that conductors "would let migrants travel to the border without a ticket". He himself had repeatedly called for refugees to be "thrown off the train" in such situations. Incomprehensibly, these demands have not been met. Instead, he was under the impression that refugees were not being controlled at all and claimed that it is therefore essential to close the borders. Finally, it's too much for Ms. I. and she asks the teacher to stop spreading rumours. Otherwise she would have to sit somewhere else. The teacher reacts very aggressively and says she should feel free to take her things and leave to sit somewhere else and that she should go back to where she came from, namely "to the East". This gives rise to a lengthy discussion about the rumours previously spread by the teacher. Ms. I. points out that she expects a teacher to obtain his information on a subject from various qualified sources and that she considers his statements inhuman. Eventually, the students become aware of the verbal confrontation and listen. It is important to Ms. I. that the young people at least

notice that she contradicted and thus showed that not all passengers share the opinion of the teacher. In addition, her intervention causes the teacher to say nothing for the rest of the trip. Although Ms. I. felt the incident to be very constricting and strenuous – particularly because of the aggressive tone and the excessive use of words directed towards her – she is satisfied to have been a dissenting voice to the sweeping rumours made about refugees.

*Have you been confronted by racism and shown civil courage? Do you know someone who has intervened when an injustice took place because of racism? Send your personal best practice example to:*

[zivilcourage@zara.or.at](mailto:zivilcourage@zara.or.at)

# Anti-Muslim Racism

## Under general suspicion

Philippe Schennach

**Prejudices against Islam are prevalent in the traditional media. Their transmission to social media has further intensified stereotypical constructs of "the enemy" and false reporting. In recent years, distrust against Muslims has affected not only the population's perception but also particular laws, placing Muslims under general suspicion.**

this is only the tip of the iceberg considering that those are just incidents that were reported to ZARA or were documented in the course of ZARA's monitoring activities. Furthermore, a detailed analysis of online hate content, which was carried out within the EU-project "Research – Report – Remove: Countering Cyber Hate Phenomena," shows online hate and incitement to hatred has not only increased in numbers but also in intensity (see article p. 72). The latest example of this is the Vienna's new year baby, which was confronted with a wave of hate postings after its birth because its mother was wearing a headscarf on the picture. Although a baby is a "blank sheet" at the time of its birth, this example illustrates just how the identity of an individual can be shaped by a prejudicial media. Many of the hate postings did not address one individual but all members of a religious group.

Currently, the Austrian population is deeply divided. According to the 2017 Integration Barometer, eight out of ten Austrians agree to stricter controls of mosques and to a ban of full-face veils in public spaces.<sup>2</sup> Moreover, approximately half of the 1.000 respondents consider the cohabitation of Muslims and non-Muslims as negative.<sup>3</sup> The acceptance of diversity in the workplace has also stagnated. A survey commissioned by the EU Commission found that in Austria only 54% stated that they would "feel comfortable" or "feel moderately comfortable" if they had a Muslim co-worker (the EU average was 72%).<sup>4</sup>

If such prejudices are left unchallenged, they not only influence the thoughts, attitudes, and emotions of individuals but can also shape our politics and influence our laws. One of the first examples of this kind is the ban on building minarets in Switzerland. Federal state governments in Vorarlberg (20.06.08) and Carinthia (18.12.08) have followed suit, arguing that this would not be a matter of restricting the religious practice of a minority group but rather restricting religious facilities, which according to the

then BZÖ Secretary General Martin Strutz is "a mere political act and a provocation."<sup>5</sup> The question, whether a minaret is a representation of an aggressive Islamic urge for dominance or merely a symbol of faith, requires a fundamental discussion on relations between religion and the public sphere and not the stigmatization of a group by utilizing the minaret debate in order to portray Islam as a threat. The same applies to the amendment of the Islam Law of 2015. Some Muslims hoped that the amendment would grant Islam greater official recognition as an equal religion alongside other religious communities in Austria, but instead, the amendment was characterized by a series of warnings that the religious community has to comply with legal regulations and take a positive attitude towards the state. These two inclusions go without saying and are not to be found in the Jewish or the Protestant Law.<sup>6</sup> Criticism concerning the Islam Law was not only expressed by those affected, but also by the Litigation Association of NGOs Against Discrimination as well as the Antidiscrimination Office Styria, which consider the law as the groundwork for unequal treatment. Instead, the law, which was implemented in February 2015, was composed with great regard to national security policy and represented the first of many measures by which the state recognized the anti-Muslim sentiment among the population. Recent examples are the Islam Study and the Anti-Face-Covering Act, which has

come into force on October 1, 2017, as part of a greater integration law. Even though the latter was formulated neutral regarding religions, in ZARA's view, it is motivated by domestic policy as there is reason to believe that the law is directed against burqas worn by Muslim women. With this in mind, it is beyond comprehension, how a law affecting merely 80 persons in Austria (according to the Network Muslim Civil Society) can contribute to integration processes. Most recently, the ban on full-face veils has been justified by many politicians using the argument that the burqa represents a symbol of oppression. It is obvious that no woman should be forced to cover her face or body for patriarchal-sexist reasons. If this is the case, however, there are already organizations that can be of help. This is why there is no need for legislation that patronizes women and assumes every woman who wears the burqa is forced to do so.

Although Austrians consider their society as open and pluralistic, diversity is commonly faced by distrust. This is shown by media coverage, postings in social networks, surveys on integration and by particular laws in recent years. Here, the discrimination of Muslims contradicts the values of liberal democracy, which is often used as a reference for this discrimination. That is why increasing diversity within society should not be met with the isolation of the "other," but instead should be met with a look at our own prejudices in order to promote unbiased interactions.

<sup>5</sup> Pressereferat Parlamentsklub des BZÖ. Site: [https://www.ots.at/presseaussendung/OTS\\_20091129\\_OTS0032/minarett-bauverbot-bzoe-strutz-in-oesterreich-ueber-raumordnung-regeln](https://www.ots.at/presseaussendung/OTS_20091129_OTS0032/minarett-bauverbot-bzoe-strutz-in-oesterreich-ueber-raumordnung-regeln)

<sup>6</sup> Klingenbrunner, et. al.: 103 Jahre Islam, Juridikum 2015, p. 164, 172.

<sup>1</sup> Peter Hajek, Alexandra Siegl, Walter Schwaiger, *Der Islam in den Medien – Berichterstattung über den Islam, seine Vertreter und Muslime in ausgewählten österreichischen Printmedien* (Wien: Österreichischer Integrationsfonds, 2012).

<sup>2</sup> Peter Hajek, Alexandra Siegl, *Integrationsbarometer 2017: Integrationsbefragung* (Wien: Österreichischer Integrationsfonds, 2017). p. 9.

<sup>3</sup> Peter Hajek, Alexandra Siegl, *Integrationsbarometer 2017: Integrationsbefragung* (Wien: Österreichischer Integrationsfonds, 2017). p. 6.

<sup>4</sup> European Commission, „Special Eurobarometer 437: Discrimination in the EU in 2015“ (Factsheet Austria, 2015). p. 2.

Especially on social media, sweeping condemnations and incitement against Muslims is increasing. ZARA registered a total of 1.162 racist incidents in 2017, whereof more than one third (38%) took place online and were addressed towards refugees and Muslims. However,



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<sup>1</sup> Klingenbrunner, Alexandra, Raptis, Julia: 103 Jahre Islam in der österreichischen Rechtsordnung – IslamG 1912 und IslamG 2015, Juridikum 2015, p. 164, 173; ein derartiges Pauschalverbot bezeichnete die Venice Commission im Jahr 2011 als „arguably unreasonable and not necessary in a democratic society (...)“: [http://www.venice.coe.int/webforms/documents/?pdf=CDL\(2013\)042-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL(2013)042-e), p. 47.

<sup>2</sup> Hafez: Das IslamG, Juridikum 2015, p. 179, 180, with further sources.

<sup>3</sup> [http://bmi.gv.at/bmi\\_documents/2091.pdf](http://bmi.gv.at/bmi_documents/2091.pdf), p. 2.

<sup>4</sup> <http://www.bmi.gv.at/news.aspx?id=4D794D417A3630647947773D>.

<sup>5</sup> [http://bmi.gv.at/bmi\\_documents/2091.pdf](http://bmi.gv.at/bmi_documents/2091.pdf), p. 1.

<sup>6</sup> <http://derstandard.at/2000065054517/Scharfe-Kritik-der-Rechtsanwaelte-am-Verhuelungsverbot>.

<sup>7</sup> <http://derstandard.at/2000066561084/Burkaverbot-Polizei-braucht-zu-Halloween-Fingerspitzengefuehl>.

<sup>8</sup> [https://www.radlobby.at/sites/default/files/atoms/files/verhuelungsverbot\\_auskunft\\_lpdwien\\_20171013.pdf](https://www.radlobby.at/sites/default/files/atoms/files/verhuelungsverbot_auskunft_lpdwien_20171013.pdf).

<sup>9</sup> Erläuterung 1586 BlgNR 1586 25. GP, p. 12.

## Legal background

Lukas Gottschamel

There are anti-Muslim concepts to be found in the legislation. In some laws, Islam is explicitly addressed, while in others, the content seems to be neutral towards religious groups, but in its core, has anti-Islamic and anti-Muslim sentiments.

Concerning the first category, the much-discussed Islam Law of 2015 (Islamgesetz) is relevant. Various provisions have been strongly criticized. Besides the already mentioned general suspicion, there is also a ban on ongoing foreign financing, which is not stipulated in this form in the Jewish Law (Israelitengesetz), the Protestant Law (Protestantengesetz) or comparable laws.<sup>1</sup>

Regarding the second category, screening laws are more difficult. Changes in federal-state provisions that aim to prevent the construction of minarets and mosques serve as historical examples. While some of these laws have been revised, the political discourse, however, shows the underlying motive.<sup>2</sup>

The latest law of this sort is the Anti-Face-Covering Act (Anti-Gesichtsverhüllungsgesetz, AGesVG). It provides that in public spaces or buildings, facial features may not be hidden or concealed by clothes or other objects in a way that they make a face no longer recognizable. Violations are penalized with € 150. Covering is allowed – if the state or federal state legislation provides for it – as part of artistic, cultural or traditional events, at sports events and for health or work-related reasons. In Section 1 of the AGesVG, the promotion of integration by empowering participation in society and the protection of peaceful coexistence are mentioned as reasons. Consequently, the AGesVG has been influenced by the integration and security discourse.

Despite neutral formulations and explicit statements by the Federal Ministry of the Interior (Bundesministerium für Inneres, BM.I), which have said that the Austrian prohibition does not refer to any specific religious coverings,<sup>3</sup> several arguments, however, suggest that this act and its application can be regarded as a measure taken against the Muslim face covering.

Within the debate over the new law a graphic presented by the BM.I also show the Muslim face veil to be the only covering that is prohibited at all times.<sup>4</sup> It is particularly striking that exceptions for carrying face veils – as part of cultural or traditional events – are not even considered. Furthermore, in the information brochure of the BM.I there is only one image, which is placed prominently on the first page, and it shows a woman wearing a Niqab.<sup>5</sup>

While no exceptions have been considered concerning the Muslim face covering, exception clauses in other parts of the law have been broad. This is contrary to the legitimation of the act as a necessity for security and integration purposes.

Halloween, for example, has been accepted as a tradition after an initial period of hesitancy<sup>6</sup>. Costumes are therefore allowed<sup>7</sup>. Further on, concerning cycling gear, the LPD Vienna (→ Glossary) has applied a much broader interpretation of face covering<sup>8</sup> as suggested in the legislative texts of the AGesVG.<sup>9</sup>

These cases show that within the discourse and the executive's interpretation, the AGesVG is – despite the neutral formulations – understood as a law against Muslim face covering. According to the Dokustelle – Documentation Centre on Islamophobia and anti-Muslim racism, further concerns arise that the prohibition causes the people concerned to retreat into the private sphere and does not give rise to increased participation in social life as aspired by the law.



**Mag. Lukas Gottschamel** has studied law at the University of Vienna. He had been working as a university assistant at the Department of Civil Law for several years before he was employed for projects at the Parliamentary Administration. Since August 2017, he has been working at the ZARA counseling unit where he is responsible for the legal domain.



F.l.t.r.: Claudia Schäfer, Elif Öztürk, Derai Al Nuaimi, Cécilia Kappel

**Claudia Schäfer, ZARA (CS):** The new government is still in its early days. What do you think about the government programme?

**Derai Al Nuaimi (DN):** I am very curious which plans are to be implemented. When I think about the election campaign though, I am not positive at all. There are some very critical issues, like taking mobile phones or cash from refugees. Here, one has to appeal to human rights and be very clear: This just isn't okay!

**Elif Öztürk (EÖ):** I think, the fact that the term Islam appears 21 times, is striking. This reflects the sentiment and current atmosphere quite well.

**DN:** Yes, Islam is mentioned 21 times in the government programme. It feels like Islam is blamed for all the problems in Austria.

**CS:** One gets the impression that the government wants to enforce and implement special rules for Muslims. Do you share this observation?

**DN:** Some politicians and the media are building awareness that Islam is responsible for many problems. In the Islam Law 2015, it is indicated that Muslims have to observe the constitution. This is weird. In mentioning this, Muslims are automatically accused of not observing the constitution in principle. This creates general discomfort in society towards Muslims.

**EÖ:** It is about a general suspicion and an unequal treatment of Muslims. It is not mentioned in the Jewish law nor in the Protestant law that the religious communities should observe the constitution. It is only stated in the Islam law;

## A greater awareness of racism

Interview by Claudia Schäfer with Elif Öztürk and Derai Al Nuaimi

Elif Öztürk is the founder and CEO of the "Dokustelle – Documentation and Counselling Centre on Islamophobia and anti-Muslim racism." Derai Al Nuaimi is the CEO of the Austrian National Youth Council and regional CEO of the Muslim Youth Vienna. In the wake of our main topic "Anti-Muslim Racism," we talked about their work, opinions, and motivations.

it applies only to Muslims.

**CS:** Are there examples of young people being treated differently now?

**DN:** They often get the feeling of having an obligation to explain themselves. For example, in school they have great difficulties to explain why Islam isn't bad, why it isn't dangerous for Austria; the subject of ISIS is constantly present anyway. These are young people who are not able to deal with such topics in depth – neither do other pupils.

**CS:** How do young people deal with it?

**DN:** Differently, depending on their personality. Many are desperate, some cry, some don't know how to deal with this defensive position. It is in any case destructive to identity. Especially young people with immigrant background are asking themselves: Who am I? Am I an Austrian? Some teachers make it difficult for the pupils to feel like Austrians. On the downside, there are young people with a strong personality who are resisting and say: No, I don't want to talk about it.

**EÖ:** One has to imagine that these are pubescents who are experiencing this atmosphere on a daily basis and are pushed into a defensive position. It is difficult for them to do anything about it. They fear that they anyway cannot make a difference and that if they tried, their marks would be affected. We have teachers who have no idea why a 14 years old girl would decide to wear a headscarf. She can even be accused of radicalism. Imagine a teacher ac-

cusing 14 years old of radicalism over and over – and at the end, the boy gets interrogated by the Federal Office for the Protection of the Constitution for four hours. This has a devastating effect on their lives.

**CS:** *Do you have the impression that girls and young women have other burdens to carry than boys?*

**EÖ:** Boys more frequently face accusations of radicalism. As for girls, the headscarf is, of course, another issue. Unlike a few years ago, everything has worsened: If you wear a headscarf, then you face the accusation that none of your decisions are based on free will. I once sat on a podium where another person said to me: You may not say it out loud into the microphone, but in reality, you are not wearing your headscarf by choice. And he says this in my name! That is actually unacceptable. Additionally, there is the issue with job applications. At one point, some women are at a loss for words. When they send an application using a photo without a headscarf, they get invited to an interview. Imagine, you have to give up a part of your identity. That is an unbelievable pressure. On the streets, women are far more likely to suffer discrimination, and who get verbally and physically attacked. Here, we really got a complex form of multiple discrimination, which attacks the identity and the existence of women. This is not just a headscarf-issue; it is a women's issue.

**DN:** Ten years ago, when I was still in school, we had a classmate wearing a headscarf. That was not funny. Several times, she ran out of class crying. She was mobbed by teachers, even more than by pupils. Why do you have to wear this? Are you forced to? You look much better without it. Accusations and attacks like this have been increasing in recent years. And again, often men are talking for women. They accuse them of not being free, not having an opinion. This was also strongly influenced by the media and politics; for example, when the question was discussed, whether or not teachers should be able to wear headscarves in schools.

**CS:** *What keeps your motivation high?*

**EÖ:** Optimism – despite everything. Maybe we cannot solve all problems of racism, but at least we can reduce them. It is about raising awareness of the issue of racism.

**DN:** Society is not sorcery; it is as strong as its individual members. If its members are increasingly working towards a positive and inclusive society, development will follow this direction. In Austria, we have the situation that "being right-wing" has become normal. However, there are also people who are not right-wing, who stand up for pluralism and diversity and these people are active. It is the media that often disrupt this process. Media reports mostly focus on negative things. I am a little skeptical about that. Here, education on how to deal with the media should start early in order to sensitize young people.

**CS:** *It would help a lot if more people who have an immigrant background would be employed in all possible professions and interest groups, especially in official institutions. Why isn't that the case?*

**EÖ:** Many of the people with immigrant background come from working-class homes and families, particularly, as I have observed it, first-generation Turkish or Bosnian immigrants. In many cases, these were not highly educated families. Also – In Austria, education is inherited. I have been in Austria for ten years. Today, I see much more students from immigrant backgrounds. This process is needed. It is also a social issue in any case. Let's think about the problem with job applications. In staff departments, those with Muslim and Slavic names get sorted out. Therefore, positions are not diversely staffed.

**DN:** I strongly agree concerning the public area. It is hardly used by Muslims for two reasons: because they are not always treated fairly and in many Muslim families there is an inner voice saying: Safe-side, rather choose the safe option, do a job in the private sector. Why? Because parents made the experience that you can lose everything. In the economic sector and at universities Muslims are strongly represented. One reason why I am involved with the Muslim Youth is that we want to empower young Muslims. It starts with the Austrian Islamic identity: Only if you consider yourself an Austrian, you will be able to work in the public sector. We strongly encourage young people and ask: "Do you want to be chancellor?", "Go into politics then, join a party."

**CS:** *Elif, how do you see the representation of women?*

**EÖ:** Gender makes a big difference. I know many Muslim men who, for example, work in a bank. For women with headscarves, this is much more difficult. Men have the possibility to hide their religion somehow. You can't hide a headscarf, however. Theoretically, young people can do anything, but in reality, things are different. For example, it is very difficult when a young woman with a headscarf wants to become an actress. It would be very important, though. Let's take a female teacher with a headscarf as another example. Young Muslim people could learn from this, saying: I can achieve that too. Furthermore, the non-Muslim pupils would capture society in its whole. Such a domino-effect could accomplish this in ten years so that we see a totally different picture. As a result, it will be less important what the media says.

**CS:** *Do you know a good punchline to strike back when you get insulted?*

**EÖ:** I know a man who reacted pretty cool. He was verbally attacked for his ethnicity. He just smiled and said: "I love you too!" The attacker was weirded out and didn't know how to deal with it.

**DN:** In cases like that, I am extremely sarcastic. I am frequently asked about my opinion on IS. I simply respond like that: "Very cool, isn't it?" The person then starts to think about it: "No, actually not." So, I keep asking: "Really, why? Just because they are killing other people for no reason?" When this process of contemplation has started, then, I have already won and have done my part.

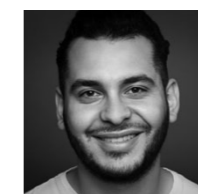
**CS:** *Thank you for the conversation.*

The interview was conducted by Claudia Schäfer, Managing director and head of public relations for ZARA, supported by Cäcilia Kappel.

*Cäcilia Kappel is studying Social and Cultural Anthropology at the University of Vienna. She has been volunteering for ZARA since fall 2015. Besides her contribution to various publications, like the ZARA-newsletter, she was largely involved in the development of the online platform "CounterACT! – Aktiv gegen Hass und Hetze im Netz" (CounterACT! – active against hate and incitement to hatred online- Trans.) and has continuously been adding content.*

*Elif Öztürk, BA, is a cultural and social anthropologist and the founder as well as the CEO of the NGO "Dokustelle – Documentation and Counseling Centre on Islamophobia and anti-Muslim racism" which publishes the "Anti-Muslim Racism Report" annually.*

*Derai Al Nuaimi Derai Al Nuaimi is the CEO of the Austrian National Youth Council and regional CEO of the Muslim Youth Vienna. He is studying Management & Entrepreneurship at the University of Applied Sciences for Management & Communication in Vienna.*



## Sexism and Racism: Two interconnected concepts

Dudu Kücükgöl

It is striking, how often anti-Muslim attacks are aimed at women who are obviously Muslim. Attacks on and discriminations of women with headscarves are not only anti-Muslim and racist resentments but also an expression of sexism. From that point of view, discussions on headscarves and similar garment-politics prove to be manifestations of sexist and racist exclusionary mechanisms. An analysis by Dudu Kücükgöl.

<sup>1</sup><https://derstandard.at/2000044661181/Studie-Schlechtere-Jobchancen-mit-Kopftuch>.

<sup>2</sup><https://diepresse.com/home/panorama/oesterreich/5190772/Islamfeindlichkeit-Frauen-besonders-betroffen>.

<sup>3</sup><http://www.spiegel.de/kultur/gesellschaft/focus-und-sueddeutsche-zeitung-eine-entschuldigung-eine-rechtfer-tigung-fuer-titel-a-1071334.html>.

<sup>4</sup><https://derstandard.at/2000035701837/Sexuelle-Uebergriffe-in-Koeln-Presserat-ruegt-Falter-Cover>.

Intersectionality – this term was coined by African-American lawyer and feminist Kimberle Crenshaw in the 1970s. Today, the term is essential in debates on racism and discrimination. Crenshaw suggests that social injustices in our society – like racism and sexism – do not only function in individual cases but are also complex and overlapping. She analyzed the case of an African-American woman who had sued a car manufacturer for being racist and sexist. Crenshaw believed, she had not been employed because she was a black woman. The judge rejected the claim on the ground that the company would employ both, women and blacks, which was true. He, however, had overlooked the fact that black men were only working in the production department while desk jobs were exclusively reserved for white women. By doing this, he had mistaken the double discrimination that she experienced for being a black woman. Her experience could not only be explained by one form of discrimination.

Similarly, the phenomenon of anti-Muslim racism can only be explained by recognizing the interaction of various forms of discrimination. The Linz based economist Doris Weichselbaumer conducted a study in which she sent the same CV of a woman using different names and photos: one photo with a typical German name, the same photo with a Turkish name and another photo of the same woman with a Turkish name and a headscarf. The result was undeniable: Despite the applications being identical, the Turkish name had worsened the chances for a job-opportunity while the headscarf had moved it even closer to zero<sup>1</sup>. The difference between version two and three explicitly illustrates the discrimination's religious dimension, which exceeds racist discrimination alone.

The picture of sexist discrimination gets even clearer by reading reported cases of Islamophobia: As the "Documentation Centre for Muslims" reported for the year 2016, 98% of the documented cases of Islamophobia in Austria affect visibly-identifiable Muslim women<sup>2</sup>. Islamophobia alone does not explain why women are the main victims of Islamophobic attacks. Their experiences can only be explained in terms of the affiliation to both groups. "Common" verbal attacks frequently reported by Muslim women – like "headscarf-bitch" or "ISIS bitch" – illustrate a fair amount of misogyny.

Racist stereotypes are not gender-neutral but gendered at all times: Representations in politics and in the media, characterize Muslim men as a misogynist group ready to engage in violence, while Muslim women are depicted as oppressed victims or obedient accomplices. The gender component also loomed large around the 2015 Cologne New Year's Eve debate, involving sexually omnipotent men apparently not able to respect women's physical boundaries due to their religion and/or culture. This was also seen by the images that were printed alongside reports by various media outlets that depicted black hands on white female bodies<sup>3</sup> – or as the front page of "Falter" <sup>4</sup> – which were sexualized along racist constructs: All of the offenders were black men, and all of the victims were white women.

What sort of gender image is portrayed, when following extremist attacks in Europe, Muslim women increasingly report instances of abuse? At the same time, no female assassins are known for having committed these kinds of attacks at this point in time. Why was there a ban on burqinis (Muslim swimsuit for women) at the beach after the attack during a national holiday in Nice, which was committed by a man? What does that tell us about power structures in our society, when demonstrations of power are staged in the form of abuse, but also laws, on the bodies of women?

Racism, as well as sexism, serves as a means for creating a hierarchy of differences and for legitimizing power relations. The Anti-Face-Covering Act in Austria ( "Legal background" p.XX), which has been in force since October 2017, is nothing but a sexist and racist demonstration of power – this also applies to all bans of headscarves including those applied to the workplace. The discussions accompanying such bans intensify attacks on Muslim women on the streets while at the same time the legal re-

strictions give rise to structural and continued stigmatization and discrimination. As a result, Muslim women are deprived of physical self-determination and economic independence. In a society characterized by anti-Muslim racism and sexism, Muslim women are placed at the margins of society and excluded from any kind of shaping processes. On top of that, the rhetoric of "women's liberation" is used, which in actuality eliminates women's possibilities for self-determination.



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### Intersectionality

The term describes the interconnected nature of various forms and dimensions of structural inequality and difference, which exceeds the mere addition of individual forms of discrimination.

# Online Hate Speech

## Counselling Unit #GegenHassimNetz

Barbara Unterlerchner

Since September 2017, ZARA has been operating the new counselling unit against online. Since then, psychosocially and legally trained counsellors have documented and advised in around 600 cases. Online hate speech and incitement to violence has been mainly directed against Muslims and refugees.

<sup>1</sup> ZARA Racism Report 2016, Table, 22.

<sup>2</sup> see et. Al.: Falter.at, 24/16, <https://www.falter.at/archiv/wp/uns-reicht/17.01.2018>.

<sup>3</sup> <http://www.nohate-speechmovement.org/hate-speech-watch> [17.01.2018].

<sup>4</sup> <https://www.nohatespeech.at/> [17.01.2018].

<sup>5</sup> <https://futurezone.at/netzpolitik/regierung-startet-initiative-gegen-hass-im-netz/208.040.832> [18.01.2018].

<sup>6</sup> <https://www.zara.or.at/index.php/archiv/10363#more-10363> [18.01.2018].

<sup>7</sup> There is no legal definition of online hate speech, but there is a broad consent when it comes to the political components of the phenomenon in connection with „bias“ and societal power relations. cf. E.g. <http://www.bpb.de/252396/was-ist-hate-speech> [19.01.2018], or <http://unesdoc.unesco.org/imaget/0023/002332/233231e.pdf>, p. 11 [20.01.2018].

Online hate is a serious problem within digital communications. While ZARA has documented and shown a steady increase in hate postings with racist content since 2010<sup>1</sup>, the phenomenon only became the focus public attention in 2016. More and more of those affected spoke out, including women in the public eye, who were regularly targeted by murder threats and sexualized violence from "haters"<sup>2</sup>.

At a European level, different initiatives have been launched since 2013, such as the No Hate Speech Movement of the Council of Europe<sup>3</sup>, which represents a platform for initiatives and actions by partners in now 40 member states. In Austria, the national No Hate Speech Committee<sup>4</sup> was founded in June 2016. ZARA was represented there from the very beginning, alongside numerous ministries and organizations. Shortly after, the then Federal Government announced its plans to launch an "initiative against violence on the Internet" under the leadership of Muna Duzdar, secretary of state for digitization. In addition to the projects aimed at strengthening contradictions and instructions on how to deal with hate on the internet, the necessity for creating an "appropriate contact point" for those affected by online hate was expressed for the first time<sup>5</sup>. This project was put in concrete terms in spring 2017. The Federal Chancellery put the foundation of an online counselling unit against hate out to tender in a three-stage public procurement procedure; experienced NGOs and organizations were to apply. In the end, ZARA succeeded in its bid, due to its many years of expertise in online hate. ZARA was commissioned to set up such a contact point, for those affected by and those who have witnessed online hate

and smear campaigns, by September 15, 2017.

After an intensive start-up phase during the summer months, ZARA's counselling unit began operating in September<sup>6</sup>. Since then, five psychosocially trained lawyers have advised those affected by hate and incitement to hatred, as well as users who want to counter it. Counselling consists of strategies for effective replies, and informing whether legal steps against perpetrators or website operators are possible. Other interventions such as the removal of hate messages from social media platforms or various websites are also being supported.

One thing which is new when it comes to the consultation service is the extended area of responsibilities, which results from the usual definition of hate on the internet. According to the widely used definition, hate speech on the internet is when online content is derogatory or discriminatory against a person or group based on certain characteristics. These can be, for example, racist, sexist, homophobic or transphobic hate messages<sup>7</sup>. But also those affected by cyberbullying are to receive rapid and low-threshold support. Another innovation includes additional channels of communication through which those affected can contact the counselling unit – for example with a specially created online registration form or via chat<sup>8</sup>.

A positive impact was felt after the first few months after the inauguration of the counselling unit against online hate. The number of reports is constantly high; by mid-February 2018, the counsellors documented around 600 cases of hatred on the internet. In many cases, the contents violated criminal law and were reported. In 40% of the cases, counsellors reported content which constituted a criminal offence of incitement to hatred (→ Glossary) to the NS Reporting Office (→ Glossary). The Prohibition Act of 1947 was violated in 14% of the cases. In 16% of the documented cases, people were insulted online

and received advice and assistance with reporting. Often the service operators were made to remove the hate postings. These operators, such as Facebook, YouTube, or Twitter, play a leading role in the fight against hatred on the internet, which is why ZARA has always demanded more effective monitoring of hosted content.

In this context, ZARA participated in the third monitoring exercise of the European Commission to check compliance with the Code of Conduct on Countering Illegal Hate Speech Online, regarding the handling of illegal hate speech, to which IT companies have voluntarily committed themselves. In total, the consultants reviewed and reported 105 posts with illegal content within a period of six weeks<sup>9</sup>, which were evaluated in a pan-European comparison<sup>10</sup>.

There is a clear trend in the content of hate postings. Muslims and refugees are mostly af-



ected by online incitement to hatred along with persons who experience hate based on their ethnicity. Online research has shown that these groups have become enemy stereotypes who are not only the subject of socio-political discussions, but are also the target of incitement, which is often against criminal law. This can not only be found in closed groups on social media, but also on public pages of various media outlets, blogs or on pages of political officials and extends far through all social groups.

Thanks to attentive users and the intense work of the counselling unit, quite a number of illegal entries were removed. It is hoped that the work of the counselling unit against hate on the internet and the constant efforts to strengthen cooperation with the IT companies as well as with the law enforcement authorities will succeed in curbing hate and agitation in the long run.

*Mag. <sup>a</sup> Barbara Unterlerchner, MA has taken over the management of the counselling unit at ZARA in August 2017. She has studied law, European studies and criminology. Her professional focus lies primarily in supporting and advising crime victims, in foreign and asylum law as well as working as a trainer. Before joining ZARA, she headed the Victim Rights and Victim Assistance Department at "Weisser Ring" – a support organization for victims.*

<sup>8</sup> <https://beratungsstelle.counteract.or.at/> [19.1.2018].

<sup>9</sup> <https://www.zara.or.at/index.php/archiv/10631> [20.1.2018].

<sup>10</sup> [http://europa.eu/rapid/press-release\\_IP-18-261\\_en.htm](http://europa.eu/rapid/press-release_IP-18-261_en.htm) [20.1.2018].

### Network Against Cyber Hate

In the context of establishing the counselling unit #AgainstOnline-Hate, a network was formed in order to promote better support for those affected and to strengthen cooperation through regular meetings. The network consists of NGOs from different areas, who provide support and counselling for groups affected by Cyber Hate. Organizations concerned with children and women's rights, as well as associations, which represent the rights of minority groups, participated in this process. Staff members of the Ombuds Office for Equal Treatment are also part of the network.

## The many faces of online hate speech

Andreas Schadauer

Online hate and incitement to hatred occur in different manifestations and intensities. What they do have in common, however, is the aim of collectively devaluing and degrading certain population groups. Due to their cumulative, constant repetition and presence, their broad and negative effects represent a problem for society as a whole which should not be underestimated. The project Research – Report – Remove dealt with the topic for two years and offers some relevant insights.

<sup>1</sup>All examples were drawn from the report „Manifestations of Online Hate Speech.“

<sup>2</sup>In our case, anti-Semitism, homophobia, anti-Muslim racism and antiziganism. See for group-focused enmity the thorough summary on the website of the Amadeu Antonio Foundation: <http://www.amadeu-antonio-stiftung.de/die-stiftung-aktiv/themen/gegen-gms/definitiongms/> [January 2018]

<sup>3</sup>An accurate depiction can be found in the report "Manifestations of Online Hate Speech."

<sup>4</sup>Wulf D. Hund's description of this is, in my opinion, appropriate and fitting as „negative socialization.“ Hund, Wulf D. 2012. *Negative Socialization – Racism and the Constitution of Race. In Wages of Whiteness & Racist Symbolic Capital*, eds. Hund, Wulf D., Krikler, Jeremy, and Roediger, David R. p.57-96. LIT Verlag Münster.

In 2016, a Dutch right-wing party spread crude anti-Semitic messages via Twitter. It blamed Jews for the Second World War and for current problems in the Netherlands. A video of a Spanish neo-Nazi band in which homosexuality is equated with mental illness has been available on YouTube since 2011. On Facebook there are many groups thematically connected to the subject in which users call for the deportation, gassing and shooting of Muslims and refugees. A French politician cynically comments on the death of a Romnja infant on Twitter in early 2015, saying that begging is risky. In 2016, a user comments on a report about Roma and Sinti on the Facebook page of the city of Wels, saying that there was still space in the furnaces of the waste processing company "Welser Abfallverwertung (WAV)".<sup>1</sup>

These examples illustrate some of the possible manifestations of hatred and online hate speech. The range of hate postings published on the internet extends from direct calls for violence, insults and degradation of population groups to more subtle forms such as the spread of lies and false reports, e.g. about attacks by refugees. They resort to group-focused enmity<sup>2</sup> and draw on existing prejudices, stereotypes and certain argumentative patterns. One goal of the project "Research – Report – Remove" (see info box) was to use concrete examples to identify these patterns and make them accessible to interested parties. Some central forms are briefly summarized here.

Conspiracy theories, Holocaust denial and a "hidden anti-Semitism", e.g. disguised as anti-Zionism, play a particularly important role in anti-Semitic hate postings. Roma and Sinti-baiting reproduce and reinforce mostly historically prejudiced ideas about purity/impurity, criminality

and outdated fantasies about "super-" and "sub-humans". Homophobic insults and stereotypes are still widespread and common in everyday language. Strengthening the rights of LGBTIQ (lesbian, gay, bi, trans, inter, queer) groups of people repeatedly triggers violent counter-reactions on the internet. There has been a strong increase in online hatred and agitation against Muslims in recent years, combined with a markedly negative stereotyping – e.g. as "underdeveloped" and "rapists" – and this has been accompanied by a wave of false reports.<sup>3</sup>

As different as these online messages may be in appearance, what they all have in common is the goal of constituting selected population groups as homogeneous units and devaluing them as a whole. Create subordinate others over a superior we in order to legitimize the denial of equal and comprehensive participation in society.<sup>4</sup>

This goal goes beyond the effect and possibly also beyond the intention of individual hate postings. In sum, however, in their common and coordinated appearance they are a threat to society as a whole that organizations such as the International Network Against Cyber Hate (INACH) or ZARA warn against.

By resorting to already widespread derogatory terms, insults and negative formulations, by reactivating historically prejudiced terms, e.g. "Umvolkung" (TN: "ethnicity inversion" – a term in Nazi ideology used to describe a process of assimilation of members of the German people so that they would forget about their language and their origin), or by attempting to establish new terms<sup>5</sup>, online hate and incitement to hatred lead to a constant repetition and presence of negative representations and images of selected population groups throughout all kinds of media outlets.

And this highly repetitive, widespread use of derogatory terms, stereotypes and historically prejudiced expressions and images can entail consequences in terms of realpolitik. After how many repetitions of derogative group names and of statements that certain groups of people are

by nature invariably bad, do these images sink so deep into our minds, our everyday language and our way to think that any measure and policy directed against these groups is largely considered legitimate, no matter how discriminatory, extreme and inhuman it is?<sup>6</sup>

This kind of online hate and incitement to



hatred has not only increased in number and intensity in recent years, but has also reached areas of society that had so far remained untouched by hate speech. This situation continues to pose a major challenge for organizations, politicians and civil society who are committed to preserving respectful online treatment and beyond.

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<sup>5</sup>Like that the connection of the terms ,rape' and ,refugee' have established themselves in right-wing English speaking circles as a designation for refugees and Muslims.

<sup>6</sup>The way how a resistant, nationwide reproduction of stereotypes, prejudices and normative terms is practiced, through the language of politics, was recently described by Victor Klemperer. His depictions are recent, analytical and full of touching anecdotes about own experiences. Klemperer, Victor. 2015. (orig. 1947). *LTI: Notizbuch des Philologen*. Editing by Elke Fröhlich. Stuttgart: Reclam, Philipp, jun. GmbH, Verlag.

### The Project Research – Report – Remove: Countering Cyber Hate Phenomena (2016-2017)

The EU project Research – Report – Remove (RRR), developed by the International Network against Cyber Hate (INACH), is based on three pillars: the deepening of knowledge, facilitation of reporting and support for combatting online hate and incitement to hatred.

The knowledge of the social phenomenon of online hate and incitement to hatred is mostly limited to national experiences. The RRR project, on the other hand, focuses on a comparative country-by-country approach. The project is based on the work of several partner organizations from six different countries. This provides an overview of the origins, causes, current trends and EU-wide developments when it comes to online hate speech and incitement to hatred. In addition, ongoing monitoring and intensive analysis of selected hate postings contribute to identifying new developments at an early stage.

In order to support the users, a central Reporting Office is to be established. Such a reporting office should function as an international hub where posts filled with hatred can be reported, no matter in which online medium and country they were published. The reported posts should be forwarded to

the responsible institutions, which examine their relevance in respect to criminal law and ensure their removal. This hub is supposed to be accessible via the INACH website and via an app for mobile devices which was specifically developed for this purpose. This should not only facilitate reporting, but also clarify the question of jurisdiction.

At the same time, standards for Cyber Hate documentation and analysis will be developed and established, and recommendations for the eradication practices of Internet Service Providers (ISPs) and social media will be formulated. Reports, analyzes, offers and services of the project are available on the INACH website: [www.inach.net](http://www.inach.net)

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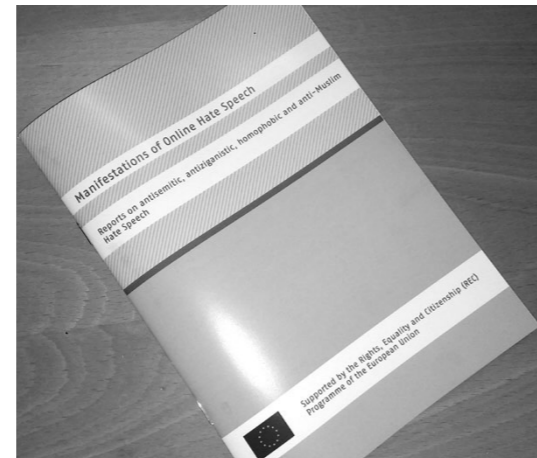


European Union,  
Directorate-General for Justice and Consumers

## Recommendations for dealing with hate on the internet

Maren Hamelmann

At the political level, a clear definition of "hate speech" and "hate crime" as well as transnational cooperation is important. This is one of the recommendations by experts who participated in the annual conference of the International Network Against Cyber Hate (INACH) in Vienna in October 2017. The conference was organized by ZARA – Zivilcourage und Anti-Rassismus-Arbeit in Österreich (Civil Courage and Anti-Racism Work in Austria) as a member of INACH.



Within four workshops, international experts from politics, journalism, civil society, and the internet industry discussed the role of different social fields in the fight against online hatred. The results of the discussions were used to draft concrete recommendations for dealing with online hate comments. For example, journalists are recommended to ensure that their online content complies with ethical standards in order to prevent the spread of hate speech. More weight should be given to encouraging media competence in cooperation with civil society stakeholders in early childhood. Social networks should further improve their reporting and feedback procedures for hate comments and support counter speech on their platforms.

Furthermore, the results of the two-year EU project "Research – Report – Remove: Countering Cyber Hate Phenomena" were presented. The report "Manifestations of Online Hate Speech" offers a transnational analysis of the hate phenomena, characterized by online anti-Semitism, antigayism, homophobia, and hatred against Muslims.

It is striking that hate on the internet has not only increased in intensity, but is increasingly reaching the middle of society. INACH developed an international case database in order to improve the analysis of transnational hate phenomena and to amalgamate the work results of all INACH members in the future. A complaint form is linked to the database, via which users can report cases directly to INACH.

The recommendations and the report "Manifestations of Online Hate Speech" can be found at [www.inach.net](http://www.inach.net). The abridged version of the report can be ordered free of charge upon request at the following e-mail address: [office@zara.or.at](mailto:office@zara.or.at).



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## Illegal online hate speech is being increasingly removed

The removal practices of illegal online hate speech in large IT companies have developed quite positively in Austria. While the results of the first monitoring initiated by the EU Commission in autumn 2016 were rather underwhelming, the results of the two monitorings in 2017 were significantly better.

Twelve organizations from nine EU member states, including ZARA – Zivilcourage und Anti-Rassismus-Arbeit (Civil Courage and Anti-Racism Work) in Austria, attended the first monitoring from 10 October to 20 November 2016. An average removal rate of 28% was determined. In Austria, the result was far lower: Only 11.4% of the reported illegal content was removed by the companies.

A few months earlier, the EU Commission had agreed upon a Code of Conduct on Countering Illegal Hate Speech Online<sup>1</sup> with the IT companies Facebook, Microsoft, Twitter and YouTube. In this code, the companies have committed themselves, among other things, to review notifications in less than 24 hours and remove or disable access to such content.

In the second monitoring, 34 organizations from 24 countries reviewed the companies' deletion practices between 20 March and 5 May 2017 and the results were much better: the average removal rate for all countries involved rose to 59.1%. In Austria, the removal rate of 76.1% was even higher and was thus significantly better than in the first run.

A similarly good result could be achieved in the third monitoring, carried out from 6 November to 15 December, 2017. A total of 33 civil society organizations and two public authorities in 27 EU member states participated in the monitoring, which is explained in more detail below.

### Third monitoring: 105 entries with illegal hate content

During the period examined, ZARA sent a total of 105 notifications relating to illegal hate speech to the three social media platforms Facebook, YouTube and Twitter, 69 of them to Facebook, 18 to YouTube and 18 to Twitter. ZARA reported entries which call for violence, use racist expressions or fall within the scope of re-engagement in National Socialist activities. Entries that constitute a criminal offence according to Art. 283 of the Criminal Code (CC) on hate and incitement to hatred<sup>2</sup> and/or according to the Prohibition Act of 1947<sup>3</sup>, were regarded as illegal.

<sup>1</sup> The Code of Conduct can be downloaded here: [http://ec.europa.eu/justice/fundamental-rights/files/hate\\_speech\\_code\\_of\\_conduct\\_en.pdf](http://ec.europa.eu/justice/fundamental-rights/files/hate_speech_code_of_conduct_en.pdf) [19.12.2017]

<sup>2</sup> <https://www.ris.bka.gv.at/Dokumente/Bundesnormen/NOR40177271/NOR40177271.pdf> [20.12.2017].

<sup>3</sup> <https://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10000207/Verbotsgesetz%201947%2c%20Fassung%20vom%2020.12.2017.pdf> [20.12.2017]

Plattform	Hate Content	Deleted	Removal Rate
Facebook	59	69	86 %
Twitter	18	0	0 %
YouTube	18	18	100 %
<b>Gesamt</b>	<b>105</b>	<b>77</b>	<b>73,3 %</b>

Overview of the messages.

Reported entries focused on the various forms of racist hate speech. 43 of the reported entries contained statements that were inciting violence against Muslims. In 36 entries, the posters called for hatred or violence against refugees and migrants, eleven contained generally racist statements, nine anti-Semitic messages and six further postings were directed against persons based on their national or ethnic origin. In eleven cases, National Socialist ideas were spread or National Socialism was glorified – so this fell under the Prohibition Law. 94 cases constituted a criminal offence of incitement according to Art. 283 CC.

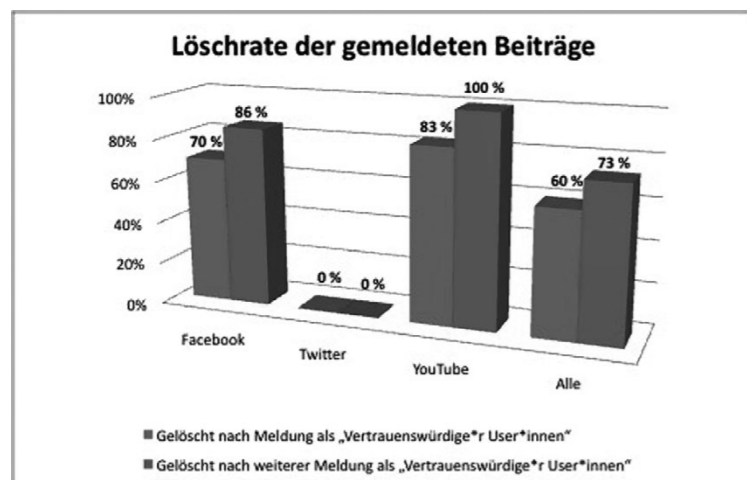
**Removal rate of 73.3%**

ZARA submitted a total of 105 notifications relating to hate speech deemed illegal to the three social media platforms Facebook, YouTube and Twitter. Of these, 63 were first reported using the reporting options available to all users. On Facebook and YouTube, 26 of the entries that had not been removed within the agreed period of time were reported a second time, this time by "trusted flaggers/reporters". Overall, this two-stage procedure resulted in a removal rate of 73.3%. The average removal rate for all countries involved was 70%.

The repeated report as "trusted flagger/ reporter" has led to a significant increase in the rate of removals – especially on YouTube, which achieved a removal rate of 100%. Facebook reacted to 70% of reports from "normal users"; after reporting the posts that had been kept online for a second time, the company deleted a total of 86%.

The extension of "trusted flaggers/ reporters" programs has proven to be successful: Facebook

and YouTube deleted significantly more entries when illegal content was reported a second time via dedicated channels only accessible to trusted flaggers/reporters. The result for Twitter, where ZARA does not have a special status yet, was correspondingly poor. The last removal rate was at 0%.



Removal rate of all cases reported by ZARA in percentage. All cases that were no longer accessible from Austria during the observation period were counted as deleted. On Twitter, no cases were reported as "trusted flagger/reporter".

**Aggravating factor (Erschwerungsgrund)**

When considering the extent of the punishment in court cases, judges have to decide whether to take so-called aggravating or extenuating factors into account. This would, for example, include a racist motive when committing a criminal offence. If this is the case, the punishment has to be higher than if such a motive were not present (Section 33, Austrian Penal Code).

**Alleviation of the burden of proof / reversal of the burden of proof**

As in all proceedings, the question is ultimately one of evidence and the credibility of the person whom the court or authority considers to be in the right. There is often an unequal balance of power in an employment relationship and even more so when it comes to cases of discrimination. The employee is often in a weaker position, especially in relation to their economic strength and also their "proximity to the evidence" This fact is taken into account in the world of the employment law, as well as within the framework of the Equal Treatment Law. According to European provisions, the burden of proof should be shifted to the accused, who must plausibly free themselves from the accusations levelled against them using all admissible evidence. This latter provision has, in Austria, not ultimately been successfully implemented, which leads to a slightly more complicated and less practical construction. This means that proceedings can only be initiated when the accuser can plausibly show that a case of discrimination has taken place. The proceedings are considered to be at an end when the accused 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, determined the differential treatment". Credibility is easier to achieve than proof.

**Appeal against the decision (Beschreibeswerde)**

This term concerns the legal recourse the affected person has against an administrative authority's decision, based on the unlawfulness of said decision. This is to be submitted to the relevant administrative authority.

**Austrian Press Council (Österreichischer Presserat)**

The press council is a self-regulatory body of the Austrian print media. It is, among other things, responsible for drawing attention to grievances in the press and to counteract. It publishes the code of honor for the Austrian press, which the Austrian print media can adhere to. Breaches can be reported to the press council. The council can then initiate an investigation in which the senate determines if the relevant publication corresponds to the guidelines laid down by the code of honor.

**Bullying (Mobbing)**

The term bullying is defined as ongoing harassment of a person over a longer period. Victims of bullying are typically a target of low-threshold aggression, attempts to marginalize, contemptuous comments, insults, false accusations, threats through to physical violence.

**City of Vienna Office for Combating Discrimination (Stelle zur Bekämpfung von Diskriminierungen der Stadt Wien)**

The anti-discrimination office of the City of Vienna advises victims of discrimination according to the Vienna anti-discrimination law and can, on request, initiate arbitration procedures. If an amicable agreement cannot be reached within the arbitration proceedings, the victim can then assert the claim in court. A precondition to this is a confirmation that the claimant has recourse to arbitration proceedings.

**Civil Law (Zivilrecht)**

Besides Administrative Law (e.g. EGVG) and Criminal Law (e.g. incitement to hatred), Civil Law (e.g. compensation) is an important legal field. Civil Law frequently provides protection if criminal offences are not yet met. It can easily occur that an insulting statement is enforceable according to civil law but is unproblematic according to criminal law. In filing a civil lawsuit, one bears the cost risk if the case is lost.

**Code of conduct regulations (Richtlinien-Verordnung)**

The code of conduct regulations contain a catalogue of regulations which police officers have to follow when carrying out their duties. These

regulations oblige officers to carry out their duties in a manner free of discrimination, to disclose their official ID number and to address people using the polite form of address “Sie”. (See also: “Know your rights” in the chapter “Police”)

#### **Complaint pertaining to the code of conduct for law enforcement officers (Richtlinienbeschwerde)**

This complaint procedure is one method to review the behavior of police officers by the responsible regional administrative court. The criteria for the review are the guidelines laid down in the code of conduct regulations (See also: “Know your rights” in the chapter “Police”).

#### **Contributory or indirect discrimination (Mittelbare bzw. indirekte Diskriminierung)**

See direct discrimination

#### **Council Neighbor Service (Wohnpartner)**

“Wohnpartner” (<http://www.wohnpartner-wien.at>) are service centers of the City of Vienna. They use projects and programs to encourage the co-existence and understanding for each other in municipal residential buildings and to develop dialogue. They assist tenants in Vienna social housing complexes in conflicts with their neighbors and try to help the conflict parties to recognize the problem together and to find a solution. The service can be used free of charge by every inhabitant of public housing run by the city of Vienna.

#### **Criminal threat (Gefährliche Drohung)**

According to Section 107 of the Austrian Penal Code, a person who threatens another in order to cause them fear and unease is to be punished with a jail sentence of up to one year.

#### **Cyber hate**

The term “cyber hate” describes the distribution of insulting, discriminatory, inflammatory and threatening content on the internet. Social media is most commonly used for this purpose, along with emails and on websites.

#### **Cyber-bullying – continued harassment through telecommunications or computer systems (Cyber-Mobbing – Fortgesetzte Belästigung im Wege einer Telekommunikation)**

The criminal law amendment of 2016 introduced a new law against “continued harassment through telecommunications or computer systems” – or “cyber bullying”. It is thus punishable if a person is harmed in honor or if facts or im-

ages with highly personal content are shown and are accessible for a higher number of persons. Further, this behavior must continue over a longer period of time and must be capable of impairing the lifestyle of the person concerned unacceptably.

#### **Defamation (Üble Nachrede)**

According to Section 111 of the Austrian Penal Code, defamation is a criminal offence, therefore, under certain circumstances, libels and untrue assertions are punishable. These offences are subject to private prosecution. This means, that the offence is only prosecuted if the injured party files a complaint privately.

#### **Department for Special Investigations (Referat Besondere Ermittlungen)**

The Special Investigations Office is a part of the office for quality assurance in the Vienna state police headquarters (LPD). This office is responsible for preliminary investigations against LPD servants who are suspected of having committed a criminal offence.

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

The district administrative authority is the district authority, or the municipality (in towns and cities with their own statutes, in Vienna the individual municipal district authorities take on this role). Some of the district administrative authority’s duties are also carried out by regional police directorates where the case falls within their jurisdiction. The district administrative authority generally has the primary responsibility for disciplining those accused of abuse of power.

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

Diversion is the option of avoiding carrying out a formal criminal trial in court. After carrying out diversion proceedings, which may only be carried out with the agreement of the person suspected of wrongdoing, the criminal trial is irrevocably suspended and those affected have no criminal records. Diversion includes out-of-court offense resolution (Außergerichtlicher Tatausgleich: ATA), the provision of a trial period, doing community work, or the payment of a certain amount of money by the person suspected of wrongdoing. ATA is carried out by the association ‘Neustart’ – its social workers use ATA to enable resolution between victim and wrongdoer via mediation. This can include

payments of damages and a written agreement (between wrongdoer and victim) about future conduct. The person who suffered injury must also agree to the ATA. Other regulations apply to the area of juvenile justice when it comes to details.

#### **Documentation Centre of Austrian Resistance (Dokumentationsarchiv des österreichischen Widerstandes – DÖW)**

The Documentation Centre of Austrian Resistance (<http://www.doew.at>) is a foundation supported by the Republic of Austria, the City of Vienna and the association “Verein Dokumentationsarchiv”. It is a scholarly institution engaged with subjects including resistance during the Nazi period, National Socialist crimes, the Holocaust, restitution, and right-wing extremism since 1945. The DÖW staff collects current cases of far-right attacks, evaluates them and, via various media and their own publications, provides information about the development of the right-wing extremist scene in Austria.

#### **Dokustelle – Documentation and Counselling Centre on Islamophobia and anti-Muslim racism (Dokustelle Islamfeindlichkeit & antimuslimischer Rassismus)**

The documentation center ([www.dokustelle.at](http://www.dokustelle.at)) is run by a voluntary staff and documents cases of Islamophobia and anti-Muslim racism as well as it advises and supports those affected. In addition, there is a focus on educational work and empowerment, through the conduction of workshops and seminars.

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

The Equal Treatment Commission is composed of three senates whose members (working in a voluntary capacity) represent ministries and social partner organizations. The senates of the Equal Treatment Commission have to deal with all questions related to discrimination within their area of competence. In particular, they are responsible for drafting expert reports on general questions relating to discrimination, and they have to assess potential violations of the provisions of the Equal Treatment Laws. This may, in specific cases, be done on the request of the affected people, lobbying groups or the Ombuds Office for Equal Treatment. Both the Ombuds Office for Equal Treatment and the victim are party to these procedures, which are free of charge. Victims can also choose to be represented by a trusted person, for example

representatives of non-governmental organizations like ZARA. The result of such proceedings before the Equal Treatment Commission is an expert opinion paper which, in contrast to the judgment of a court, is not legally binding.

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

The Austrian Equal Treatment Law is designed to ensure that people are treated equally in the working world, irrespective of gender, age, sexual orientation, ethnicity, religion, or world-view. Outside the world of work, it protects against discrimination on the basis of ethnic background or gender when, for example, gaining access to good and services.

#### **Ethnic profiling (Ethnic Profiling)**

Ethnic profiling or racist profiling is when the police use special features such as skin color, language, assumed or actual ethnicity, religion or citizenship as factors in weighing the decision of whether, or in which way, an official act is to be carried out. This includes the police carrying out a targeted “stop and question” operation against someone with a dark skin color without any proofs of suspicion being at hand.

#### **Forum against Anti-Semitism (Forum gegen Antisemitismus)**

The forum against anti-Semitism (<http://www.fga-wien.at>) is an association based in Vienna which documents anti-Semitic attacks, offers support to victims of anti-Semitic attacks and provides information about anti-Semitism in Austria.

#### **General terms and conditions (AGBs)**

General terms and conditions represent a variety of contract conditions and terms of use which companies can make with individual persons (users) as a pre-condition to completing a contract. As a rule, consent to the GTC is a prerequisite for the conclusion of a contract.

#### **Harassment (Belästigung)**

Harassment is a form of discrimination under the Equal Treatment Law in which a person’s dignity is or will be harmed in dignity on the basis of one or more specific characteristics attributed to him or her (such as skin color, religion, sex or sexual orientation) or attributed to him or her by others and which creates or which is intended to create a burdensome (e.g. intimidating, hostile or humiliating) environment for the affected person.

**Hate speech**

Hate speech describes statements that incite or inflame hatred or are offending to certain groups. Such language can be prosecutable, depending on the actual content and the legal situation of the country in question.

**Incitement to hatred (Verhetzung)**

The 2015 amendment to the criminal law, which came into power on January 1, 2016, re-formulated the criminal offence of incitement (Section 283 of the Austrian Criminal Code) in order to correspond to international obligations and to compensate existing deficits, e.g. concerning the protection of people currently affected by incitement to hatred. Criminal incitement to hatred is addressed to certain groups of persons or a member of such a group and involves incitement to hatred and also to violence. In relation to racist incidents, this law includes people or groups of people to be victims as defined by, among other things, the presence or absence of “race”, skin color, language, religion, citizenship, origin, nationality or ethnicity. Additionally, the law now considers offences, such as dissemination of inflammatory material or denial of genocide, to be criminal. The law also provides for higher penalties for, e.g., offences on the internet. (See also: “Know your rights” in chapter “Internet”)

**Indirect or direct discrimination (Unmittelbare bzw. direkte Diskriminierung)**

According to the Equal Treatment Law, immediate or direct discrimination shall be taken to occur where a person is treated less favorably than another person in a comparable situation, due to a specific characteristic (e.g. ethnicity). Contributory or indirect discrimination, on the other hand, is taken to occur where an apparently neutrally formulated regulation can, in practice, disadvantage persons with specific characteristics (e.g. clothing regulations that discriminate people with a Muslim headscarf). Such regulations do not present a case of discrimination if they are objectively justified by a legitimate goal and the means to achieve that goal are appropriate and necessary.

**Insult (Beleidigung)**

The insult is a punishable offence according to Section 115, Subsection 1 of the penal code and is defined in the following way: “If someone publicly insults, ridicules, bodily mistreats or threatens bodily harm to another person, then they are to be punished with a custodial sentence

of up to three months, or with a fine of up to 180 daily rates. This is if the person in question has not already been punished with another, harder sentence.” A qualified insult, according to Section 117, Subsection 3 of the Austrian penal code, is when one person insults another because “they belong to a different church or religious community or also if they belong to a different group based on the criteria of race, skin color, language, religion, world-view, gender, citizenship, origin or national or ethnic heritage.” The insult is understood to be “mistreatment, the threat of mistreatment, an insult injurious to someone’s dignity or the ridiculing of the other person.” This is a prosecutable offence, and not a matter for a private law suit. The insulted person can send a written warrant to the public prosecutor, indicating that this offence is to be officially prosecuted. The victim does not run the risk of court costs, in contrast to when it is a matter of a private law suit.

**Intervention of private parties in criminal proceedings (Privatbeteiligung im Strafverfahren)**

Enforcement of compensation usually happens within a civil lawsuit, in which the cost risk is on the prosecutor’s side. The damaged party is able to assert compensation (e.g. for physical injury) from the offender already in the criminal proceeding without having to bear the risk for the costs. The judges may (but are not obliged to) award the compensation as estimated by the victim, partly or in total, to the intervener in case the offender is sentenced. Ideally, the victim does not have to go through an expensive and time-consuming civil lawsuit and gets the financial compensation promptly.

**Introductory Law to the Administrative Procedure Act 2008 (Einführungsgesetz zu den Verwaltungsverfahrensgesetzen 2008 – EGVG)**

Article III of the Introductory Law to the Administrative Procedure Act is an administrative provision which forbids, among other things, racist discrimination when, for example, entering premises or clubs. These actions are to be punished by an administrative penalty of up to €1,090. Said offences can be reported to the district authorities, or, in statutory cities, to the municipal authorities.

**Litigation Association of NGOs Against Discrimination (Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern – KLaV)**

The Litigation Association ([www.klagsverband.at](http://www.klagsverband.at))

has been established in 2004 as an umbrella organization for NGOs which have already been engaged in combating discrimination and counselling victims of discrimination. Today, over 40 NGOs are members of the KLaV, all of whom deal with discrimination in many different areas. The Litigation Association operates primarily as a source of advice for the member-NGOs. The Litigation Association can also represent the member-NGO’s clients in court proceedings according to the Equal Treatment Law.

**Mauthausen Committee Austria (Mauthausen Komitee Österreich – MKÖ)**

The Mauthausen Committee Austria (MKÖ – <http://www.mkoe.at>) was founded in 1997 by the Austrian trade union federation and the bishops’ conference of the Roman Catholic Church in association with the Austrian Jewish communities. It was founded as a successor organization to the Austrian Camp Community Mauthausen. The organization is independent of all political parties and religious creeds. It carries out memory work and is involved in the scientific and pedagogical supervision of the former concentration camp of Mauthausen-Gusen and its associated camps. The MKÖ campaigns for respect for human rights of all people, and is against all forms of fascism, racism, neo-Nazism, chauvinism and anti-Semitism.

**Mimikama**

Mimikama ([www.mimikama.at](http://www.mimikama.at)) is a non-profit organization dealing with fake reports, subscription traps, spam, malicious links, phishing mails, etc. and serves as an international coordination unit to combat internet abuse and as a central contact point for internet users who wish to report and remove suspicious internet contents.

**Monitoring**

The term “Monitoring” describes in general the systematic observation or monitoring of an event, mostly using technical equipment. ZARA uses this method in connection with racist contents, especially with regard to dedicatedly right-wing extremist as well as established media and websites.

**Motion for continuation (Fortführungsantrag)**

The victim of a crime can apply for the preliminary investigations to be continued, if the suspension of said investigations by the public prosecutor is against the law (for example, the offence is actually a punishable offence), if there

are considerable legal misgivings about the facts used to justify ending the case (for example, evidence has been falsely qualified) or if the victim invokes new, unrecorded, facts. If the application is rejected, then the victim is required to pay a flat rate sum of €90.

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

The Federal Office for the Protection of Constitution and Counterterrorism (BVT) operates a reporting office for acts glorifying and identifying with National Socialism. Neo-Nazi, racist and anti-Semitic content on the internet can be reported there.

**Offence which is subject to a private prosecution (Privatanklagedelikt)**

In the case of offences with private prosecution, the prosecution of offenders is only initiated at the instigation of the persons concerned. The person concerned has to open a civil case herself/himself and also bears the risk of litigation costs.

**Offence prosecutable upon complaint (Ermächtigungsdelikt)**

This offence describes a punishable action which can only be prosecuted by the public prosecutor’s office when they have the affected person’s request to do so.

**Offence prosecuted ex officio (Offizialdelikt)**

An offence prosecuted ex officio refers to a criminal offence or an offence that violates the administrative criminal law prosecuted by the competent authority ex officio. As soon as a law enforcement authority becomes aware of the commitment of a possible ex officio offence (e.g. by a report), it has the obligation to initiate criminal investigations.

**Party to the case (Parteistellung)**

Being a party to an administrative procedure involves certain rights, including the right to access files, the right to be heard, to get information concerning the decision by announcement or delivery of the notification. On the contrary, in administrative criminal proceedings, e.g. if proceedings against a racist discrimination are initiated in accordance with Article III, subsection 1, number 3 of the Introductory Act to the Administrative Procedure acts, aggrieved persons are generally not a party to the case and do not get informed about the outcome of the proceedings.

**Procedural complaint (Maßnahmenbeschwerde)**

The procedural complaint is a legal remedy against unlawful police conduct. The complaint is to be handed in to the responsible regional administrative court within six weeks. (See also: “Know your rights” in the chapter “Police”)

**Prohibition Act of 1947 (Verbotsgesetz)**

The Prohibition Act forbids 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 subsequently punishable. Furthermore, it forbids to deny, grossly trivialize, approve or justify the national socialist genocide or other national socialist crimes against humanity.

**Regional Administrative Courts (Landesverwaltungsgerichte – LVVG)**

The 2012 amendment of the Administrative Jurisdiction Act has comprehensively reformed the administrative jurisdiction. A two-step administrative jurisdiction, with two Federal Administrative Courts and nine Regional Administrative Courts, has been established, operating since 2014. The Independent Administrative Tribunals (UVS) have been dissolved and their competences have been assigned to the newly established administrative courts. The courts serve as authorities for complaints concerning administrative matters as well as administrative criminal cases.

**Romano Centro**

The organization “Romano Centro” was founded in 1991 as one of the first Roma organizations in Austria. The organization represents different groups of Roma with the aim to collectively promote the improvement of living conditions and to combat discrimination against Roma. Their focal points are education and culture. The Romano Centro is open to Roma and non-Roma.

**Stop the Far-Right (Stoppt die Rechten)**

The project “Stop the Far-Right” ([www.stoppt-dierechten.at](http://www.stoppt-dierechten.at)) has collected and documented incidences relating to racism, right-wing extremism, and or neo-Nazi activities from summer 2010 to January 2018 and has published articles concerning the right-wing extremist scene in Austria. The project is operated by the Green party, which is no longer a member of the National Council since the elections in fall. The future of the project is not clear at the time of going to press.

**Suspended/partially suspended/conditional sentence (Bedingte/teilbedingte/unbedingte Strafe)**

A suspended sentence means that the condemned person will not be convicted and is therefore paroled. Parolees are given a probationary period by the court, during which they may not commit any criminal offenses. If this is the case, then the parolee is considered to have completed his or her sentence. Should they commit any criminal offenses, then the court can rescind the probationary period. A partially suspended sentence means only part of the sentence is carried out on probation. An unconditional sentence means the whole sentence is carried out within a set time period.

**The Federal Office for the Protection of the Constitution and Counterterrorism (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung – BVT)**

The Federal Office for the Protection of the Constitution and Counterterrorism is a security agency based in the interior ministry. Its responsibilities include combating extremism and other terrorist phenomena. The federal office and its various regional authorities monitor the right-wing extremist scene in Austria and investigate offences against the Prohibition Act by carrying out activities intended to re-establish, glorify or identify with National Socialism. It is possible to report neo-Nazi, racist or anti-Semitic content on the internet to the reporting center operated by the agency.

**The Office of Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft – GAW)**

Since January 2005, the Office of Ombud for Equal Treatment of Men and Women in the World of Work has worked alongside the Ombuds Office for equal treatment of people in the working world, irrespectively of age, sexual orientation, ethnicity, religion, or world-view. They also deal with discrimination based on ethnicity and sex in areas other than work (for example, when gaining access to goods or services). The Ombuds Office for Equal Treatment is also responsible for advising people who have been victims of discrimination and can also create and commission studies about the situation of discrimination in Austria. Incidents reported to the association can be sent on to the Equal Treatment Commission to be assessed. Since July 1, 2017, the regional offices in the federal provinces have also been providing advice and support services in the entire protected area of the Equal Treatment Act.

**Third-country nationals (Drittstaatsangehörige)**

Third country nationals are citizens of states not party to the Agreement on the European Economic Area (EEA). All EU member states belong to the EEA, as do countries such as Iceland, Liechtenstein and Norway. Switzerland is not an EEA member and therefore a third state. Swiss citizens do, however, have the same rights as EEA citizens through various bilateral treaties.

**Trusted flagger**

Some operators of social networks award the so-called “trusted flagger”-status to trustworthy institutions. Reports by trusted flaggers concerning problematic and illegal contents on social network-pages are treated with priority and are examined more thoroughly. This results in, among other things, quicker reactions as well as greater success concerning the removal of these contents.

**Upper Austrian network against racism and right-wing extremism (OÖ. Netzwerk gegen Rassismus und Rechtsextremismus)**

In 2001, the Upper Austrian network against racism and right-wing extremism (Antifa-Network OÖ) was founded by 26 organizations in the course of a meeting following an invitation of the Wels Initiative against Fascism and the Education Centre Castle Puchberg. Since then, the network has had the purpose to exchange information and knowledge about observations and perceptions concerning right-wing extremism and xenophobia and to strengthen the cooperation of the participating organizations.

**Victimization (Viktimisierung)**

Victimization is taken to occur where, in case of discrimination, the persons affected or a witness are discriminated against because they have detected such a case, have filed a complaint or have taken a stand for those affected.

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**Vienna Anti-Discrimination Law  
(Wiener Antidiskriminierungsgesetz)**

The Vienna Anti-Discrimination Law forbids the discrimination of persons by civil servants or by contract staff of the city of Vienna due to ethnicity, religion, worldview, disability, age, sexual orientation, gender identity and gender and especially due to pregnancy or parenthood. The scope of the law 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, as far as the cases are within the regulatory competence of the state.

**Weisser Ring**

“Weisser Ring” (<http://www.weisser-ring.at>) is a private, politically independent non-profit organization that provides support services to victims of crime for free. This support consists primarily of legal support in court proceedings (especially representing privately involved parties in criminal cases against offenders) and of psychosocial support for victims of crime.

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... und wehren wir den Anfängen. Die größten Verbrechen unserer Geschichte sind nicht ganz plötzlich geschehen. Dem Massenmord an Jüdinnen und Juden wurde durch jahrelange systematische Diskriminierung und Entwürdigung der Boden bereitet. Das darf nie wieder geschehen. Doch auch heute sind wieder Randgruppen, Arme und Kriegsflüchtlinge von Diskriminierung betroffen, während politisch Verantwortliche ihre Hände in Unschuld waschen. Damit muss Schluss sein. Schluss mit Ausreden. Schluss mit dem Schönreden. Schluss mit dem Wegreden und den Missverständnissen. Für Rassismus und Antisemitismus ist kein Platz in Österreich - und schon gar nicht in der Menschenrechtsstadt Wien.

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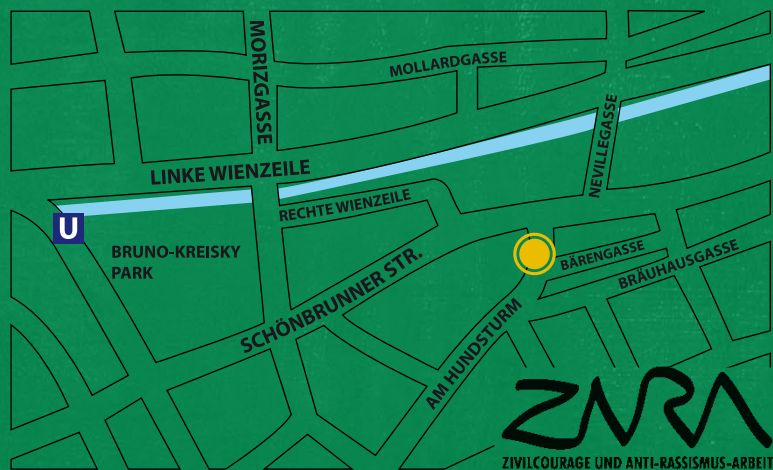
Ydessa Hendeles, Blue Beard (Detail), 2016 © Ydessa Hendeles,  
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### ZARA – counselling unit for victims and witnesses of racism

The ZARA counselling team can be contacted to make an appointment via the following contact details:

Schönbrunner Straße 119/13  
(Entrance: Am Hundsturm 7)  
1050 Wien

✉ [zara.or.at/index.php/  
beratung](mailto:zara.or.at/index.php/beratung)  
T: (+43) 01-236 55 34

✉ [beratungsstelle.counteract.or.at](mailto:beratungsstelle.counteract.or.at)  
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