

March 2022 edition

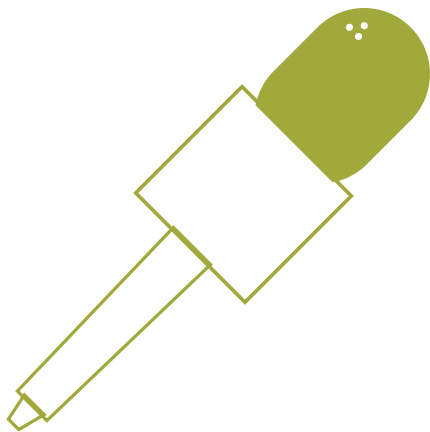


Racism Report 2021

Analysis of
racist attacks
and structures
in Austria



Institutional and Structural Racism



30
INITIATIVE
MINDERHEITEN
 30 JAHRE MINORITÄRE ALLIANZEN
STIMME
 ZEITSCHRIFT DER INITIATIVE MINDERHEITEN



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Sensitive Use of Language:

In this report, the term Black is capitalised while the term *white* is written in lower case and italics. This approach was chosen to show that these terms do not refer to biological classifications, or even skin colours, but social constructs. The term Black is a self-designation that refers to the shared experiences of a particular group of people. The term *white* is written in italics to highlight that

it refers to the social, economic and political privileges of certain people, and their more powerful position in society. In line with the sensitive use of language, the racist words n***** and m*** are only implied, in order to not reproduce them. ZARA is committed to speaking out against racism towards Roma and Sinti, and avoids the use and implication of the g-word, as it can be retraumatising.

Imprint

Media owner and publisher:

Association ZARA – Civil Courage & Anti-Racism Work
(Verein ZARA – Zivilcourage & Anti-Rassismus-Arbeit)

Editors-in-Chief: Meike Kolck-Thudt, Philippe Schennach

Data analysis: Karin Bischof, Meike Kolck-Thudt

Editorial staff: Fiorentina Azizi-Hacker, Karin Bischof, Lukas Gottschamel, Sophie Haidinger, Katarina Hollan, Caroline Kerschbaumer, Meike Kolck-Thudt, Barbara Liegl, Elisa Ludwig, Désirée Sandanasamy, Philippe Schennach, Rakhi Schmuck, Bianca Schönberger

Volunteer work: We would like to thank Moritz Drechsler, Sena Eraslan, Hibat-Ullah Khelifi and Shila Schwitzer for their volunteer work.

Guest contributors: Farid Hafez, Theresa Hammer, Magdalena Danner, Mirwais Wakil

Copy editor (German version): Matej Kundračik

Translation (English version): Onachi Obiorah

Advertising sales and media cooperation:

Regina Barth, Philippe Schennach

Graphics and layout: Ulrich Frey & Fabian Lang, DERGESTALT – Studio für Mediengestaltung


Photos of the ZARA counsellors: Walter Skokanitsch

Print: Print Alliance HAV Produktions GmbH

Any views expressed by named authors in the articles do not necessarily reflect the views of the media owner.

The printing of the ZARA Racism Report 2021 was financed by the Austrian Federal Ministry for European and International Affairs and by the sale of advertisements.

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The ZARA Counselling Centre !AgainstRacism and the Racism Report 2021 are supported by:



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Editorial

Dear readers,

**Caroline
Kerschbaumer,
Barbara Liegl &
Bianca Schönberger**
Managing directors
of ZARA & ZARA
Training

we're happy to present you with ZARA's 22nd Racism Report. As was announced in the last editorial, the topic of structural racism was again a focus in 2021. In order to address the meaning and effects of structural and institutional racism more thoroughly, we've chosen this topic as the key issue for this report.

2021 followed an extraordinary year, in which racism was more widely discussed than ever before in the wake of the Black Lives Matter movement. Although in 2021, racism as a public issue was less present in the media compared to the previous year, it is still all the more important to name racism, fight against racist structures and reflect upon one's own prejudices and privileges. As an organisation, ZARA continued the introspective process which began in 2021, resulting in a revision of the ZARA mission statement and principles.¹

In 1999, when ZARA was founded, there was little awareness of everyday racism in Austria. Documentation of this racism was important in making it visible and raising awareness of how civil courage can make a difference. Today, there is more awareness of everyday racism,

though still no society-wide consensus that its causes must be challenged – let alone an answer of how. These causes are tightly interwoven with structural and institutional racism. As a society, we have responsibility to recognise, name and dismantle structural and institutional racism. One major challenge is that many aspects of structural and institutional racism are not prohibited by law, and can therefore often only be countered outside of the legal system. Therefore, today it is even more important to recognise how deeply rooted racism is in our structures and institutions:

- The Anti-terrorism Package, along with the "Islam Map", have promoted public discourses that place Muslims under general suspicion. Additionally, these measures restrict the human rights of Muslims – such as the freedom of expression, the right to non-discrimination and religious freedom.²
- Many conspiracy theories reinforce Antisemitism, which is, for example, openly displayed at demonstrations against coronavirus measures.³
- Non-citizens residing in Austria experience sustained exclusion from the right to political participation due

¹ https://zara.or.at/de/ueber_ZARA/was_wir_wollen/mission; https://zara.or.at/de/ueber_ZARA/was_wir_wollen/grundsaeetze

² Koalition gegen antimuslimischen Rassismus, So schränkt das Anti-Terror-Paket Grundrechte ein, 20/05/2021, <https://mosaik-blog.at/anti-terror-paket-antimuslimischer-rassismus/>.

³ Valerie Krb, NS-Vergleiche auf Corona-Demos: „Sie spucken den Opfern ins Gesicht“, 04/12/2021, <https://kurier.at/politik/inland/ns-vergleiche-auf-corona-demos-sie-spucken-den-opfern-ins-gesicht/401828758> or Corona-Demo: Nehammer kritisiert demokratiefeindliches Verhalten, 05/12/2021, <https://www.diepresse.com/6070389/corona-demo-nehammer-kritisiert-demokratiefeindliches-verhalten>.

to excessively strict rules on access to citizenship.⁴

- In 2021, the pandemic also further increased the effects of structural racism. Those with a migration background are much more affected economically, socially and psychologically.⁵
- In 2021, the independent complaints commission to investigate allegations of police violence, promised in the government's programme, was still yet to be established.

The key issue of structural racism is also reflected in our educational work – for example, it is the central topic of our workshop series “How to Be an Ally – Being an Ally Is an Action Word (Verbündete sein

ist ein Tunwort)”, which has established itself as a fixed component of our training offerings since its conception in 2021. It's not enough to simply “not be racist” – rather, as the title of the workshop already suggests, it's important to take action and actively work with civil courage against racist structures. The workshop presents participants with the knowledge and skills to act in an engaging, interactive way.

An essential step to countering racism is the National Action Plan Against Racism, whose implementation is still yet to be realised. Furthermore, we need responsible politicians, a media with raised awareness and an active civil society that explicitly stands against racism in all its forms. Let's examine racist structures and demonstrate our civil courage against them! ■

⁴ Gerd Valchars, Wie demokratisch ist unsere Demokratie?, 25/10/2021, <https://oe1.orf.at/programm/20211025/655914/Wie-demokratisch-ist-unsere-Demokratie>.

⁵ Judith Kohlenberger, Spokeswoman for the Vienna Integration Council: Pandemie verschärfte Lage für Migranten, 17/12/2021, <https://wien.orf.at/stories/3134969>.

Caroline

Kerschbaumer is a lawyer and graduate of the European Master's programme in Human Rights and Democratisation. She has worked with ZARA since 2009, spending many years as a trainer, and later working as the Head of the ZARA Counselling Centre. She has been one of the two Managing Directors of ZARA since 2019.

Barbara Liegl is a political scientist and human rights expert. Since November 2006 she has worked for the Ludwig Boltzmann Institute for Fundamental and Human rights, where she leads the programme lines (In)Equalities & Non-discrimination and Asylum & Migration. Since 2019, she has been one of the two Managing Directors of ZARA.

Bianca Schönberger

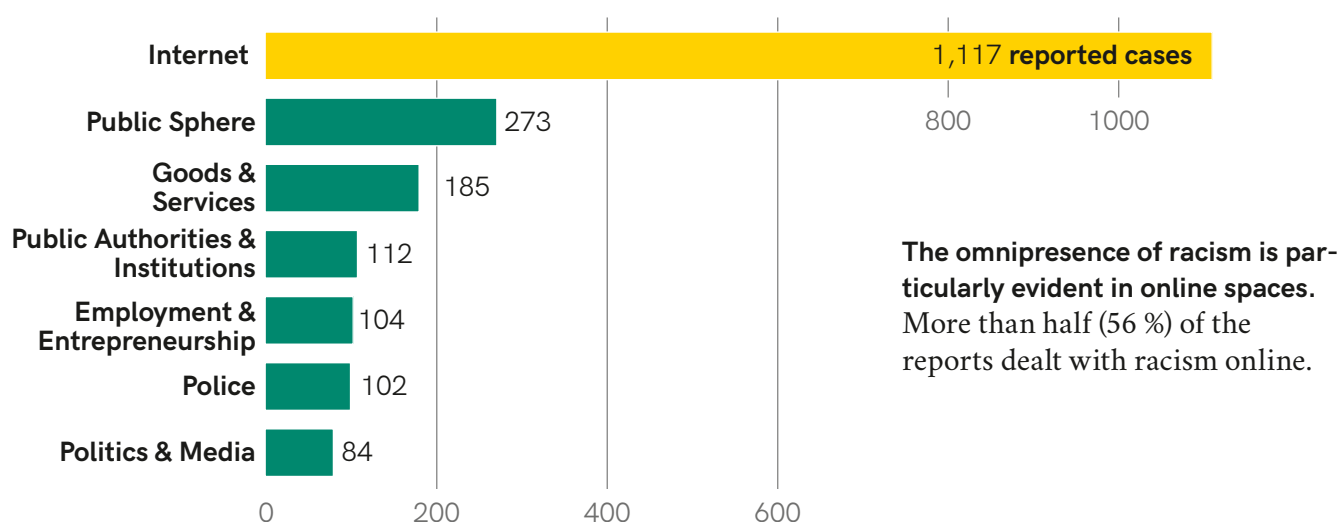
studied contemporary history and political science in Tübingen and Oxford and subsequently worked for international and developmental political organisations. She has worked as the Managing Director of ZARA Training since February 2014.



STATISTICS 2021

In 2021, ZARA documented and handled 1,977 reports of racism.

For many people, racism is the norm in all areas of life. Only those who are not directly affected by racism consider racism in Austria as an exception to the rule.



The reports received by ZARA show that women are affected by racism in public spaces **twice as often** compared to men.

Day-to-day counselling operations have shown that racist and anti-Muslim attacks in public affect women in particular. Here, both racism and sexism play a role.

Certain women are more visible, and overall, the inhibition to racially attack women is reduced in our patriarchal society.



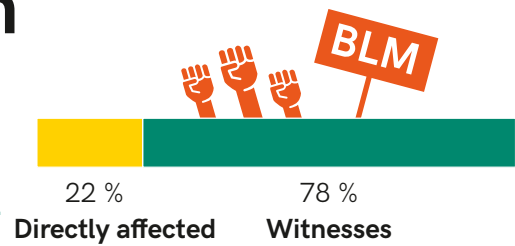
"The idea that a person directly affected by racism can avoid experiencing racist incidents by 'doing everything right' is both an illusion and a coping mechanism."

Rakhi Schmuck, ZARA counsellor



Active Against Racism

22 % of the reports of racism received by ZARA came directly from those affected. In the analogous spheres of life categories, the proportion is even higher, at 43 %.



"As a non-*white* person, what's difficult is that you have no control over when racism will strike. That's why it's important to be there for those that are directly affected. Through our counselling interventions, we attempt to give those directly affected a space where they can feel relief."



Désirée Sandanasamy, ZARA counsellor

"It's important for those directly affected to have a space where they will be listened to, believed and taken seriously. No one has to deal with this alone."



Lukas Gottschamel,
ZARA counsellor

"Increasing numbers of people are raising their voices against structural racism in Austria. However, there's still a lack of sufficient political measures in this area. That's why now is the time to exercise social pressure on politicians. Black Voices, Austria's first official anti-racism petition, offers a historic opportunity to fight structural racism on a parliamentary level and ensure a sustainable and participatory National Action Plan Against Racism!"



Photo: Benno Kossatz

Samuel Hafner,
Black Voices Petition for a Referendum



"Over the last two years, the fight against racism in Austria has been spurred on by, among other things, the Black Lives Matter movement. For example, in 2021 the companies Julius Meinl, based in Vienna, and the M**** Brewery in Vorarlberg resolved to change their racist logos for the first time. Julius Meinl presented its new logo on 21 October. The M**** Brewery announced that it would present its new logo at the end of this year or the beginning of 2022. We're waiting with anticipation. But there is also the critical voice of Austrian civil society, which gives us hope to continue the fight. The fight for a world without racism. The fight for human dignity."



simon INOU, ARI RATH prize winner 2022 for
Critical Austrian Journalism

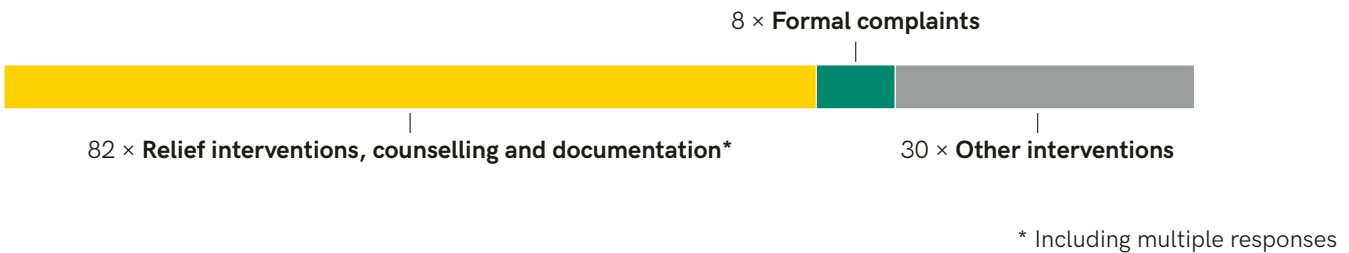
Photo: Luciana Siegenthaler



Police

In 82 cases, ZARA's services focused on relief interventions, intensive counselling, accompanied visits to public authorities and documentation.

In 8 of 102 cases of racist police violence, formal complaints were filed.



One example of institutional racism is that when racism happens, there are established methods for dismissing it, as opposed to taking responsibility for the misconduct. Victims are transformed into perpetrators through accusations and counter-allegations in an attempt to silence them.

The system of racism silences people.

"As a result, those affected have to invest significant energy into justifying that they themselves are not at fault, so that there is ultimately no energy left to point out the injustice that they have experienced."



Sophie Haidinger, ZARA counsellor

"Many people – especially *white*, privileged cis men – view Austria as a very safe country. They're not aware of the world that our clients have to experience."

Elisa Ludwig, ZARA counsellor



Operation Luxor

In the autumn of 2021 – one year after the large-scale raid – the Higher Regional Court of Graz declared the house searches during Operation Luxor to be unlawful. (→ Operation Luxor and “Political Islam” –, S. 18)

“The unlawful raids had an islamophobic motivation, exposing the underlying, institutionally rooted racism. Muslim children were not protected from criminalisation and traumatised, a crucial point for the founding of the ACT-P initiative – Assisting Children Traumatized by Police.

ACT-P calls for an unimpeded oversight mechanism for the police. The hope that the police as an institution can be transformed can only exist if the voices of those affected by police violence are heard, their demands are implemented and the police undergo an anti-racist self-reflection.”

One affected child recounts:

“The police officer pointing a gun at me wore a mask, so that I could only see his eyes. My first thought was that he was a terrorist...”

Press release

“It’s very difficult for clients who have experienced racially motivated police violence to take legal action against it, because they often fear secondary victimisation (→ Glossary, p. 65). Time and again they recount the administrative penalties that they received as a result. These penalties are issued on the basis that our clients were, for example, too loud or that they gesticulated during the police proceedings.”

Fiorentina Azizi-Hacker, Head of the ZARA
Counselling Centre



In 2021, more people directly affected by racism contacted ZARA than in the year before.

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Racism is Systemic!

The scale depicted on the title page of 2021's Racism Report represents the immense, deeply rooted injustice of racism. While one group of people are situated on the lower side of the scale, the (*white*, privileged) group of people on the upper side of the scale are well-situated and reliably supported by the system. ***White privilege does not guarantee a trouble-free life, but it does mean that life is not made more difficult through racial discrimination.*** This introductory article illustrates this report's key issue with a definition of terms and several examples of institutional and structural racism in various areas of life.

Racism can be expressed on many different levels. When we **talk about structural racism**, we are referring to a system that continually privileges those that are perceived or categorised as *white*, and disadvantages all other people who are not assigned to this category. Structural racism is part of our social, economic and political systems, in which we were all raised and live in. Therefore, it can have a lasting effect on our modes of thinking and speaking, our attitudes and our actions. When institutions or organisations restrict or deny access to resources (e.g. education, work, power) and political and social participation opportunities on the basis of skin colour, national origin, language, ethnic identity or religion, this is called **institutional racism**. Social constructions of "us" and "the other" are created as additional justifications for the disparagement or mistreatment of people on the basis of the biological and/or cultural (incl. religious) characteristics attributed to them.

Asylum and Immigration Law

Since the attacks on 11 September 2001, security policy considerations have played a greater role in the ongoing changes to asylum and immigration law. People who are subject to asylum or immigration law are often associated with security risks in the public discourse. This in turn legitimises more strenuous laws and measures against them. Additionally, asylum and immigration law is already complex in itself, which makes the necessary administrative processes for applicants massively more difficult. The interplay of social discourses and administrative hurdles can result in the restriction or denial of access to education, work and/or social services, among others. The magnitude of this was most recently made clear in 2021, as the abuses in Vienna's immigration office MA 35 became public knowledge. In some cases, decisions on residency permits or naturalisations were delayed for years – with massive consequences for those directly impacted¹.

Health

Most recently, existing barriers of access to the health care system were exacerbated by the COVID-19 pandemic, as relevant information was not translated sufficiently, or far too late. Additionally, it is more difficult for those who work in precarious, essential positions or have precarious housing conditions to avoid infection. Here, adverse effects in other areas of life have a direct impact on health². Structural racism already manifests itself in medical education, beginning with a lack of awareness of racism and its impact on the health (both

psychologically and physically) of those affected by it³. Additionally, diseases and their corresponding treatment continue to be researched and taught primarily on the basis of *white* bodies. As a result, diseases in Black people and People of Colour are sometimes not even recognised⁴. At the same time, there are numerous misconceptions based on racist stereotypes of biological differences between Black and *white* people, which can lead to serious errors in treatment⁵.

Police

Racist insults, questionable charges based on “aggressive behaviour” and sometimes serious abuse by police officers have been reported to ZARA since the beginning of its counselling work. Fear of secondary victimisation (→ Glossary, p. 65) and limited chances of success lead to clients rarely wishing to take legal action in such incidents (→ Statistics 2021, p. 8). When legal action is taken, rarely does it lead to a successful outcome from the perspective of the person affected. To date, there is no independent point-of-contact for victims of police violence. Such an institution is necessary so that victims can make a stand against police violence without fear of retaliation. The results of a study by the EU Fundamental Rights Agency make the need for such a body clear: Black people in Austria were almost twice as likely (49 %) to be stopped by the police than the general population (25 %) – a difference greater than in every other EU state ⁶.

Artificial Intelligence

The hope that the future will be free of bias and prejudice due to artificial intelligence is fallacious. The documentary film “Coded Bias”⁷ illustrates how various algorithm-based technologies contribute to the deepening of racism and discrimination. Algorithms “learn”

through data sets, which are chosen primarily by male, *white* programmers. These data sets are often biased and already shaped by racist assumptions. This can lead to programmes being tailored to only one particular target group, and to the perpetuation of entrenched discrimination in the future.

Note: Structural and institutional racism pervades **all** areas of life. To balance the scales, we are calling for structural measures in the form of a National Action Plan Against Racism! ■



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Struktureller Rassismus steckt überall und verschont auch die Kleinsten nicht. Schon im Schulalltag finden kontinuierliche Konfrontationen mit rassistischen Bemerkungen statt, die erhebliche psychische Belastungen zur Folge haben können. Rassismus wird von Kindern oftmals als unlogisch erlebt. Sie können derartige Erlebnisse weder interpretieren, noch erklären oder einordnen. Doch diese Rassismuserfahrungen stellen eine erhebliche Verletzung des Selbstwerts dar. Es ist mir ein großes Anliegen, die Gesellschaft in dieser Stadt nicht in ein "Wir" und ein "Ihr" zu trennen, sondern eine Politik zu machen, die alle ins Boot holt - und zwar von Kindesbeinen an!



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Foto: Rene Wallentin

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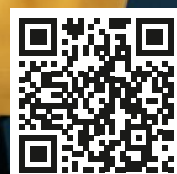
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Operation Luxor and “Political Islam” –

An Example of Institutional Racism



Farid Hafez is the Visiting Professor of International Studies at Williams College and non-resident senior researcher at Georgetown University’s “The Bridge Initiative”. In 2019, he completed his habilitation at the University of Salzburg in Political Science. Since 2010, Hafez has been the editor and publisher of the Islamophobia Studies Yearbook, and since 2015 the co-editor of the European Islamophobia Report. His latest publication is “Feindbild Islam. Über die Salonfähigkeit von Rassismus” (Islamophobia. On the Mainstreaming of Racism) (Böhlau, 2019).

Institutional racism on the part of government authorities has been considered, especially by Muslims, the most significant factor of anti-Muslim racism, especially by Muslims, since 11 September 2021 (Mazoumi et al. 2017). For a long time, Austria remained unaffected by this tendency, first adopting it when Sebastian Kurz took over the integration and security agendas in 2011. The new Islam Law in 2015 marked a paradigm shift, which step by step facilitated one legislative and political measure after another – beginning with the 2017 ban on face coverings, various hijab bans, the closure of mosques (2018 and 2020) and finally the de-facto introduction of a new criminal offence, “religiously motivated extremism”, which essentially targets so-called “political Islam”. The latter was part of the Anti-Terrorism Package, which was passed in July 2021 and includes wide-reaching legislative escalations in various areas, such as in citizenship law.

The legitimisation of these measures requires a corresponding academic accompaniment, which was delivered by government-related institutions, such as the Austrian Integration Fund (ÖIF). The political manipulation of a study on Islamic preschools is a prime example of the successful politicisation of an issue, leading not only to discriminatory actions, but above all allowing the legitimisation

of a need for political action in the fight against so-called “political Islam” (Hafez 2020). The ÖIF also played a leading role financially in the creation of the report “The Muslim Brotherhood in Austria”, which was meant to provide the turquoise coalition’s discourse on Islam an academic foundation and played a significant role for security authorities. When the federal government’s turquoise-blue coalition introduced the headscarf ban and closed down mosques, it sent a hostile signal to Muslims in Austria. Both measures were later overturned by Austrian courts. Despite this, the government introduced further measures and in July 2020 formed the Documentation Centre for Political Islam (Dokumentationsstelle Politischer Islam), which, after the presentation of the discredited Islam map, primarily took action against the Islamic Faith Community (Kultusgemeinden der IGGÖ). This knowledge production played a central role in the criminalisation of Muslim civil society, in that it located every active – and above all, critical – part of Muslim civil society, as well as official Islam, in the context of so-called “political Islam” (Hafez 2019).

This fight against so-called “political Islam” reached its first peak on 9 November 2020, when the largest raid in the history of the Second Republic took place. One week after the attack

in Vienna's city centre, the raid – which had been under preparation for one-and-a-half years – was not met with any discursive resistance. The brutally conducted operation, directed against 70 Muslims, some of whom were public figures and therefore well-known, placed the Muslim civil society in a state of shock. The operation was expanded to include more than 100 people and was characterised by then Minister of the Interior Karl Nehammer as cutting the “roots of political Islam”. The operation was legally legitimised by the presentation of criminal offences such as criminal organisation, terrorist organisation, terrorist financing and subversive activities. More than a year after the raid, another picture emerged: the Graz Higher Regional Court has so far upheld all appeals and declared both the raid and the accompanying property seizures as unlawful. What remains are traumatised families, including primary school children, who were woken from their sleep at five in the morning by heavily armed Cobra units; financially ruined business owners whose assets were frozen; and publicly discredited people. This blow to a part of Muslim civil society is based on the production of Islamophobic “studies” (as has long been being produced by external experts and ÖIF studies in particular) and incorrect interpretations by government authorities over the course of the investigations.

Instead of learning from these mistakes, in July 2021 the Austrian government adopted the Anti-Terror Package, which elevated so-called “political Islam”, as religiously motivated extremism, to a criminal offence. This is all very questionable from a democratic point of view. In order to oppose this policy, broad solidarity among civil society, which unambiguously and vocally opposes this Islam policy and shows solidarity with Muslims in Austria, is needed. ■

Literature:

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When Racism Becomes the Norm –



Theresa Hammer is the Head of Legal Enforcement at the Litigation Association of NGOs Against Discrimination. (Der Klagsverband zur Durchsetzung der Rechte von Diskriminierungsoptionen) The Litigation Association was founded in 2004 as an umbrella organisation which has numerous member organisations throughout Austria. Among other things, it helps those affected by discrimination obtain their rights by means of test cases, thus further developing anti-discrimination and equality law. ZARA is a member of the Litigation Association.

The Upper Austrian Housing Assistance

Housing is a fundamental right, but also a fundamental need. When people do not have adequate housing, every free resource is directed towards securing this fundamental need, reducing energy reserves needed for the participation in education, language acquisition, labour market access and health maintenance.

Two of the most important instruments to ensure this fundamental housing need is met are housing assistance subsidies and the provision of social housing. The first offers financial support on the part of the state to address high rent payments, while the latter keeps rent payments as affordable as possible. In both cases, the socio-economic needs of the applicant are reviewed.

For several years, Upper Austria has followed a path which creates greater legal hurdles for certain people. Third-country nationals must meet particular residency requirements and provide evidence of consistent income, on top of their evidence of social need, in order to access housing assistance or social housing. Since 2018, they must also provide evidence of German language proficiency. This makes it much more difficult for many of those affected to

meet their fundamental need for housing, and therefore participate in society. For many years now, the NGO migrare and the Litigation Association have addressed this discriminatory exclusion from adequate, affordable housing through the legal system.

In 2017, they succeeded in defeating one of the discriminatory provisions by means of a strategic court case. They were able to sue the housing assistance on behalf of an affected single mother. The income requirements regulated by the law at the time did not include the possibility of recognising time spent bringing up or caring for children, which disproportionately affects women and therefore had prohibited, indirect discrimination on the basis of gender.

However, the subsequent required amendments to the law introduced further discrimination. Since 2018, third-country nationals – including those who are long-term Austrian residents – must provide formal evidence of German language proficiency in order to receive housing assistance. Additionally, a continuous income over the past five years, or an Austrian social security benefit based upon it, must

have been received (see Article Six of the Upper Austrian Housing Construction Subsidy Act). In the first weeks of 2018, hundreds of people came to migrare for a consultation due to this regulation. However, migrare counsellors could only provide those affected with information on the statutory restrictions on access to housing assistance. A fundamental solution to the problem was not available.

For this reason, the Litigation Association filed a complaint on behalf of a Turkish man and his family who could no longer obtain housing assistance due to the change in the law. The complaint was based on a violation of the Long-Term Residence Directive (→ Glossary, p. 65). Because although the housing assistance presupposes an “unreasonable burden” due to housing costs and therefore also a certain social hardship, the province of Upper Austria does not want to recognise it as a core benefit that all long-term residents have a right to receive as required by this directive. Additionally, the housing assistance’s regulations discriminate against applicants on the basis of ethnicity (→ Glossary, p. 65) under the Race Equality Directive and the corresponding Upper Austrian Anti-Discrimination Law. The current exclusion of access to housing assistance results in third-country nationals receiving worse treatment, and through language and nationality, links to characteristics that have a racialising effect. Additionally, a political discourse is created – particularly with regards to social benefits – which increasingly focuses on “us” (EU/EEA citizens) versus “them”.

However, the European Court of Justice (ECJ) (→ Glossary, p. 65) which subsequently dealt with this case (ECJ 10.06.2021, C-94/20), did not take up this argumentation, but declared an exception provision applicable, according to which treatment resulting from the legal status

of third-country nationals is not covered by the Racial Equality Directive (→ Glossary, p. 65). According to the ECJ, there is also no indirect discrimination, as people of one particular ethnicity are not affected by this regulation in particular. This formalistic definition of discrimination, and the simultaneous generous application of an exemption provision, misjudge the purpose of the Racial Equality Directive, which should also be to limit ethnically based privileges and to eliminate discriminatory disadvantages even if they affect several different ethnic groups. Nevertheless, the ECJ saw substantial evidence to qualify housing assistance as a core benefit of social assistance, which third-country nationals who are entitled to permanent residence must also receive. According to the ECJ, the housing allowance may be necessary under certain conditions to cover the fundamental need of housing – if it is omitted, this comes at the expense of other basic needs, such as clothing or food. To this end, the ECJ also emphasised the goal of better integrating third-country nationals precisely through the right to equal treatment, of which adequate housing can arguably be seen as key. However, the Linz Regional Court, which was subsequently called upon to rule, avoided clarifying whether the housing assistance constituted such a core benefit. Instead, the regional court dismissed the case on the grounds of an absence of ethnic discrimination.

This is new legal territory – the interpretation of which is vital for the future. The exclusion of thousands of people from housing assistance and social housing is a daily reality which has terrible consequences. However, as time passes, illegitimacy must not become the accepted norm. We will continue to work to expose this structural racism and to bring about a form of housing assistance that is in line with European law. ■



Magdalena Danner is a political scientist and social manager. She has worked at migrare for nearly 15 years and is currently the Deputy Managing Director. Magdalena Danner has worked on the issue of Upper Austrian housing assistance and its discriminatory exclusions since 2017.

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On the Labour Market as a Refugee

Systematic Discrimination of Asylum Seekers



Mirwais Wakil

studied economics, political science, art and international relations in the USA and UK. As a doctoral student, his current research in the field of sociology is focused on the context and impact of migrants' remittances to their families – and the multisectoral impact on their quality of life. His areas of focus are ethical conduct, intercultural communication and human rights in an international context. He has been part of ZARA's pool of trainers since 2021.

For those with a refugee background, access to the labour market, education and healthcare is made more difficult or entirely denied. This article highlights the structural racism against refugees on the job market – in particular for those with ongoing asylum proceedings.

A lack of access to the labour market can lead not only to shame, but also to existential crises. It's important to note that with regard to the legal situation in Austria, the legal regulations for asylum seekers do not provide a right to work. There are, of course, exceptions. The following options are available for asylum seekers pursuing gainful employment¹:

- 1 Seasonal work in tourism or harvesting labour in agriculture,
- 2 Apprenticeships – in particular, in-demand occupations,
- 3 Self-employment after a three month waiting period,
- 4 Community service – for example, the maintenance of public buildings or the upkeep of green spaces.

In practice, the legal position in Austria has the effect of either completely excluding asylum seekers from the labour market or

ensuring their access to the labour market is marked by enormous hurdles. The cause for the discrimination against asylum seekers on the labour market cannot be reduced to individual people or groups that treat asylum seekers in a discriminatory manner. Rather, it is based on their status as asylum seekers, which limits their access to particular parts of the labour market and poses a whole range of challenges.

Specifically, in the area of seasonal tourism, the maximum period of employment is limited to six months, while harvesting labour is permitted for six weeks. Discrimination is already evident here – through both the restriction of asylum seekers' employment and the fact that they are barred entry to parts of the labour market which could, for example, provide better social security in case of unemployment. This has implications for their social life and also brings about psychological suffering. Moreover, those with Austrian or EU citizenship are better off. They are given the benefit of the doubt over asylum seekers.

Apprenticeships offer another possibility of gainful employment for young asylum seekers with significant labour capital. In many cases, companies searched for reliable apprentices for positions that could not be filled by people

¹ https://www.land-oberoesterreich.gv.at/Mediendateien/Formulare/Dokumente_BH_KI/Beschaeftigung_AsylwerberInnen.pdf

with EU citizenship². Nevertheless, in 2018 the government issued a decree preventing asylum seekers from accessing apprenticeships, thus further reducing their options for earning a legal income. Even after the restriction of the right to work for asylum seekers was decided to be unlawful and overturned by the Constitutional Court³, Minister of Labour Martin Kocher confirmed that he would continue to issue work permits for asylum seekers in order to fill vacant apprenticeship positions only in exceptional cases, according to news reports⁴. Here we can also see a part of the population which depends on a living wage is being systematically excluded from the labour market.

The third possibility is freelance work; the right to freelance work exists at the earliest three months after filing an asylum application. The problem here is clearly evident: for people who have, for example, fled war zones, it's not an easy task – to say the very least – to start and build up a business from nothing in a country with strict bureaucratic regulations, a complicated language and a highly developed economy. More generally, starting a business requires a good network, financial knowledge and tools. It's therefore rarely possible for asylum seekers to successfully start a business – which is why this possibility is rarely used. Here, too, there are cases of successful one-person enterprises in the logistics industry – but under inhumane working conditions.

As previously mentioned, community service (“auxiliary activities directly related to housing and care”⁵) is the fourth possibility for gainful employment. However, these paid activities lead to a reduction of the basic allowance if they are not below the current allowance limit of 110 euros per month.⁶

In summary, the right to work for asylum seekers is systematically limited – a clear consequence of structural racism. This exclusion from the labour market has negative long-term consequences for society as a whole⁷. According to studies, it can take more than a decade for asylum seekers to make up for the disadvantages they have suffered as a result of the inability to work, which leads to enormous social inequality along with inequality in terms of financial and personal resources in the host countries⁸. If asylum seekers had access to all sectors of the Austrian labour market, this would not only be beneficial for the economy, but would also have an enormous positive impact on the human resources available on the labour market and on the mental health and coexistence of the people living in Austria. ■

Further sources

² <https://www.wienerzeitung.at/nachrichten/politik/oesterreich/970326-Lehrlinge-verzweifelt-gesucht.html>

³ <https://orf.at/stories/3220988/>

⁴ <https://www.wienerzeitung.at/nachrichten/politik/oesterreich/2112724-Was-fuer-Asylwerber-am-Arbeitsmarkt-nun-gilt.html>

⁵ <https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=LrW&Gesetzesnummer=20000212&FassungVom=2021-11-14&Artikel=6&Paragraf=&Anlage=&Uebergangsrecht=>

⁶ https://www.land-oberoesterreich.gv.at/Mediendateien/Formulare/Dokumente_BH_KI/Beschaeftigung_AsylwerberInnen.pdf

⁷ <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.34.1.94>

⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6155022/>, <https://wol.iza.org/uploads/articles/551/pdfs/integrating-refugees-into-labor-markets.pdf?v=1>

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ZARA Training

To Not Be Racist Is Not Enough!



Bianca Schönberger

studied contemporary history and political science in Tübingen and Oxford and subsequently worked for international and developmental political organisations. She has worked as managing director of ZARA training since February 2014.

In an interview with *Die Zeit*, author Tupoka Ogette compared racism with smog: “It spreads everywhere and affects all areas of society without us seeing it directly”. Structural and institutional racism surrounds us in the same way. It is anchored in our society through institutions, norms and values, and within these is reproduced and maintained daily. Whether in the education or cultural sector, politics or work, in the housing market or in recreation – people are still disadvantaged and excluded on the basis of actual or ascribed characteristics such as skin colour, language, origin or religious affiliation in numerous areas of life.

The workshop “How to Be an Ally” was developed in the summer of 2020 in the context of the Black Lives Matter movement in order to (also) draw attention to this form of racism. It offers a space to all those who want to learn more about the contexts surrounding racism and the possibilities for action against it, and for those who want to actively engage as allies for anti-racist values, solidarity and equal treatment. Existing racist structures and privileges are also addressed – for example, the experiences that different groups have with institutions and authorities.

Last year offered an exciting new advancement. Our educational events on allyship were increasingly requested by organisations that had already dealt with racism in greater depth and now wanted to adopt an anti-racist stance – not only on a personal level, but also on an organisational level. How can I open up my organisation to a process critical of racism? How can I express my desire to “be an ally”, even if this issue is not the focus of my work, products or services?

To do this, it is necessary to engage in a process of critical self-reflection, questioning routine structures and existing norms. Who is visible? Who is speaking? Who feels welcome and seen? Who is benefiting from the prevailing rules, recruitment procedures and promotion guidelines?

Stepping out of our routines, questioning our self-image and taking a critical look at the prevailing norms help us understand how racism orders our thinking and coexistence, not only at the individual level but also within organisations. It also shows that to not be racist is not enough for positive change. Organisations must also act in anti-racist ways in order to dismantle structural racism. ■

Civil Courage Exercise:

Violence Barometer and Structural Racism

This variant on the “violence barometer” aims to provide a better understanding of the ways in which structural racism operates in society. It is sometimes difficult for those who are not directly affected by structural racism to recognise it, as it is rarely addressed in the education system or in the media.

The following exercise is particularly suitable for participants...

- ... to recognise that for every person, situations can be accessed differently in terms of violence, based on their personal experiences.
- ... to understand the effects that structural and institutional racism can have in our society.
- ... to assess difficult situations and to take a stand for their own opinion.
- ... to reflect on different forms of violence.

Duration

Approx. 45 minutes

Room

Lots of space

Materials

Adhesive tape for the floor
Two moderation cards

Method

Positioning in the space
Discussion and reflection

Instructions

Participants are asked to clear space in the centre of the room. The tape is laid from one side of the room to the other to create a straight line. At each end there is a moderation card – one with the label 0% and the other labelled 100%.

The workshop leader explains that the line symbolises a violence barometer and that individual statements (see next page) will be read out, which describe different situations in an abbreviated form. The participants should then position themselves along the barometer between 0% and 100%, depending on how violent they consider the respective situation to be in terms of percentage.

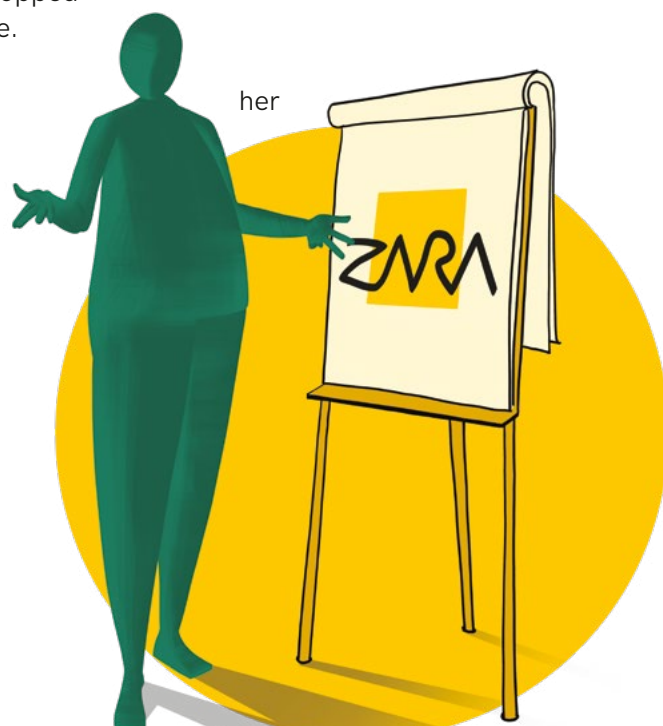
In the first step, the exercise is done silently. Only after everyone has expressed their assessment of the situation through their self-placement along the violence barometer are individuals then asked what percentage of violence they see in the situation and why they have positioned themselves in that place. The workshop leader can then moderate the lively discussion and give the participants the opportunity to reposition themselves if necessary.

Tips for a joint reflection after the exercise

The exercise offers a chance to exchange ideas on the impact of structural injustices, how frequently these experiences occur, how these injustices add up, and what it feels like to take a stand in front of a group. It is particularly important that the workshop leader also draws attention to the structural level of violence and racism. Which of the violent situations are a result of a person's intrinsic characteristics?

Potential statements

- A football fan taunts and insults an opposing fan.
- A patient overhears her doctor constantly referring to her as "the Arab" instead of her name when talking to the nursing staff because of her headscarf.
- A young man is repeatedly praised for his German language skills, despite the fact that he was born and raised in a German-speaking country.
- The facial recognition software on an older woman's newest smartphone fails to work due to her skin colour – although it works for her (*white*) friends.
- A politician calls refugees "asylum scammers" on television.
- Passersby walk past a homeless woman lying on the street.
- A man is constantly questioned by strangers about his skin colour and family background.
- In order to receive the same housing assistance as her neighbour, a young mother has to provide proof of her German language skills because she is not an Austrian citizen.
- Compared to his (*white*) friends, a Black man is stopped or searched by the police more often than average.
- A young woman earns less per hour than colleague, despite the fact that they have the same job.
- A school's head teacher bans the speaking of any language other than German in the school yard.
- Fellow passengers remain silent as a full-bearded man on the bus is called a "terrorist".
- A flat is not rented out to a woman because it is only available to "Austrians".



Source: Exercise adapted from Lünse/Rohwedder/Baisch 2001:
Zivilcourage: Anleitung zum kreativen Umgang mit Konflikten und Gewalt.

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Spheres of Life 2021

Terms and Definitions

The following chapters contain anonymised case reports of racist incidents from all spheres of life.

Internet

Incidents that took place on the internet. This category includes online media, websites, online forums, social media and video platforms.
(→ Internet, p. 36)

Public Sphere

Incidents that took place in public, commonly accessible places, such as on the street, in traffic areas, parks or on public transport. Racist graffiti is also part of this category, because the racist graffiti reported to ZARA primarily concerns public spaces.
(→ Public Sphere, p. 39)

Goods & Services (incl. Living & Neighbourhood)

Incidents related to the access to, and supply of, goods and services (e.g. at venues, shops and other service providers).
(→ Goods & Services, p. 44)

Public Authorities & Institutions

Incidents that have occurred in administrative offices, educational institutions and other municipal institutions (excluding police).
(→ Public Authorities & Institutions, p. 50)

Politics & Media

Incidents that were provoked or spread by politicians, political parties or traditional media (print, radio and television) both online and offline.
(→ Politics & Media, p. 53)

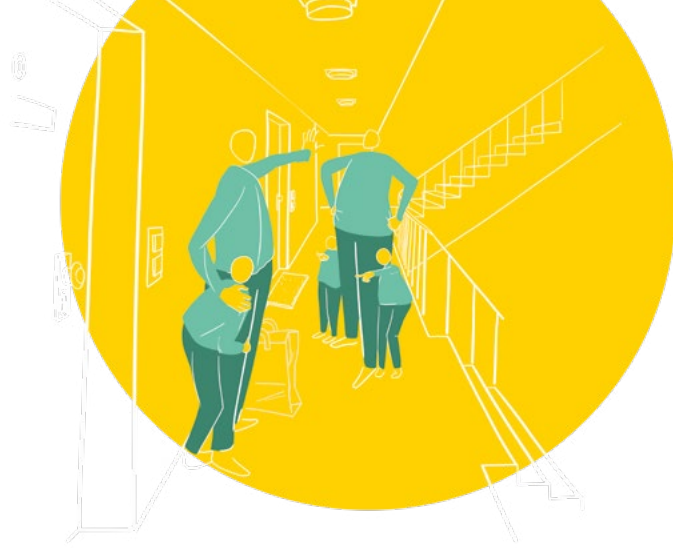
Employment and Entrepreneurship

Incidents related to work and employment, i.e. job searching, working conditions or environment, job advertisements, etc.
(→ Employment & Entrepreneurship, p. 56)

Police

Incidents related to security administration and public safety bodies.
(→ Police, p. 59)

















ZARA's values

The systematic documentation of racist incidents makes them more visible and has therefore been very important to ZARA from its outset. Among other things, it shows that there is an urgent need for action if we as a society want to develop positively in the future. At ZARA, people who have experienced racist incidents receive competent legal and psychosocial support. The interests and concerns of the people who contact the ZARA Counselling Centre are our first priority. Their statements are met with trust and understanding, and they are taken seriously. We constantly see that the experiences of people who are directly and systematically disadvantaged by racism are all too often ignored or simply denied due to the

social structures and power relations created and maintained by racism. ZARA wants to counteract this. If our counsellors have relevant information and the client's consent, they always endeavour to also take into account the "opposite party" or a third party's point of view. But even then, our counsellors cannot guarantee that the information provided to them – from various sides – is always "truthful". In any case, the information is not adopted uncritically. Through publishing case reports of racist incidents, ZARA is placed in the middle of an anti-racist dilemma, where it sometimes appears necessary to reproduce forms of racism and racist language in order to make racism more visible, and therefore counter it.

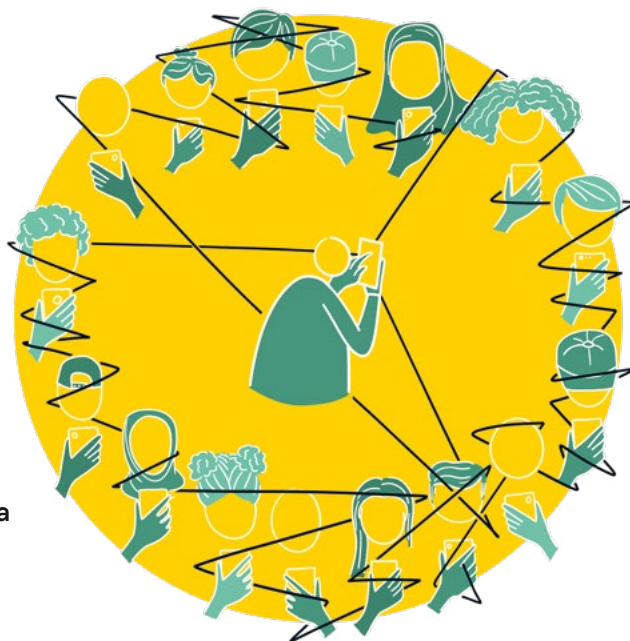
What does ZARA do?

-  (Legal) counselling
-  Relief interventions, strengthening interventions and support
-  Reporting to the police, the public prosecutor's office or the NS reporting office
-  Exchange/coordination with partner organisations, lawyers, authorities or other relevant parties
-  Drafting of complaints, appeals, statements, applications and letters of intervention
-  Accompanied visits (e.g. to court hearings, arbitration meetings, the authorities or police interrogations)
-  Referral to other organisations, counselling centres and doctors (to obtain medical reports)
-  Requests to delete hate posts on social media platforms (both as a normal user and as a "Trusted Flagger")
-  Requests to remove graffiti in public spaces
-  Awareness-raising/public relations work
-  Inspection of records
-  Documentation



Internet

This chapter offers a selection of the 1,117 cases reported to ZARA that took place on the Internet. This includes online media, online forums, websites, blogs, social media and video platforms.



1 Anti-Muslim racism on an online sales platform

L. wanted to buy a kitchen through an online sales platform. Upon finding a kitchen that he liked, he wrote a message to the seller. The seller replied with a racist statement referring to L.'s name and characterising him as a terrorist. L. wrote back politely, stating that he is not a terrorist, that he lives in Austria and that he is interested in the kitchen. In response, the seller replied that he does not sell to Muslims. He thus refused to sell L. the kitchen because of his name and his (presumed) religious affiliation. For L., it was important that what he experienced became known, and he therefore posted the conversation to Facebook. As a result, he received many supportive messages and encouragement. He also alerted ZARA to this discrimination. A ZARA counsellor replied, noting that she had documented the incident, and offered L. support and legal advice so that he would know that he can contact her if necessary.

What did ZARA do?

📄 Documentation 🗣️ Offered counselling

2 Re-engagement in NS activities by pupils in a messenger app

A school class communicated online through a messenger app. Their teacher, M., suspected that some of the content sent by students in the class violated the Prohibition Act (→ Glossary, p. 65). He spoke with the parents about this and drew up an agreement on behaviour and actions, which the students signed. In addition, M. reached out to ZARA in order to learn more about other possibilities for action. A ZARA counsellor reassured M. in the steps he had already taken and stressed how important it is to communicate to young people exactly what the Prohibition Act is, why it exists and that it can be a punishable offence to spread such content. The counsellor also explained what legal options were available in such a case. M. was thankful for the advice but did not want legal action to be taken. He asked that the incident be documented.

What did ZARA do?

📄 Documentation 🗣️ (Legal) counselling

3 Right-wing extremist music on a streaming platform

H. was listening to music on a well-known streaming platform. Suddenly, in the middle of an automatically created playlist, a song with fascist lyrics began to play. The song begins with the salute of a Croatian fascist movement – the Ustaša – and is from a band classified as extremely right-wing and racist. H. was upset that this song was not only available on this streaming platform, but was actively suggested. He called on the streaming platform to remove this song from their platform via Twitter. He also asked ZARA for support. A ZARA counsellor documented the case and researched the legal significance of the Ustaša salute under Austrian law. The results of the research showed that there have already been convictions under the Prohibition Act (→ Glossary, p. 65) by lower courts on these grounds. In order to have more legal certainty, clear case law from a high court would be helpful. However, there is none yet as far as can be seen. Together with H., the ZARA counsellor drafted a letter of intervention (→ Glossary, p. 65) to the streaming platform. In the letter, they asked the platform to deal with the song and asked for a response on how they deal with fascist, racist and right-wing extremist music.

Despite being contacted through various channels, the streaming platform had not yet responded by the editorial deadline.

What did ZARA do?

- Documentation (Legal) counselling
- Drafting of a letter of intervention

4 Posts trivialising the Holocaust

A witness sent a screenshot from a private group on Facebook to ZARA using the anonymous report form. The screenshot showed a post which made comparisons between vaccinations and the Holocaust. Since the beginning of the COVID-19 pandemic, ZARA counselling centres have received an increasing number of reports of similar, Antisemitic and Holocaust-trivialising posts. These are often posted in private groups, but are also spread publicly. Because in this particular case, ZARA had no access to the closed Facebook group and the post in question, it was not possible to request the deletion of the post on Facebook. A ZARA counsellor documented the report and also forwarded it to the NS Reporting Office, where the post could be checked for its relevance under criminal law and where proceedings could be initiated, if necessary.

What did ZARA do?

- Reported to the NS Reporting Office
- Documentation



The advertisement features a yellow background. On the left, there is a graphic of two speech bubbles, one red and one green, with a megaphone icon inside the green one. Below this, the text reads: "Du hast Hass im Netz erlebt oder beobachtet und möchtest dagegen aktiv werden?" followed by "Stelle dir hier deine kreative Gegenrede zusammen." and a green button with the website "www.schnellerkonter.at". On the right, there is a graphic of a smartphone displaying the "SCHNELLER KONTER" app. The app screen shows the title "Lass' Hass im Netz nicht unbeantwortet!" and a question "WIE MÖCHTEST DU KONTERN?". Below the question are two buttons: a green one with a fist icon labeled "Mich stärken" and a yellow one with a handshake icon labeled "Mich solidarisieren". The ZARA logo is in the top right corner of the advertisement.

KNOW YOUR RIGHTS – Exemplified by incitement to hatred

Since 2021, new legal provisions to protect those affected by hate online have been introduced, including the criminal offence of incitement to hatred¹. Even before this, the internet was not a lawless area: laws that apply offline also apply on the internet.

Hate comments that meet the criteria for certain criminal offences, and thus cross over the line of freedom of expression, can lead to fines or even imprisonment (e.g. incitement to hatred, insult, dangerous threat, cyberbullying or cyberstalking (→ Glossary, p. 65)).

What is incitement to hatred?

Public, in this context, means in front of at least 30 people (online or offline).

Incitement to hatred is publicly inciting violence against one or more people because of their membership to a group, inciting hatred or insulting them in a specific, disparaging and degrading way. These groups are defined, for example, by skin colour, language, religion or belief, ethnic origin, nationality, disability, age, sexual orientation or gender.

On the internet, it is both illegal to write content that qualifies as incitement to hatred oneself (e.g. a post on a social media platform) as well as to distribute (e.g. share) such content.

Perpetrators can be punished under Austrian law if the offence occurred in Austria (or on a server in Austria), or if consequences as a result of the offence are expected to occur in Austria.

How can I take action against incitement to hatred and how can ZARA help?

If you read a post and feel that it could be considered incitement to hatred, report it to ZARA. ZARA will then check whether it qualifies as incitement to hatred – and can also help with further steps, for example, reporting the post to the police or the public prosecutor's office. Furthermore, if you report a post that falls under criminal law to the relevant social media platform, they are required to delete it. ZARA can also take over the process of contacting the platform in order to ensure its deletion. If ZARA requests a deletion, it is more likely that the post will actually be removed, because ZARA has a special status ("Trusted Flagger" status (→ Glossary, p. 65)) on many social media platforms.

Since 2021, ZARA has also been able to accompany and support victims of incitement to hatred online – together with lawyers – free of charge in court proceedings (trial support (→ Glossary, p. 65)). ZARA works to make sure that a suitable lawyer is found.

Tip: For a report or criminal complaint, it is important to take a screenshot of the relevant post. The screenshot must include the date and time of the post.

¹ Article 283 of the Austrian Criminal Code

Public Sphere






This chapter contains a selection of the 273 incidents reported to ZARA that took place in the Public Sphere. The public sphere includes all incidents that take place in public and publicly accessible places, such as streets, traffic areas, parks and by means of public transport. Racist graffiti is also included in this chapter, as the 60 instances of racist graffiti reported to ZARA primarily took place in the public sphere.

5 Racist insults and physical violence

K. was travelling with the tram. Because of her pregnancy, she was experiencing strong morning sickness and therefore wanted to have a few quick bites to eat. For that reason, she went out of her way to sit towards the back of the tram in order to not disturb anyone. There, all of a sudden, she was racially abused by a man and punched in the stomach. K. immediately travelled to the hospital to be examined. At the hospital, they found that as a result of the attack, K. suffered from internal bleeding and lost significant amounts of blood. Charges were filed against the man while she was still in the hospital. Subsequently, K. also suffered a miscarriage. She contacted

WEISSER RING, an organisation for the protection of victims, because she wanted to take legal action against this violent crime. K. was supported and accompanied during the court proceedings as a result of the trial support (→ Glossary, p. 65) offered there. Additionally, she reported the incident to ZARA, because it was important to her that it be documented. After the documentation, a ZARA counsellor explained to K. that she also had the option to file an additional charge of racist insult. K. was very grateful for the support and relief intervention and wanted to think over how she wanted to proceed.




What did ZARA do?

 Documentation  Relief and strengthening intervention  (Legal) counselling

6 Extremely racist insults

Two friends, A. and V., were riding their bikes. They got lost and ended up in a publicly accessible car park in front of a clubhouse building. A woman came out of the building and spoke to both of them in intentionally poor German, because she assumed, due to racist prejudices, that A. and V. could not speak German (well). When she noticed that the pair spoke very good German, she stopped speaking German poorly. However, she then began to deeply insult the two friends, compared them to vermin, and stated that they should go away “to their homeland”. There were also other people on the premises, but they did not intervene. A. attempted to explain that they got lost, and weren’t actually aiming to end up there. Initially, A. also wanted to apologise, but then let that go because the woman continued to utter degrading insults. Because the woman did not stop, V. ultimately insulted her back. Finally, V. and A. decided that it would be better to leave. When they left the car park, the woman locked the gate behind them. After this experience, A. called ZARA to find out if there were any legal options available to take action against the abuse. A ZARA counsellor gave him information on his legal options and explained that they are also both protected from incitement to hatred (→ Glossary, p. 65) as individuals and could take legal action against it. A. wanted to discuss this with V. and make a decision together.

What did ZARA do?

 Documentation  Relief and strengthening intervention  (Legal) counselling

7 Civil courage: reaction to a racist subway announcement

Witnesses reported that a subway conductor greeted passengers with the overhead announcement “Welcome to your flight from Turkey to Vienna”. Several people then brought this to the attention of the transport company responsible. The company responded by publishing a statement in which it made clear that racism is not tolerated. The company also

asked witnesses for information (time, date, direction of travel) so that the incident could be investigated and the metro driver could be confronted. The incident was also reported to ZARA. ZARA documented the incident and the positive reaction taken by travellers as a consequence of the incident.



What did ZARA do?

 Documentation

8 Racist naming of climbing routes

ZARA received reports from several people that a climbing guidebook was soon to be published whose author had already given climbing routes racist and sexist names in the past. These names do not have to be approved in advance, as it is customary in Austria for the first ascender to be allowed to name their respective climbing route. In this specific case, the chosen route names were based on National Socialist codes, which were derogatory towards Black people, Roma and Sinti, Muslims, Jews and women in general. A ZARA counsellor determined that some of these names were unlawful. He reached out to partner organisations, lawyers and a large sports and recreation club, and found out that charges had already been brought. Additionally, the sports and recreation club had already taken a clear position and no longer sold the books in its shop. The ZARA counsellor also gave one person who reported the incident the contact details for a lawyer specialising in media law. Finally, ZARA documented the reports and the various measures that had already been taken. Due to resource constraints, no further action could be taken.

What did ZARA do?

 Documentation  Exchange/coordination with partner organisations, lawyers and other relevant parties

9 Racist assault in the middle of the street

While walking his dog, G. was subjected to deeply racist insults from a stranger. The man also physically assaulted G. and kicked him in the chest. G. reported this assault to the police. Sure enough, after a few weeks the perpetrator was able to be identified – but the charge for attempted assault was dropped. G.'s daughter therefore

reached out to ZARA in order to find out if anything could be done. A ZARA counsellor informed her about the various legal options available, such as applying for a continuation of the investigation and adding an additional charge of racist insult, as at that point only the attempted assault had been reported. G.'s daughter thanked the counsellor and wanted to discuss further action with her father.

What did ZARA do?

 Documentation  (Legal) counselling

KNOW YOUR RIGHTS – Exemplified by racist insults

Insults¹ in the legal sense are insults, taunts, physical abuse or threats of physical abuse that occur in front of at least three people (not including the person directly affected and the perpetrator). Insults can be punished by the court with a prison sentence of up to three months or a fine.

A racist insult is an insult that refers to, for example, the skin colour, ethnic origin or religion of the person insulted. For example, calling someone a racist name, tearing off someone's headscarf, slapping someone in the face because of their religion, spitting at and mocking someone because of their origin or insulting someone on the internet because of the colour of their skin is considered a racist insult.

How can I take action against racist insults?

Racist insults are prohibited by law, and in contrast to simple insults (i.e. insults without a prejudicial motive), can be reported to the police. It is necessary for the person affected to also authorise the initiation of criminal proceedings when making the report.

After that, the public prosecutor's office is responsible and conducts the proceedings. There is no risk of costs for the affected person.

How can ZARA help?

If you have been on the receiving end of racist insults, you can reach out to ZARA. ZARA can offer you support and can also determine whether there is an insult in the legal sense. If necessary, ZARA can support a complaint and give procedural advice. One issue when it comes to assaults in the public sphere is that the perpetrators are often unknown and therefore cannot be tracked down. Nevertheless, reporting unknown perpetrators to the public prosecutor's office is important, because that is the only way to ensure that such incidents become known and appear in official statistics.

¹ Article 115 of the Austrian Criminal Code

Racist graffiti

10 Islamophobic graffiti on a park bench

H., an employee of a social institution, discovered Islamophobic graffiti on a public park bench in Vienna. He reported the graffiti to ZARA via email, including photos and the exact address. H. asked ZARA to ensure the graffiti be removed as soon as possible. A ZARA counsellor documented the report and requested the removal through the City Service of Vienna (→ Glossary, p. 65). After a week, ZARA received a notice that the graffiti had been successfully removed.

What did ZARA do?

📌 Requested the removal of racist graffiti in a public space 📄 Documentation

11 NS graffiti at a former concentration camp

P. regularly offers tours around a former concentration camp, including for school classes. During a guided tour, he noticed that the entrances to the tunnels near the concentration camp were covered with graffiti depicting National Socialist symbols and expressions. This is illegal under the Prohibition Act (→ Glossary, p. 65) because it trivialises or endorses National Socialist crimes committed against Jews and the many other people and groups who were systematically persecuted at the time. Because P. wanted the graffiti removed, he lodged a complaint. Additionally,

he reported his observations to ZARA, because it was important to him that the graffiti also be documented. Another one of P.'s concerns was the desire to point out the increasing Antisemitism and right-wing extremism in Austria. A ZARA counsellor documented the report, thanked P. and encouraged his commitment.

What did ZARA do?

🗨️ Relief and/or strengthening 📄 Documentation

12 Racist, fear-mongering sticker

F. noticed a racist sticker in a tram in Vienna, which depicted “foreign” schoolchildren as a threat to “Austrian” schoolchildren. The text was accompanied with an image of a blonde, *white* child with blue eyes. F. was disturbed by this racist, dangerous propaganda and reached out to ZARA. She wanted to know what she could do in such situations – especially as she could not remove the firmly stuck sticker herself. A ZARA counsellor gave her information on possible next steps. The ZARA counsellor requested the removal of the sticker through the City Service of Vienna on the request of F. Shortly afterwards, F. reached out in thanks, as the sticker had already been removed.

What did ZARA do?

📄 (Legal) counselling 📌 Request for removal 📄 Documentation

KNOW YOUR RIGHTS – Exemplified by racist graffiti

Graffiti with swastikas, SS runes or National Socialist slogans in public spaces are always punishable by law. Different laws may be applicable: the Prohibition Act (→ Glossary, p. 65), the Introductory Act to the Administrative Procedure Acts¹ (EGVG (→ Glossary, p. 65)), the Symbols Act (→ Glossary, p. 65) and the Austrian Criminal Code.

The perpetrator can be punished regardless of whether they acted with intent. Depending on the applicable law, the penalty can be a fine of up to 2,180 euros (EGVG) or imprisonment of up to 20 years (Prohibition Act).

The Symbols Act also prohibits certain other symbols (including, among others, Grey Wolves, Ustaša and “Islamic State”). In this case, the fine can be up to 4,000 euros (and in repeat cases up to 10,000 euros).

When is graffiti legally considered damage to property?

Moreover, any graffiti may constitute damage to property. Damage to property² occurs when a “foreign” object is destroyed, damaged, defaced or rendered otherwise unusable. The damage must be so significant that it can only be removed with a certain amount of effort.

→ Warning: Independently painting or pasting over (racist) graffiti can also constitute a damage to property. Only easily removable paint-overs or stickers pose no issue.

Depending on the amount of damage, a suspended sentence of up to six months (or alternatively a fine) may be imposed.

According to Article 126 of the Austrian Criminal Code, the prison sentence can be up to two years in the case of serious damage to property – for example, if a grave or protected object is defaced. If the damage incurred exceeds 300,000 euros, the offender faces a prison sentence of up to five years.

In the case of messages that are explicitly racist or constitute incitement to hatred (→ Glossary, p. 65) this can lead to higher punishments for perpetrators as a special aggravating circumstance.

How can I take action against (racist) graffiti?

Graffiti – if it constitutes damage to property – is considered an “offence prosecuted ex officio”. This means that as soon as a law enforcement authority becomes aware of it, it is obliged to initiate criminal investigations. In principal, anyone can report graffiti to the police or the public prosecutor’s office (→ Glossary, p. 65) by means of an exposition of the facts (→ Glossary, p. 65). Even if the perpetrators can no longer be found, such a report serves as a statistical record.

→ Tip: When making a report, it is important to give as much information as possible about the content and location of the graffiti, and ideally to include a photo of the graffiti.

How can ZARA help?

Racist graffiti can be reported to ZARA. ZARA documents and reports them to the relevant authority. ZARA works in cooperation with the relevant contact points, to remove the graffiti as quickly as possible – especially in public spaces.

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

² Article 125 of the Austrian Criminal Code

Goods & Services

This chapter includes a selection of the 185 cases reported to ZARA in connection with Goods & Services (including Living & Neighbourhood). It documents incidents related to the access to, and supply of, goods and services (such as in venues, stores and other service providers).

Living & Neighbourhood

13

Racist violence by a neighbour

T. was subjected to racist abuse and significant harassment by her neighbour on a daily basis for years. This intolerable behaviour worsened with the pandemic. The

neighbour accused T. of being in Austria illegally and questioned how she could afford to live in Austria at all. The neighbour made these racist claims loudly every time she ran into T., but also in the building courtyard, stairwell or on her balcony, so that T. could hear the insults. The neighbour had also incited other neighbours against T., so that T. received racist abuse from other people as well. In addition, T. feared that the neighbour was going through her mail, because she was aware of and distributed T.'s personal information. The neighbour went so far as to install a video camera in the hallway pointed at T.'s flat for a period of time. These years of

psychological violence had a strong impact on T.'s health. A doctor urgently recommended she move. T. also saw this as the solution, although it unfortunately meant that the neighbour would get away without any suffering any consequences. She therefore applied (many times) for a flat change through Wiener Wohnen (→ Glossary, p. 65), and reported the neighbour's racist behaviour – but without success. Instead, despite her severe psychological distress, T. was offered a mediated talk with the neighbour. T. did not feel as though she would be able to have such a confrontation, nor was the neighbour willing to meet with her. T. therefore contacted ZARA. A ZARA counsellor supported T. with a relief intervention and a new application for a change of residence, with an attached statement from ZARA which described the racist violence. As a next step, the ZARA counsellor accompanied T. to an appointment with the property management to explain the urgency of the flat change.





What did ZARA do?

🧠 Relief and/or strengthening intervention
✍️ Drafting of a statement ➡️ Exchange with other involved institutions 📄 Documentation

14 Anti-Black racism by neighbours

L. experienced frequent racist attacks and harassment by neighbours and their children. Once, after some children hit the wall of her flat with balls and she asked them to play somewhere else, the children called her racist names and told her that they were not allowed to speak with her because of the colour of her skin. In other instances, children threw dirt at her window and held their noses as they walked past her. L. was shocked that during these incidents, adults were always around – and instead of intervening, they would laugh or even insult her themselves. L. had already reported these racist attacks to Wohnpartner (→ Glossary, p. 65). The neighbours, however, were not willing to have a conversation. For that reason, L. called ZARA and explained the situation. A ZARA counsellor spoke with her and the only neighbour who stood up for L. He also contacted Wohnpartner and wrote a statement describing the racist aspect of the attacks and the negative impact they had on L. L. took this letter with her to an appointment with the municipal property management, where she also expressed her desire to change flats. After a while, L. reported that the change of flat had been approved thanks to ZARA and the intervention of a staff member at the agency, and thanked them.




What did ZARA do?

 Relief intervention  Drafting of a letter of intervention  Exchange/coordination with partner organisations, lawyers, authorities and other involved parties  Documentation

15 Racist hostility and intimidation

G., who had a young daughter and was heavily pregnant at the time, faced continual racist hostility from her neighbours. Additionally, one neighbour regularly lodged baseless complaints against her. The Youth Welfare Office, Wohnpartner (→ Glossary, p. 65) and the municipal property management were repeatedly involved. Afraid of losing her flat, G. reached out to ZARA. A ZARA counsellor showed her the ways in which she could take action against the racist hostility. G. accepted the ZARA counsellor's offer of accompanying them to a meeting with the property management. The employee reassured G. that she would not lose her flat due to unfounded complaints and assured her that she can reach out to her at any time. The ZARA counsellor also gave recommendations for places she could turn to for psychological support.


What did ZARA do?

 Relief intervention  Accompanied visit to Wohnpartner  Referral to a psychosocial organisation  (Legal) counselling  Documentation

16 Use of racist stereotypes

A person reported a racist incident to ZARA that occurred during an flat viewing: the landlord first showed the flat to a family. Afterwards, the next interested parties made derogatory anti-Roma and anti-Sinti comments about this family. They used racist stereotypes to convince the landlord not to give the flat to the first family and to gain an advantage for themselves. ZARA documented the incident. As the report was anonymous, no further steps were possible.

What did ZARA do?

 Documentation

“In many cases of racist attacks by neighbours that are reported to ZARA, the property management only offers a mediated talk with the perpetrators. Those affected often continue to be subjected to intolerable racist attacks afterwards. If, in rare cases, a change of residence can be achieved, the affected person is the one who has to bear the costs and effort of moving, even though they are the one who has been wronged or violated. Therefore, in ZARA’s view, a change of residence by the person affected cannot be the standard reaction to racist attacks.”

Elisa Ludwig, ZARA counsellor

KNOW YOUR RIGHTS – Exemplified by racial discrimination in housing

The Equal Treatment Act (→ Glossary, p. 65) prohibits discrimination against people on the basis of certain characteristics – for example, their ethnicity – in the access to and provision of housing. This means, for example, that there must be no racial discrimination or insults when renting out flats.

It is also forbidden to discriminate in housing advertisements – for example by adding “only for citizens” or “native language German required”.

How can I take action against racial discrimination in the housing market?

Those who experience racial discrimination or harassment when accessing housing have several options available to them:

They can have the Equal Treatment Commission (→ Glossary, p. 65) examine through legal proceedings whether discrimination on the basis of ethnicity took place. These proceedings are free of charge. However, if discrimination is found, this decision is not compulsorily enforceable.

Additionally, if the Equal Treatment Act has been violated, those affected can also file a complaint with a civil court. For example, damages can be claimed. However, such civil court proceedings are associated with a not inconsiderable cost risk.

Discriminatory housing advertisements can be reported to the district administrative authority by those who are interested in the property (or by the Ombud for Equal Treatment (→ Glossary, p. 65)).

How can ZARA help?

As a first step, ZARA can clarify whether a violation of the Equal Treatment Act is likely to have taken place. Together with the person affected, ZARA can consider whether extrajudicial steps are possible and determine which are desirable. For example, ZARA can offer support through a letter of intervention (→ Glossary, p. 65) or offer an accompanied visit to mediation talks. If those affected request legal action, ZARA can establish contact with the Ombud for Equal Treatment so that they can offer support in proceedings before the Equal Treatment Commission.

In specific cases, ZARA can refer cases of discrimination to the Litigation Association. If the Litigation Association decides to take on the case, it will then represent the person affected in the court proceedings and support them in asserting their claims under the Equal Treatment Act. The Litigation Association then also assumes the cost risk of the proceedings.

Retail, Gastronomy & Other Commercial Services







17 Racial discrimination in a luxury goods store

Upon entering a luxury goods store, L. was asked by an employee if she needed help with anything. She showed the employee a picture of a bag she wished to purchase. The saleswoman stated that the bag was not available in the store. L. then asked about another bag, to which the employee replied that they did not have it and could not order for L. The employee then stated that L. should return another day. When L. decided to take a look in the sales room towards the back, a second employee allowed her to enter only if she would also give notice when she left the store again. There, L. saw a man buying three bags – one of which being the one that she had asked for. When she asked about this, the second sales woman said that the bags had been ordered by someone. The employees continually whispered to each other – clearly speaking about L. When L. asked a third employee if she could also order something, she denied her request. Finally, L. asked if Chinese women aren't allowed to purchase anything – to which the sales person answered with a clear "Yes". Dismayed by the discriminatory attitude of the employees, L. left the shop and turned to ZARA. After a relief intervention and a consultation on possible (legal) measures, a ZARA counsellor drafted a letter of intervention (→ Glossary, p. 65) to the store together with L. The counsellor pointed out the legal situation and described the racist incident. The management responded with a very reflective letter and asked for L.'s contact details so that an apology and any offers of compensation

could be addressed directly to her. The ZARA counsellor checked in with L. after some time, and found that she was still waiting for the store management to contact her.




What did ZARA do?

 Relief and/or strengthening intervention  (Legal) counselling  Drafting of a letter of intervention  Documentation

18 Racial discrimination by security guards

As P. was attempting to enter a shopping centre, a security guard stopped him for no clear reason. He alleged that P. was banned from the property because he stole something two years ago. P. explained that this accusation was false, but the security guard, supported by four other men, forcibly threw P. out. P. called the police to defend himself. But this didn't help – instead, the officers checked his ID, noted down his personal information and asked why he was there at all and whether he had written confirmation that he was allowed to enter the shopping centre. The officers told him that he was not allowed to file a report. P. could not understand the meaning of this and reached out to a lawyer, who recommended that he also report to ZARA because of the racist attribution and refusal of admission. After a relief intervention, P. and a ZARA counsellor agreed to draft a letter of intervention (→ Glossary, p. 65) to the shopping centre. The shopping centre answered the letter and agreed to a mediation talk.





What did ZARA do?

 Relief and/or strengthening intervention  Drafting of a letter of intervention  Documentation

19 Refusal of sale motivated by racism

F. and her boyfriend wanted to purchase a vehicle through an online platform and arranged a viewing. The pair showed up for the arranged viewing. The seller, upon seeing that F. is Black, went into his office without a word and locked the door behind him. He did not respond when the pair knocked for some time and called him – and ultimately denied them the viewing and the purchase. F. did not want to let this stand and reached out to ZARA. A ZARA counsellor gave an overview of the legal framework and her options for action against this racial discrimination. After a short discussion, she requested that the ZARA counsellor draft a letter of intervention (→ Glossary, p. 65) to the seller. In this letter, the seller was informed that racially motivated denial of a sale is illegal under the Equal Treatment Act (→ Glossary, p. 65) and was requested to respond. The deadline for reply was not yet reached by the time of the editorial deadline.




What did ZARA do?

 (Legal) counselling  Strengthening intervention
 Drafting of a letter of intervention  Documentation

20 Anti-Black racist logo

Several witnesses reported a restaurant's logo through various channels. This logo disparages Black people through its use of racist, stereotypical imagery. E., one of the reporters of the logo, criticised this racist representation at the guest house itself, but received only the response that they are "not racists". Those who reported it to ZARA independently requested documentation and that ZARA write a letter of intervention (→ Glossary, p. 65) in the hope that the logo would be recognised as discriminatory and be changed. A ZARA counsellor drafted such a letter to the owners of the pub, informing them about the logo's racist elements, the legal situation and the numerous reports that ZARA had received. The owners responded quickly and stated they would get back to ZARA within a week. When, after several months and enquiries, no answer was received, ZARA reported the owners to the relevant district administrative authority. ZARA was not aware of any decision by the time of the publishing of this report.

What did ZARA do?

 Drafting of a letter of intervention
 Report to the police  Documentation

KNOW YOUR RIGHTS – Exemplified by racist refusal of admission

Racist refusal of entry occurs when a person is refused entry to a venue or club on the basis of their ethnicity. This is prohibited under the Equal Treatment Act (→ Glossary, p. 65) and the Introductory Act to the Administrative Procedure Acts (EGVG (→ Glossary, p. 65))¹.

How can I take action against racist refusal of admission according to the Equal Treatment Act?

Those affected can contact the Equal Treatment Commission (→ Glossary, p. 65) for an assessment of this discrimination. Proceedings before the Equal Treatment

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

Commission are free of charge, although the decisions are not compulsorily enforceable, unlike decisions made by a court

In addition to the Equal Treatment Commission, victims can also file a complaint with the relevant civil court. However, there is a not inconsiderable cost risk.

Those who want to fight back against a racist refusal of admission must “only” make the discrimination credible (Reduction of the burden of proof (→ Glossary, p. 65)). If they succeed in doing so, the venue must prove that it was more likely than not that it was permissible reasons (e.g. inappropriate dress, inappropriate behaviour) which led to the refusal of entry.

If a refusal of admission on racial grounds is established, victims are entitled to compensation.

How can I take action against a racist refusal of admission according to the Introductory Act to the Administrative Procedure Acts?

According to the Introductory Act to the Administrative Procedure Acts, racist refusal of admission according to the Act can be reported not only by the victim themselves, but also by witnesses. (Offence prosecuted ex officio (→ Glossary, p. 65)). Police who observe such an incident must report it to the relevant district administrative authority (→ Glossary, p. 65).

These proceedings are free of charge for the person reporting the incident. The disadvantage is that the person reporting (or ZARA) are not informed about the result of the procedure (No party to the case (→ Glossary, p. 65)).

Similarly, the EGVG does not provide compensation to the person who has been discriminated against. Offenders can be fined up to 1,090 euros.

If this provision of the Introductory Act to the Administrative Procedure Acts is repeatedly violated, the trade authority must revoke the trade licence of the operator. However, ZARA is still not aware of any cases where this has actually happened.

How can ZARA help?

If desired, ZARA can first contact the venue in question with a letter of intervention and ask for a statement on the incident. In some cases, depending on the reaction of the venue operators or the security companies involved, an out-of-court solution may be found (e.g. clarifying conversation or apology on the part of the venue). ZARA can, for example, provide accompanied visits to such conversations.

ZARA also checks whether a law was violated in the incident. If legal action is desired, ZARA can establish contact with the Ombud for Equal Treatment (→ Glossary, p. 65), so that they can offer support in proceedings before the Equal Treatment Commission.

In some specific cases, ZARA can refer the case to the Litigation Association of NGOs Against Discrimination. In isolated discrimination cases, it is possible for the Litigation Association to take over the case in order to enforce the rights of victims of discrimination. The Litigation Association then takes over the representation in court and the cost risk.

Public Authorities & Institutions



This chapter contains a selection of the 112 incidents reported to ZARA that involved Public Authorities & Institutions. This category includes incidents that occurred with administrative bodies, educational institutions and other municipal institutions (police excluded).

21 Racial discrimination during a driving exam

During a practical driving test, the driving instructor and examiner began a conversation about religion and Islam, during which the examiner grew increasingly incensed and disparagingly insulted Turkish people. Both made racist (anti-Muslim) and sexist remarks about Turkish women. The pair repeatedly told V., who wears a hijab, that she shouldn't "get the wrong idea". V. did not respond. During the entire journey, the examiner failed to pay attention to the road traffic or her driving performance. The driving instructor took over because the examiner also failed to give V. any instructions. At the end of the drive, the examiner ultimately said that she did not pass the exam. When V. asked why, the examiner only stated that she missed a stop sign. When V. inquired further, the driving instructor deflected and listed other incidents, which he also failed to describe in detail. V. tried to reach out to the driving instructor the next day, but the instructor told her that he did not want to talk to her. V. therefore turned to ZARA in order to have the case documented and to find a way to report the unacceptable, racist behaviour back to the

driving school. A ZARA counsellor prepared a letter of intervention to the driving school (→ Glossary, p. 65) for V.

What did ZARA do?




 Drafting of a letter of intervention  Relief and/or strengthening intervention  Documentation

22 Racial discrimination at a school

The nine-year-old B. experienced constant racial discrimination from his class teacher and school director. Once, during a free period, B. was playing with classmates in the gym. The teacher was overwhelmed by the situation and shouted at B., who subsequently hid in the bathroom. He called his grandmother from the bathroom, who recommended that he film the teacher, as otherwise no one would believe him. B. followed her advice and filmed the teacher's aggressive behaviour towards him, including pulling him by the wrist and scratching him. She attempted to take away his cell phone and stated that she would call the police. The school director also came and expressed her displeasure that B. was "once again" speaking in his native language. Finally, four police officers arrived.

As B. attempted to tell his version of the story, the teacher repeatedly interrupted him. The police officers told B. that he would be sent to a special needs school and would not be able to become a football player if he would not behave. After the incident, the school director ordered B.'s parents to the school, where they experienced very aggressive and degrading treatment. The head teacher also tried to force B. to delete the video from his phone. In the end, B. was suspended and the family was threatened with a report to the Youth Welfare Office. The family then considered taking B. out of the school. Ms. K., an acquaintance of the family who was present during the conversation with the director, contacted ZARA. A ZARA counsellor gave her advice and information for the family on the subject of changing schools.

What did ZARA do?





 (Legal) counselling  Relief and/or strengthening intervention  Documentation

23 Government inspection motivated by racism

Three Financial Police officers visited S., the manager of a cultural enterprise, for an official inspection. One of the officials explained that they were carrying out the check because many new registrations had been indicated in the system. S. explained that this was related to COVID-19 related schedule displacements and substantiated this with both the current schedule as well as the contracts for the new staff members. He asked if the financial police should not rather check where people are *not* employed. The officials replied that there are also many bogus companies, and that S.'s name is usually an indication of a dubious businesses or letterbox company. At first, S. thought this was a joke, but the officials explained that the health insurance system reports irregularities to them. All three agreed that while they had already "gotten used to" some names, S.'s name was "different". Appalled by this racist approach, S. made the incident public and turned to ZARA. He wanted to ensure that this case of institutional racism would not be ignored,

and wanted ZARA to stay on the case and prepare a letter of intervention to the agency. The case was widely reported in the media – including interviews with S. and a ZARA counsellor. However, in the online media's discussion forums, many people launched racist attacks against S., leading ZARA to also support S. with counter-speech in the forums. At the same time, a production on the subject of institutional racism celebrated its premiere at S.'s cultural institution.





What did ZARA do?

 Relief and/or strengthening intervention
 Drafting of a letter of intervention
 Awareness-raising/public relations work
 Documentation

24 Racial discrimination at the Youth Welfare Office

J. was taking part in divorce proceedings. Her (ex-)husband maligned her in front of the authorities. Consequently, the Youth Welfare Office took their son away from her. The reasoning: there was a danger that J. would take the child abroad. Since then, the child has been living with J.'s (ex-)husband, and she is not allowed to see him. When she took her father to an appointment at the Youth Welfare Office, her case worker made racist remarks to both of them. The case worker asked the father, who was born in Turkey, probing questions about his origin and recorded in writing the racist assumption that the mother posed a danger to the child because of her language and culture. Because J. did not want to put up with this racially motivated infringement in her life, she turned to ZARA and asked for support. A ZARA counsellor documented the incident and gave advice on her options. J. wanted to first wait for the conclusion of her ongoing custody proceedings and then take action against the racist, consequential behaviour of the employee at the Youth Welfare Office. The ZARA counsellor offered her further support.

What did ZARA do?

 Relief and/or strengthening intervention
 (Legal) counselling  Referral to counselling services  Documentation

Students are legally protected from racial discrimination and harassment by educational staff. If racial discrimination occurs, this constitutes a violation of the Equal Treatment Act (→ Glossary, p. 65) or the relevant state laws (e.g. the Vienna Anti-Discrimination Act (→ Glossary, p. 65)).

Defending oneself legally against racial discrimination in the education sector is complex, as this area is governed in part by federal laws and in part by state laws. The power disparity between the school or teacher and the student is often another reason that victims are discouraged from taking legal action.

How can I take action against discrimination in education?

First of all, there is the option of talking with the person involved or their superior with the aim of achieving a change in behaviour and/or to get the school to address racist incidents and to raise the awareness of as many people as possible involved in everyday school life.

Legally you can, for example, proceed according to the Equal Treatment Act (→ Glossary, p. 65). In order to determine whether a violation has occurred, proceedings can be initiated before the Equal Treatment Commission (→ Glossary, p. 65). This procedure does not entail any risk of costs, but the decisions are not compulsorily enforceable.

In addition, it is possible to bring a suit to court. In these proceedings, however, the plaintiff bears a cost risk. The consequence of such a suit can be the payment of damages. However, the often desired change in behaviour can only be brought about very indirectly, through compensation for damages.

In addition to the Equal Treatment Act, disciplinary consequences (e.g. reprimands, fines, dismissals) or criminal provisions (e.g. insults) may also be applicable, depending on the facts of the case.

How can ZARA help?

During counselling sessions, ZARA will discuss all relevant aspects and options with you so that you can decide for yourself what path you would like to take. For example, ZARA can contact the school, accompany you to mediations or draft a letter of intervention (→ Glossary, p. 65) that points out the discrimination and demands improvements. ZARA training can be recommended to the school or class, for example on the topics of diversity or awareness: www.zara-training.at

If you decide to take legal action, ZARA can offer support and represent you in the proceedings before the Equal Treatment Commission.

Politics & Media



This chapter contains a selection of the 84 incidents reported to ZARA in the sphere of Politics & Media. This includes any racist incidents on the part of, or spread by, politicians or political parties and their bodies, and the traditional media (print, radio and television) both online and offline.

25 Racist propaganda by politicians

A politician made a post claiming that more than 50 percent of COVID-19 intensive care beds were being occupied by migrants. On the basis of this unsubstantiated claim, he stirred up racial prejudices and resentment by suggesting that migrants do not comply with safety measures but are nevertheless favoured in the national vaccination schedule. A witness reported this post to ZARA. A ZARA counsellor documented the statements and provided counter-speech (→ Glossary, p. 65) by refuting the claims with links to articles with fact checks. Because of the post's inflammatory character, he reported the post to the NS reporting office.

What did ZARA do?

- 📄 Documentation
- 👁️ Awareness-raising work
- 📢 Report to the NS Reporting Office

26 Racist diversionary tactic after a femicide

After another femicide (→ Glossary, p. 65) took place in Austria in the middle of the year, a politician spoke out publicly and claimed that the issue was being exaggerated. He claimed that people were pretending that the problem was attributable to Austrian men, and instead attributed the problem to "immigration", thus stirring up fear and racism. A witness reported the statements to ZARA. A ZARA counsellor documented the report. In addition, ZARA's public relations work draws attention to the fact that such statements are racist and dangerous, because the real problem – violence against women – cannot be solved by trivialising and deflecting the issue.

What did ZARA do?

- 📄 Documentation
- 👁️ Public relations and awareness-raising work

"In our work, we encounter teachers that expect certain students to conform to a particular stereotypical image or racist narrative. These expectations and attitudes are taken up from the media."





Elena Nišević, Initiative for a non-discriminatory education system (IDB)



27 Racist generalisation during an interview

During a news programme, a person introduced as an expert on Afghanistan was interviewed. The segment was about the femicide (→ Glossary, p. 65) of a 13-year-old girl – at this point, several Afghan men were under suspicion of murder. In the interview, the interviewee pointed out the difficult reality for Afghan refugees, but also made discriminatory statements. For example, she made very generalising statements that drug addiction and “patriarchal Afghan culture” are reasons for criminal acts done by Afghans. Subsequently, M., a representative of an Afghan sports and cultural association, contacted ZARA. Several members of the association feared that this interview would reinforce existing prejudices in society and lead to more racist attacks on Afghans. M. wanted to do something about it and asked for legal information and support. As no legal action was possible, a ZARA counsellor offered to send letters of intervention to the TV station and the interviewee. In her letter to the television station, the counsellor pointed out that it has an educational mandate and a responsibility towards the viewers. In its response, the broadcaster stated that various experts have a chance to speak on the subject of violence against women. No reaction was given to the criticism on the generalising statements made against Afghans. The broadcaster also saw no need to distance itself from the statements made by the interviewee, as they were not unlawful. In spite of this less than insightful reaction, M. was satisfied with the intervention and found it to be supportive. Additionally, the ZARA counsellor made M. aware of the fact that the members of the association could contact ZARA at any time if they observed or experienced racist attacks themselves.

What did ZARA do?

 Strengthening, relief  Documentation  (Legal) counselling  Drafting of a letter of intervention

28 Racist propaganda against refugees

After the Taliban seized power in Afghanistan in August 2021, many people fled the country. One politician used this to stir up racism against refugees. In one post, he claimed that only men were fleeing, a claim that he supported with two pictures. A fact checking platform researched the original photos and showed that they were being used in a manipulative manner: one of the pictures was three years old and depicted an entirely different situation. The second image was strategically cropped because it would otherwise contradict the racist statement. A witness reported the post to ZARA and requested it be documented. ZARA trainings on the topic of critical media consumption also use examples like this.

What did ZARA do?

 Documentation  Awareness-raising work




29 General suspicion towards Muslims

In the middle of 2021, the Austrian Minister of Integration and staff of the Documentation Centre for Political Islam presented the so-called “Islam Map”. The map was intended to give an overview of Islamic associations in Austria and reveal (was what described at the press conference as) “dangerous developments”. In total, the map covers 623 Islamic and Islamic-perceived organisations and mosques. The map itself, however, does not show which institutions are classified as “political Islam” (a term disputed by scholars) and which are considered “positive examples”. The project leader responsible for the map teaches at the University of Vienna, which distanced itself from the map shortly afterwards. In the days following the publication, several anti-Muslim racist incidents were reported to ZARA. The map has therefore contributed to reinforcing already widespread racist resentment against people perceived as Muslim. In an open letter, Muslim Youth Austria (Muslimische Jugend Österreich)

demanding the erasure of the map and filed a complaint with the data protection authority, as numerous addresses are published within it. The open letter has been signed by numerous organisations, including ZARA and other prominent supporters. A ZARA counsellor documented the reported

incidents concerning the Islam map and reported them to the public prosecutor. Despite widespread protests, the map is still available online.

What did ZARA do?

 Documentation  Public relations and awareness-raising work  Report to the public prosecutor's office

KNOW YOUR RIGHTS – Exemplified by racist media coverage

One-sided, racist reporting in the media is often legally unprosecutable or difficult to prosecute. Newspapers are allowed to decide for themselves which news and (permitted) opinions they publish. A complaint can be successful if other people's rights have been violated, e.g. in cases of defamation, incitement to hatred (→ Know your rights – Taking incitement to hatred as an example, p. 38), violation of the presumption of innocence or violations of the Prohibition Act (→ Glossary, p. 65).

In addition, there is a voluntary self-regulation for print media and their websites: the Code of Honour of the Austrian Press Council¹ (→ Glossary, p. 65). It sets out certain rules for journalists' work. Media that are willing to comply with this code of honour pledge to avoid blanket suspicions and discriminatory and racist reporting, among other things.

How can I take action against racist media coverage?

Anyone can make a complaint about racist reporting directly to the owner of the media (e.g. the newspaper) and emphasise that racist texts or statements are rejected by readers.

In addition, one can file a notice or a complaint with the Austrian Press Council. Regardless of whether the media organisation subsequently has to print the decision, the Austrian Press Council publishes selected decisions on its website.

→ Keep in mind: The Press Council is not responsible for media that is solely online, on the radio or on television.

How can ZARA help?

ZARA counsellors can support you in all these steps and offer legal advice. Please note: when reporting, be sure to include relevant links, screenshots, the name of the print medium and information about the content and time of publication.

¹ www.presserat.at

Employment & Entrepreneurship



This chapter contains a selection of the 104 incidents reported to ZARA that took place in the sphere of Employment & Entrepreneurship. This includes racist incidents associated with work and employment in the broadest sense (e.g. labour market, job hunting, working conditions or environment, job advertisements, etc.)

30 Racial discrimination in job applications

A. needed to complete various internships as part of her training. At one company, she found that only her *white* colleagues were invited to the interview, while she and another non-*white* colleague were not. She was not given a reason for the rejection. A. suspected racial discrimination and wanted to get to the bottom of it. She contacted ZARA via chat because she did not want to simply accept this injustice. At the same time, she was worried that she could be labelled as a troublemaker because of racist prejudices and an environment that was not sensitive to experiences of discrimination. During a relief intervention over telephone, a ZARA counsellor discussed the situation and the (legal) options available against racial discrimination in job application procedures with her. On the basis of this discussion, she decided not to take legal action and to instead inform the internship managers. The ZARA counsellor went over the planned conversation with her so that she could go into the situation empowered, prepared and goal-oriented. A. thanked her for this and said that she would get in touch if the conversation did not go well.

What did ZARA do?

(Legal) counselling Relief and strengthening intervention Documentation

31 Racist wave of dismissals

H. was employed by a temp agency that places staff at a company in the health sector. During a wave of dismissals, the supervisor there dismissed only non-Austrians. In contrast, a *white* employee, who generally received preferential treatment and who was allowed to choose her tasks at will, unlike her colleagues, was not dismissed. The supervisor justified further dismissals by saying that she had to reduce staff. As a result, two people not perceived as Austrian, including H., were dismissed. Shortly afterwards, the positions were filled by three *white* people. H. wanted to do something about it, so she contacted ZARA. A ZARA counsellor prepared a letter of intervention (→ Glossary, p. 65) to draw the temp agency's attention to the racist behaviour and the consequences of it.

What did ZARA do?

Relief and/or strengthening intervention (Legal) counselling Drafting of a letter of intervention Documentation

32 Dismissal due to racism

P. was the only Black employee at his company. He was repeatedly harassed by a colleague who had been working there for many years – he spoke badly about P. in front of colleagues, mocked him and made comments referring to his ancestry. As this behaviour became too much for P., he raised the issue of this ongoing discrimination with his superiors. When another racist insult occurred, P. confronted the colleague directly and an argument ensued. Management intervened in the dispute, but sent P. home. Later, P. attempted to talk with the assistant manager to explain the discriminatory nature of the incidents, in the hope that she would understand better than her superior. However, management sent P. home again and threatened to call the police. The next day, P. was told that he was being dismissed and should stop coming to work. P. turned to the Chamber of Labour and ZARA. As the Chamber of Labour had already referred him to the Ombud for Equal Treatment (→ Glossary, p. 65) a ZARA counsellor and P. drafted a letter of intervention (→ Glossary, p. 65) to the management together to explain the racist elements of the situation and the legal situation.

What did ZARA do?

🗨️ Relief and/or strengthening intervention ⓘ (Legal) counselling ✍️ Drafting of a letter of intervention 📄 Documentation

33 Racial discrimination in the workplace

S. worked as a chef at a boarding school. A colleague regularly made racist remarks and jokes about Asians – sometimes also in front of pupils – referring to her skin colour and the ethnic origin attributed to her. Most of the time, no one intervened. Students also began to make racist remarks. She had already once told her boss that her colleague was being disrespectful. However, she did not mention that the remarks also had a racist overtone. S. wanted first to talk to an expert about it, because she was unsure as to whether it really constituted racism. She turned to ZARA. It was important for her to have her perceptions confirmed, to be taken seriously and understood. A ZARA counsellor had a strengthening intervention with S. and supported and confirmed that what was happening to her was racist and that she did not have to put up with racist remarks or jokes under any circumstances. The counsellor also pointed out various other possibilities – such as drafting a letter of intervention (→ Glossary, p. 65) to the colleague or receiving support from the Ombud for Equal Treatment (→ Glossary, p. 65). As a first step, P. wanted like to talk to her supervisor again and then get back in touch, if necessary.

What did ZARA do?

🗨️ Relief and/or strengthening intervention ⓘ (Legal) counselling ✍️ Documentation ➡ Referral to other organisations, counselling centres

"A good job requires good education and training. Roma have been systematically discriminated against in the education system for far too long. The result is a much lower level of education, which makes integration into the labour market considerably more difficult - in addition to other problems arising from racism, such as precarious housing, difficulties with residence status or health restrictions. Romano Centro projects, such as learning assistance or Roma school mediation, contribute significantly to improving the educational situation of Roma."



Danijela Cicvarić, Romano Centro

If someone is racially discriminated against or racially harassed in connection with employment (e.g. when applying for a job, being promoted, being paid or dismissed), this constitutes a violation of the Equal Treatment Act (→ Glossary, p. 65).

How can I take action against racial discrimination in employment?

On the one hand, a complaint can be lodged with the Equal Treatment Commission (→ Glossary, p. 65). This process is free, but the Equal Treatment Commission, unlike the courts, can only express recommendations, but cannot compel anyone.

On the other hand, one can raise a civil suit in court. A court decision is always legally binding and can also force the (potential) employer to pay damages. In a civil lawsuit, however, there is a considerable risk of legal costs for the plaintiff.

The law stipulates that the person concerned “only” has to make a prima facie case of discrimination. If this prima facie case can be made, the court or Equal Treatment Commission must find discrimination if the (potential) employer cannot prove that it is more likely than not that another, permissible reason was decisive for the action in question.

How can ZARA help?¹

In cases of discrimination in employment, ZARA can try to reach an out-of-court settlement together with the client. With a letter of intervention (→ Glossary, p. 65) ZARA can, for example, draw the employer’s attention to the fact that the Equal Treatment Act has been violated and demand an apology, for example. In this way, elaborate proceedings and the risk of costs can be avoided.

If legal action is desired, ZARA can establish contact with the Ombud for Equal Treatment (→ Glossary, p. 65) so that they can offer support in proceedings before the Equal Treatment Commission.

In individual cases, ZARA can also refer clients to the Litigation Association of NGOs Against Discrimination. If they decide to take over the case, the Litigation Association represents the person concerned in the court proceedings and supports them in asserting their claims under the Equal Treatment Act. The Litigation Association then also assumes the cost risk in the proceedings.

¹ Since the beginning of 2022, ZARA has referred cases of discrimination in the field of work to other competent institutions, such as the Ombud for Equal Treatment or the Chamber of Labour, due to a lack of resources.

Police

This chapter contains a selection of the 102 incidents reported to ZARA that involved the police. This includes all reports that are connected in any way with security administration and with public security bodies.



34 Racially motivated arrest

One evening while at a venue near his flat, D. was suddenly asked by two police officers for his personal identification. D. and the other guests were visibly surprised by this. As D. did not have his ID card with him, he apologised and offered to fetch it in the company of the two officers. The officers, however, refused and insisted that he go with them. D. asked for the reason why repeatedly, but received no answer. The others at the venue also kept emphasising that he had done nothing wrong. In the meantime, the police called in reinforcements. They handcuffed him without explanation and, passing by perplexed guests, roughly forced him out of the venue. D. suffered bruises and abrasions, which he later had medically diagnosed. He had to spend the night in a police detention centre, and his wife was not informed. Only in the morning did a police officer take his personal information. When D. asked him why he was detained, he only answered that D. had “a problem with colleagues”. Finally, he was taken home, where he showed his ID. The officers announced that he would be fined. Before leaving, one of the officers noticed that D.’s wife has a doctoral degree and became visibly nervous. When D. asked

to inspect the case files the following week, he was told that the official act was not recorded in the system. D.’s legal adviser also found out that he was given a non-existent service number. D.’s wife then turned to ZARA. In consultation with D., a ZARA counsellor filed a guidelines complaint (→ Glossary, p. 65) with the police and a procedural complaint (→ Glossary, p. 65) with the provincial administrative court. However, the police claimed that D. had behaved aggressively and issued him two tickets. D. did not want to accept these unjustified punishments, which is why a ZARA counsellor also wrote two appeals.

What did ZARA do?





- 🛡️ Relief and/or strengthening intervention
- 📄 (Legal) counselling 📝 Drafting of complaints, appeals
- 🔍 Inspection of records 📁 Documentation

35 Ethnic Profiling

R. was accompanying a friend to the train. As she was leaving the station, she was stopped and shouted at by five police officers. R. was startled and apologised out of reflex. The officers cuffed her to the wall but did not tell her why she was being held. An officer pushed her face against the wall. Shocked, she called out this behaviour, but the officer argued

with her. When an officer searched through her belongings, he found sedatives that she took for her anxiety disorder. Although she explained that they were prescribed medication, the police suspected her of taking drugs. R. was incredibly intimidated by the behaviour of the officers. When R. later told friends, who are also Black, about the incident, they said that it happens to them all the time. Later, R. received a fine for “causing a public nuisance”. Shocked that she was being punished for being held and intimidated for no apparent reason, R. contacted ZARA. A ZARA counsellor offered support and legal advice. In consultation with R., the counsellor wrote an appeal against the sentence. Since the incident, the police have regularly patrolled the shop where R. works. At one point, a police officer threatened that he would report her because he saw her in the shop without the required mask protection. When she replied she took off her mask for only a moment to take a sip of water, the officer replied she should raise an appeal.

What did ZARA do?





 Relief and/or strengthening intervention  (Legal) counselling  Drafting of complaints, appeals  Documentation

36 Racist treatment during an inspection

N. and his friends were stopped by the police and reported for non-compliance with the COVID-19 protection measures. N., who has a Turkish name, and one of his friends, who has a Serbian name, were asked to pay 90 euros immediately. When N. informed them that he had no cash on him, one official announced that he would be given a written fine, which would be considerably more expensive. Because N. had the impression that he and his other friend were being treated differently from the rest of the group because of their name and appearance, he contacted ZARA. A

ZARA counsellor explained his legal options. N. decided against a guidelines complaint (→ Glossary, p. 65), because he didn't believe it would do any good. However, as he wanted to appeal the high fine, a ZARA counsellor prepared an appeal.

What did ZARA do?

 Documentation  (Legal) counselling  Relief intervention  Drafting of appeal

37 Violence motivated by racism

After a change of conductors, passengers were checked for a second time on a train. F. showed her valid ticket and ticket for the city core zone. The conductor ignored the ticket and asked for F.'s personal identification. Although F. pointed out her ticket several times, he stated that he would call the police. He also falsely claimed that F. had violated the mask requirement. Although a witness contradicted this, F. was taken off the train at the next stop by several police officers and taken out of sight of the witnesses. The police officers behaved aggressively and violently pushed F. Out of fear, F. reached for her cell phone to film the situation. The police then stopped their violence and demanded her ID card, even though they had already checked it. When F. stopped filming, a police officer threatened to charge her. When asked why, he said there was no need for a reason, and insulted her in a racist manner. After a few days, F. actually received a charge for aggressive behaviour in the mail. F. therefore turned to ZARA. A ZARA counsellor provided her with legal information and helped her to appeal the charge. F. did not want to file a guidelines complaint (→ Glossary, p. 65).

What did ZARA do?

 Documentation  (Legal) counselling  Relief and strengthening intervention  Drafting of an appeal

KNOW YOUR RIGHTS – Exemplified by racial discrimination by the police

If police officers racially discriminate against someone in the course of their work, there are ways to take action in certain situations. On the one hand, in the Directive for Interventions by Members of the Public Security Services (→ Glossary, p. 65) there are certain rules of conduct for police officers. For example, police officers must refrain from doing anything that could give the impression of bias or could be perceived as discrimination on the basis of ethnic origin. According to the directive, officers must also inform those targeted by the official police act of the reason for the intervention, and must give their officer number upon request.

Additionally, various laws¹ regulate when police officers may carry out ID checks. The police are allowed to carry out ID checks only if there is a legal basis for doing so. Being checked solely on the basis of skin colour or ethnicity is unlawful (Ethnic profiling (→ Glossary, p. 65)).

How can I take action against racist police violence?

If, for example, a person is stopped on the basis of ethnic profiling, the person affected can file a procedural complaint with the provincial administrative court or a guidelines complaint with the competent provincial police directorate within six weeks.

If a **procedural complaint** is filed, independent judges decide whether the intervention of the police officers was unlawful. There is no right to compensation in these proceedings. In addition, there is a cost risk for the complainant. As a result of such a procedure, disciplinary proceedings can be initiated against the acting police officer, but those affected have no influence on this and receive no information about it.

If a **guidelines complaint** is made, the allegations will be investigated and the complainant must be informed in writing whether there has been a breach of regulation. The state police department can also facilitate a discussion between representatives of the department, the officers concerned and the complainant. This is called a complaint resolution conversation (→ Glossary, p. 65). If the person concerned is satisfied with the outcome of this mediation, the procedure is finished. Up until then there is no cost risk. However, if the person concerned is not satisfied with the mediation, the procedure continues in writing. If the complainant is also not satisfied with the written result, they can request a review by the National Administrative Court. In this case, there is also a cost risk, which is why victims often do not apply for a judicial review.

How can ZARA help?

ZARA can support you with both procedural and guideline complaints and accompany you through the procedure. In some cases, ZARA can take over the cost risk through a specific legal aid fund.

You can find the ZARA brochures on dealing with the police for victims and witnesses here:

[To the brochures](#)

¹ Article 35 of the Security Police Act (SPG) 35 (→ Glossary, p. 65), Article 118 of the Austrian Criminal Procedure Code, Aliens' Police Act (FPG)

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WIENER STADTWERKE GRUPPE

Contact Points for Victims of Racism

In addition to ZARA, there are many other organisations that offer support. The majority are based in Vienna and are active throughout Austria¹:

Afro Rainbow Austria (ARA)

Contact point for and by LGBTQI+ migrants from African countries in Austria.
E-Mail: office@afrorainbow.at
Website: afrorainbow.at

Antisemitism Reporting Office of the Jewish Community of Vienna

Documents and advises victims and witnesses of Antisemitic incidents.
E-Mail: meldung@ikg-wien.at
Tel.: +43 1 531 04-777
Website: www.antisemitismus-meldestelle.at

Documentation Centre Islamophobia & Anti-Muslim Racism

Documentation and counselling centre for people who experience Islamophobia and anti-Muslim racism.
E-Mail: office@dokustelle.at
Tel.: +43 676 40 40 005
Website: dokustelle.at

Ombud for Equal Treatment

Counselling and support for discriminatory situations.
E-Mail: gaw@bka.gv.at
Tel.: 0800 206 119
Website: www.gleichbehandlungsanwaltschaft.gv.at

helping hands

Supports with (foreign) law, integration and racism-related problems by offering concrete and individual solutions.
E-Mail: info@helpinghands.at
Tel.: +43 1 310 88 80 10
Website: www.helpinghands.at

Initiative for a Non-discriminatory Education System

Anonymously documents experiences of discrimination in education.
E-Mail: office@diskriminierungsfrei.at
Website: diskriminierungsfrei.at

Romano Centro

Works against discrimination against Roma and Sinti and offers life and social counselling, especially for women.
E-Mail: office@romano-centro.org
Tel.: +43 1 749 63 36 15
oder +43 699 18 200 555
Website: www.romano-centro.org

Undok – Contact Point for the Union Support of Undocumented Workers

Provides workers with or without insecure residence or limited access to the labour market with information about their rights and offers advice and support in enforcing labour and social law claims.
E-Mail: office@undok.at
Tel.: +43 1 534 44-39040
Website: <https://undok.at/>

¹ This list is not exhaustive

In addition to these contact points, there are other anti-discrimination offices throughout Austria. ZARA would be happy to put you in touch with them as needed.

Glossary

In alphabetical order

This glossary is also available in simplified German (translation: capito Wien)

To the glossary

Austrian Press Council (Österreichischer Presserat)

The Austrian Press Council is a self-regulatory body for the Austrian print media. It is, for example, responsible for drawing attention to grievances towards the press and counteracting them. When violations of ethics in media are reported to the Press Council, it may initiate investigations, over the course of which it determines whether the publication in question is complying with the guidelines laid down in the Code of Honour of the Austrian Press. → www.presserat.at

City Service of Vienna (Staadtservice Wien)

The City Service of Vienna is responsible for a wide range of issues in Vienna. ZARA contacts the City Service in order to request the removal of racist graffiti.
→ www.wien.gv.at/kontakte/stadtservice

Counter-speech (Gegenrede)

Counter-speech refers to various strategies used to actively counter hate on the internet. This can mean responding to a hate post with a counter statement containing facts, humour, or a question in an attempt to calm the situation, clarify one's own position, or call for solidarity. Countering hate with civil courage makes a big difference for those affected and can also motivate "silent readers" to become active.
→ You can find ZARA's counter-speech tool here: www.schnellerkonter.at

Cyberbullying

(Cyber-mobbing, § 107c StGB)

Cyberbullying (Article 107c of the Austrian Criminal Code) is the deliberate,

public insulting, embarrassment or harassment through electronic means of communication (e.g. cell phone, internet), which unreasonably affects the life of the person concerned. The one-time publication of, for example, nude photos can now also constitute a criminal offence. However, the content must be retrievable for a longer period of time to be considered unlawful.

Cyberstalking (§ 107a StGB)

Cyberstalking (Article 107a of the Austrian Criminal Code) describes the use of digital communication technologies (e.g. messenger services, emails) to follow or harass other people. Cyberstalking can occur, for example, when a person repeatedly contacts someone via the internet unsolicitedly. Such acts are considered cyberstalking if they continue over a longer period of time and unreasonably affect the lifestyle of the person concerned.

Dangerous threat

(Gefährliche Drohung, § 107c StGB)

A dangerous threat is a criminal offence (Article 107c of the Austrian Criminal Code). It takes place when a person dangerously threatens another person in order to cause them fear and anxiety.

Directive for Interventions by Members of the Public Security Services (Richtlinien-Verordnung)

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

**District Administrative Authority
(Bezirksverwaltungsbehörden)**

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

**Equal Treatment Act
(Gleichbehandlungsgesetz)**

The Austrian Equal Treatment Act is intended to offer protection against discrimination on the grounds of gender, ethnicity, sexual orientation, religious beliefs, world view and age in the sphere of employment. Outside of employment, it protects against discrimination on the grounds of ethnicity or gender.

**Equal Treatment Commission
(Gleichbehandlungskommission)**

The Equal Treatment Commission is a special institution that assists the labour, social and civil courts. The Equal Treatment Commission is composed of three senates whose voluntary members represent ministries and social partner organisations. The senates have to deal with all questions related to discrimination in their respective areas of competence. In particular, they are responsible for drafting expert reports on general issues relating to discrimination. In individual cases, they have to assess potential violations of the provisions of the equal treatment laws. Both the Ombud for Equal Treatment and the person affected are party to these proceedings (see below), which are free of charge for the person affected. Victims may also choose to be represented by a person of trust. The decisions which result from proceedings before the Equal Treatment Commission are not legally binding, in contrast to a court ruling.

**Ethnicity/Ethnic Origin
(Ethnische Zugehörigkeit/Herkunft)**

Ethnicity/ethnic origin describes a collective cultural identity which people ascribe to themselves or which is ascribed to them by other people.

Ethnic Profiling

Ethnic profiling (often also racial profiling) is when the police use criteria such as skin colour, language, presumed or actual ethnicity, religion or citizenship as factors when deciding whether, or in what way, an official act is carried out. This includes, for example, the targeted inspection of Black people or People of Colour without any concrete suspicion.

**Exposition of the Facts
(Sachverhaltsdarstellung)**

An "exposition of the facts" enables lawyers to check whether a certain act falls under a criminal offence. When drafting a statement of facts, everything must be truthfully reproduced.

**European Court of Justice
(Europäischer Gerichtshof)**

The European Court of Justice is the supreme judicial body of the European Union and is responsible for ensuring that EU countries and institutions comply with EU law.

Femicide (Femizid)

A femicide is the intentional killing of a woman or girl because of her gender.

**Guidelines complaint
(Richtlinienbeschwerde)**

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

Harassment (Belästigung)

Harassment is a form of discrimination under the Equal Treatment Act, in which a person's

dignity is, or is intended to be, harmed on the basis of one or more specific characteristics attributed to them (e.g., skin colour, religion or gender) and which creates, or is intended to create, a burdensome (e.g. intimidating or hostile) environment for the person affected.

Incitement to Hatred (Verhetzung, § 283 StGB)

The offence of incitement to hatred (Article 283 of the Austrian Criminal Code) is committed when there is an incitement to violence or hatred against certain protected groups or their members. Furthermore, anyone who insults a protected group or a member of this group because of their belonging to the group may be liable to prosecution. The protected group of people includes (socially constructed) groups as well as individual members of such groups that are defined according to the presence or absence of certain criteria. With regard to racist incidents, this includes people or groups of people defined by the (ascribed or actual) presence or absence of the criteria of skin colour, language, religion, nationality, descent and national or ethnic origin.

Insult (Beleidigung)

See → Simple Insult or → Qualified Insult

Introductory Act to the Administrative Procedure Acts (Einführungsgesetz zu den Verwaltungsverfahrensgesetzen (EGVG))

Article III of the Introductory Act to the Administrative Procedure Acts 2008 is an administrative provision that forbids, for example, racial discrimination when entering premises or shops or in the access to services intended for use by the general public. Such acts may be reported to the district or municipal authorities.

Letter of Intervention (Interventionsschreiben)

A letter of intervention is a non-legal measure that involves written contact with a person, body, institution, organisation or company. In a letter of intervention, grievances, deficiencies or infringements that the client

has experienced are communicated. This is a non-legal measure. ZARA only uses this measure at the request of the client.

Long-term Residence Directive (Daueraufenthaltsrichtlinie (2003/109/EG))

An EU directive that regulates the equal treatment of third-country nationals with permanent residence status in terms of access to “core benefits” (e.g. social assistance benefits) within the EU.

Mediation Talk (Klaglosstellungsgespräch)

After a guidelines complaint against possible police misconduct (see above), a mediation talk may be arranged. The aim of this talk is to discuss the incident with representatives of the corresponding police department and/or the police officer(s) involved, as well as the complainant, with the goal being to clarify the incident and come to an agreement. If the complainant is satisfied with the course and outcome of the mediation talk, the complaint procedure may be suspended (→ Know your rights – Taking racial discrimination by the police as an example, p. 61).

Offence Prosecuted Ex Officio (Offizialdelikt)

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

Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft)

The staff of the Ombud for Equal Treatment provide advice, support and information confidentially and free of charge. The Ombud for Equal Treatment has an office in Vienna and in the capitals of four other federal states. It deals with discrimination on the basis of gender, ethnicity, religion or belief, age or sexual orientation in the sphere of work. The Ombud for Equal Treatment team also

advises on other areas of life such as access to shops, housing, education and health. → www.gleichbehandlungsanwaltschaft.gv.at

Party to the Case (Parteistellung)

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

Procedural Complaint (Maßnahmenbeschwerde)

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

Prohibition Act (Verbotsgesetz)

The Prohibition Act prohibits various acts associated with National Socialism (e.g. National Socialist radicalisation). Furthermore, it prohibits the denial, gross trivialisation, approval or justification of the National Socialist genocide or other National Socialist crimes against humanity.

Public Prosecutor's Office (Staatsanwaltschaft)

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

Qualified Insult (Qualifizierte Beleidigung, §§ 115 iVm 117 Abs 3 StGB)

A qualified insult is deemed to exist if the criminal act against the injured party is committed because of their religious affiliation, ethnic or national affiliation, language, skin colour or nationality –

irrespective of whether the characteristics mentioned exist or are attributed to the insulted person. Qualified insults consist of maltreatment, threat of maltreatment or insult or ridicule likely to cause contempt or disparagement of the injured person in the eyes of the public. In order to be a prosecutable offence, it must take place in front of at least three other people (in addition to the perpetrator and the person affected).

Racial Equality Directive (Antirassismus-Richtlinie (2000/43/EG))

This EU Directive aims to ensure protection against discrimination on the grounds of "race" or ethnic origin within the EU. *Note: although the provision aims to combat racism, the directive includes the problematic term "Rasse" ("race"), which suggests that there are human "races". However, the concept of "race" is a result of racist and colonialist thinking. There is no biological justification for this term and it should be used with extreme sensitivity, especially in the German-speaking world. ZARA has long called for this term to be removed from legal texts.*

Racial Profiling See → Ethnic Profiling

Reduction of the Burden of Proof (Beweis-lasterleichterung)

Evidence and credibility are important elements when it comes to clarifying facts before a court. Often, the complainant is in a weaker position than the defendant. The Equal Treatment Act addresses this unequal balance of power by establishing the reduction of the burden of proof. If the complainant can credibly present a case of discrimination, their statements are assumed to be true. The statements of the defendant (e.g., the allegedly discriminating person) are only to be assumed to be true if the person can prove that "after all circumstances have been taken into account, it is more probable that another motive, which can be plausibly proved by the accused, was decisive for the different treatment". Credibility is easier to achieve than proof.

Secondary Victimisation (Sekundäre Viktimisierung)

Secondary victimisation is when people who experience, for example, a racist assault, are unjustifiably held responsible for their situation or the incident itself. Rejection, denial, non-acceptance of the incident or re-injury by the executive (e.g. police, public prosecutor's office) can also cause secondary victimisation. Likewise, the repeated encounter with the perpetrator can also be perceived as degrading and victimising.

Security Police Act (Sicherheitspolizeigesetz)

The Security Police Act regulates the organisation of the security administration and the maintenance of public peace, order and security in Austria.

Simple Insult

(Einfache Beleidigung, § 115 Abs 1 StGB)

A simple insult is a criminal offence that occurs when a person is insulted, ridiculed, physically abused or threatened with physical abuse in front of at least three other people (in addition to the offender and the person concerned).

Symbols Act (Symbole-Gesetz)

An Austrian federal law prohibiting the public use of the symbols of the particular groups mentioned in the law.

Trial Support (Prozessbegleitung)

Trial support is psychosocial or legal support for victims of violent crimes in court proceedings. Relatives of those affected are also entitled to trial support. Note: since 2021, ZARA has been offering psychosocial trial support for victims of online hate speech offences. The ZARA representatives can provide information free of charge about court procedures, accompany them to the police and support them during court proceedings.

Trusted Flagger Status

Some social media platforms award a "Trusted Flagger" status to trustworthy institutions. Reports by Trusted Flaggers concerning

problematic and illegal content on social networks are given priority and are examined more thoroughly. This results, for example, in quicker reactions and greater success concerning the removal of such content. ZARA holds the Trusted Flagger status on social media platforms such as Twitter, Instagram and Facebook.

Vienna Anti-Discrimination Act

(Wiener Antidiskriminierungsgesetz)

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

Wiener Wohnen

Wiener Wohnen manages, refurbishes and operates Vienna's social housing developments. With around 220,000 council flats, Wiener Wohnen is the largest social housing management company in Europe.

→ www.wienerwohnen.at

Wohnpartner

Wohnpartner is a service institution of the city of Vienna. It offers projects and measures intended to strengthen cooperation and understanding for each other in Vienna's social housing and to promote dialogue. Additionally, Wohnpartner serves as support for renters during conflicts with neighbours and attempts to identify and find solutions to problems together with them. Wohnpartner's services are available free of charge to all residents of social housing in Vienna.

→ www.wohnpartner-wien.at

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www.capito-wien.at

Taking time to say thanks.

When we take a look back on 2021 – with all its challenges – we also recognise that there is a lot to be thankful for. A special thank you goes out to:



... all guest authors

You have greatly enriched the 2021 Racism Report with your articles.



... all our partners

You give us the strength necessary to do our work – and some of you have been with us for many years.



... all those who reported racism to us

Only by becoming active can we document the extent of racism in Austria.



... all those who volunteered for us

We offer – from the bottom of our hearts – our greatest appreciation.



... all ZARA members and donors

You significantly support our work and make it possible for those affected by racism to be able to continue to receive free support and counselling.

Anti-racism work is, and remains, challenging work, where there is always more that can be done, and where we can only ever tackle a fraction of the work due to a lack of resources.

All the more important that we actively stand together against racism and forge alliances!

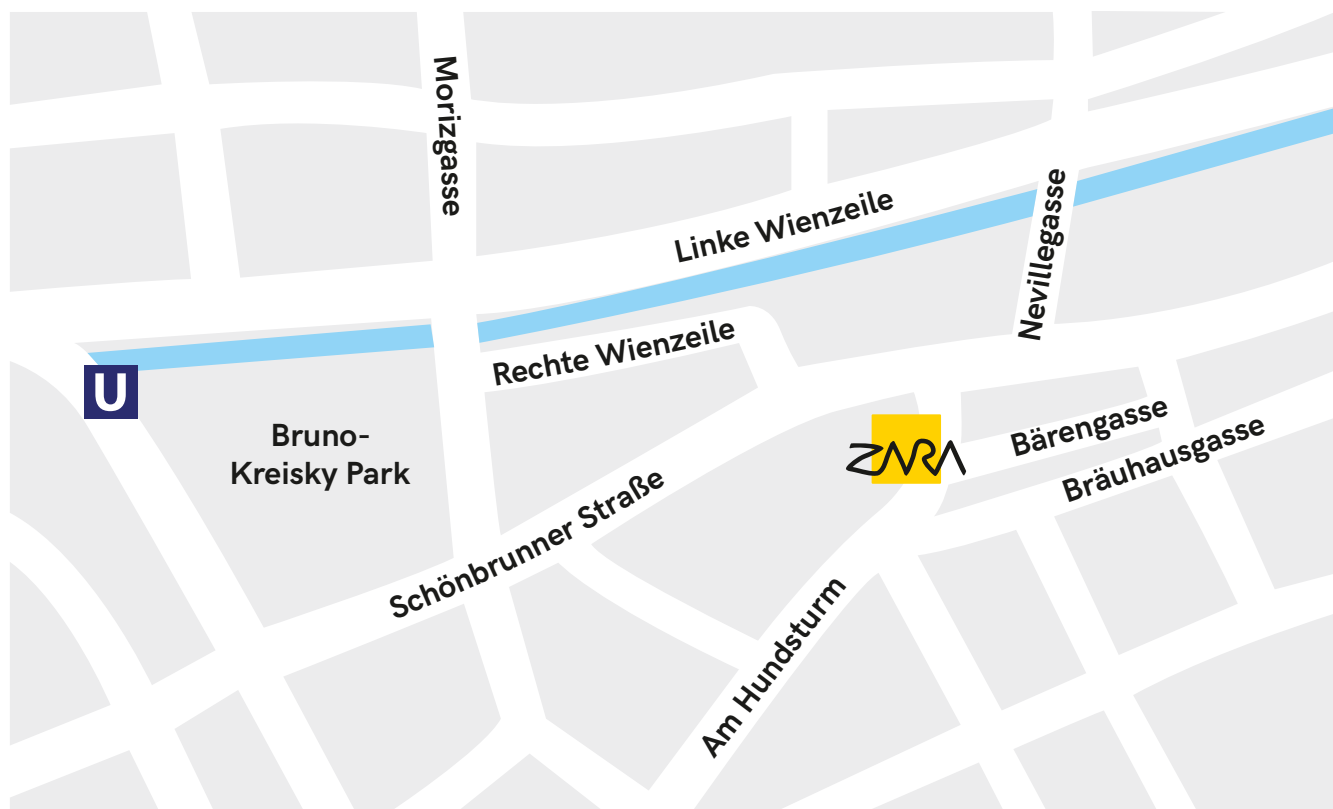
Your ZARA editorial team

Join us!

By becoming a ZARA member, you'll support our work on a regular basis.

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The ZARA counselling team is available for appointments at:

Schönbrunner Straße 119/13

Entrance: Am Hundsturm 7

1050 Wien

Tel.: +43 (0) 1 929 13 99

Email: office@zara.or.at

Web: zara.or.at