

Racism Report 2005

Case Report on Racist
Incidents and Structures in Austria

ZNRA
ZIVILCOURAGE UND ANTI-RASSISMUS-ARBEIT

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- Damit in einem Land, in dem sich der Staat nicht für die Bekämpfung von Rassismus zuständig fühlt, die Zivilgesellschaft aktiv werden kann.
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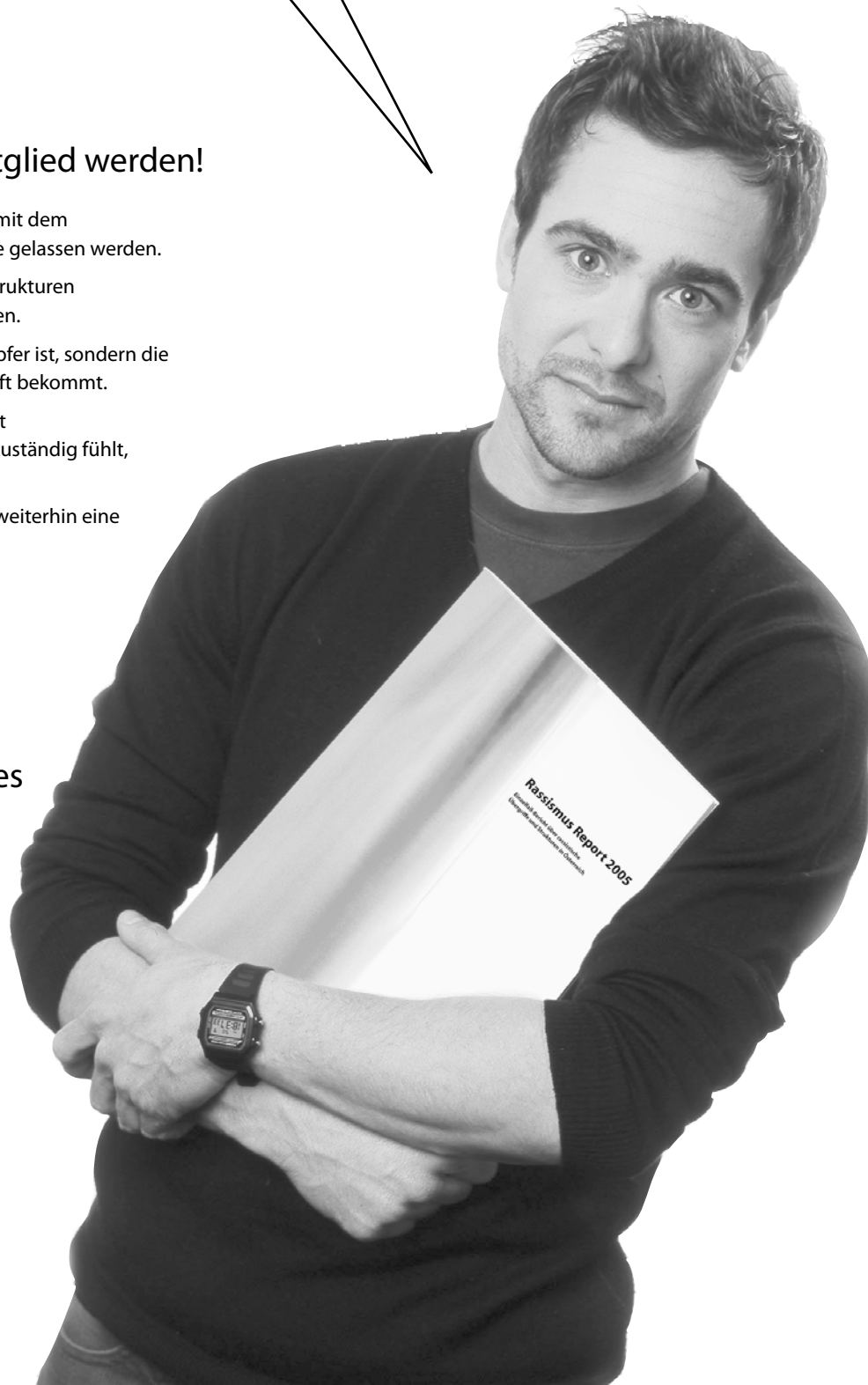


ZIVILCOURAGE UND ANTI-RASSISMUS-ARBEIT

Info: (01) 929 13 99-15

www.zara.or.at

BA-CA, Kto. 05211362800



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www.zara.or.at
ZARA is a non-profit association with
its headquarters in Vienna.

Editor-in-chief: Xiane Kangela
Editorial team – when not otherwise indicated: Xiane Kangela, Dieter Schindlauer,
Verena Krausneker, Hikmet Kayahan,

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Proof-reading: Irene Lohwasser
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The team of the ZARA Counselling Centre for Victims and Witnesses of Racism can be reached at the following times to make an appointment:
Mon – Wed 10:00 -14:00, Thurs 17:00 - 19:00
T: (01) 929 13 99, F: (01) 929 13 99-99
Email: office@zara.or.at
Homepage: www.zara.or.at

E-Mail: office@zara.or.at
Homepage: www.zara.or.at

Introduction

The Racism Report is appearing this year for the sixth time and in a somewhat new form. There has been a change in editorial responsibility and Verena Krausner, who was the main person responsible for the Racism Report for many years, resigned as a ZARA board member last year and gave up her responsibility for public relations. Her basic concept of presenting numerous individual cases of racism that in sum serve to point to racist structures in Austria has been taken over unchanged. I would here like to thank her most sincerely for her work and extraordinary commitment to ZARA.

What is new about the Racism Report, one of ZARA's central projects, is that friendly organisations have this time not been asked to send us individual cases but instead to write a commentary on the past year. In this report only cases reported to ZARA are published. This change appeared necessary because very few organisations have racism and its documentation among their main tasks. However, for all of them experiences of racism are part of their daily work. Another novelty is that each section is preceded by an introduction, in which ZARA Chairperson Dieter Schindlauer gives a comprehensive overview of the legal and social situation. In addition, detailed and updated information about the legal framework (in German) can be found on the ZARA homepage at <http://www.zara.or.at/materialien/rechtliches/>.

As announced in the Racism Report 2004, ZARA has closely cooperated with the Equal Treatment Officers (Gleichbehandlungsanwältinnen) and brought cases before the Equal Treatment Commission. With the establishment of these institutions the ZARA demand for an independent ombudsman's office has been partly realised. However, by and large the list of ZARA's demands has not changed since the appearance of the first Racism Report in 2000. The old, still current, list of ZARA's demands can also be found on

the ZARA homepage at <http://www.zara.or.at/materialien/forderung/>.

The definition of the work of the ZARA Counselling Office for Victims and Witnesses of Racism remains unchanged:

Racist discrimination means that a person is disadvantaged in any way on the basis of skin colour, language, appearance, religion, nationality or origin. This can mean: disadvantages, verbal abuse or physical attacks which take place when looking for work or housing, in locales and shops, in contact with the authorities and with members of the public, in public space and also in the media.

In 2005, 1,105 racist incidents were reported to the Counselling Centre for Victims and Witnesses of Racism and processed. As every year, a representative selection of them can be found in the Racism Report. The same applies this year as every other year: the number of reported cases is quantitatively not representative of racism in Austria.

Our precarious financial situation has unfortunately also remained the same. If you find that ZARA's work is important, I would therefore like to ask you to make a donation or become a supporting member. Your support enables the care of victims of racism, information for witnesses and interested persons but also prevention in the form of training and workshops.

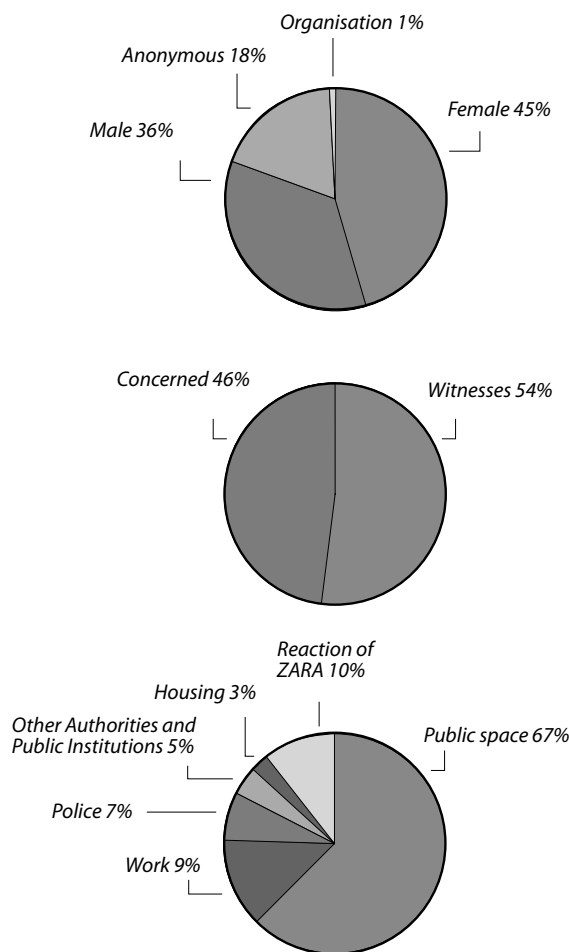
Thank you very much!

Xiane Kängela
Editor and ZARA Board Member

Statistics

In 2005 the ZARA team documented 1,105 racist incidents. 45% of clients were women, 36% men, 18% of cases were reported anonymously and 1% came from organisations.

The percentage of witnesses among ZARA's clients in 2005 was 54%. People directly affected made up 46% of those reporting.



Information on the individual fields and their definitions:

- **Public space** refers to all incidents which occur in places which are open to a not clearly defined circle of people such as the street, public transport, shops, locales, in the media and in politics etc. Of the 739 cases in this area 425 were racist graffiti.

- **Police** contains all reports which relate in some form – usually individual representatives – to the administration of law and order and the police.

- **Other Authorities and Public Institutions** refers to all incidents taking place between private individuals

and public institutions and authorities (with the exception of the police) or their representatives, such as in government offices, courts and prisons, schools etc.

- **Housing** is devoted to reports of incidents in the field of housing – from flat hunting to neighbours.

- **Work** contains reports on incidents that have to do with “work” in the widest sense, the labour market, job seeking, colleagues, job advertisements etc.

- **Racism as a Reaction to Anti-Racism Work** defines those letters, emails and calls directed against ZARA, against ZARA's work or against individual staff members.

(In this year's statistics the category of information, i.e. answering numerous info calls, email inquiries or personal counselling of interested people is no longer included.)

Remarks

It is part of the job of ZARA counsellors to check the truth of incidents reported to them on the one hand, and on the other also to see the situation from the viewpoint of the ‘opposing party’ or a third party. However, counsellors cannot guarantee that all information which they receive – from various sources – corresponds to ‘the truth’. The interests of the individual who approaches the counselling centre take priority; their reports are therefore met with trust and understanding. Their statements are taken seriously but are not therefore accepted uncritically.

With **Good Practice** we would like to point out positive examples, good cooperation with ZARA and satisfactory problem solving.

Remarks on the classification of people affected by racism and other terminological questions that arise on this theme.

The Racism Reports are about racist discrimination and so it is often necessary to trace the logic of racist thinking and describe the appearance of those affected. ZARA rejects terms such as “dark-skinned” or “coloured” because they have been directly taken over from colonial times or the reality of slavery and segregation in America. The term “Black African” (“Schwarzafrikaner”) has come into general usage via the newspapers from the substitute for the term “Nigger” (“Neger”) in police reports. The term “Schwarzafrikaner” comes from identification data thinking and is automatically remi-

niscient of criminality. For this reason it is also not used in the Racism Report. However, because it is important in the reports to explain why discrimination has taken place and that it means something different to the Austrian majority population than to members of minorities who suffer discrimination, it is important to mention appearance. Usually the report states nationality or country of origin, in so far as it is known. ZARA is clear that this to a certain extent reflects and spreads racist logic, but none the less sees mentioning origin necessary for practical reasons. ZARA also knows that this means that across the board judgements and prejudices remain unquestioned, since there are blonde Turks who look like supposed "real Austrians" as well as Austrians who look like supposed Africans. Just the word "Africa" can invite simplifications and generalisations, because it negates the heterogeneity of the continent and its more than 50 countries. However, racists or those practising racist discrimination usually know very well against whom they are discriminating. They aim against all people who diverge from their image of a "real Austrian". The difficulty of precise formulation is only one of many dilemmas encountered when writing a Racism Report. The question of to what extent the report contributes to the reproduction of racism, is

particularly pertinent in reports of racist graffiti. Does the report not also spread this incitement? Is it even giving another forum to this incitement? Nevertheless, this possible disadvantage is countered by the advantage that the report is a means of raising awareness against racism, especially for people who do not have to face experience of racist discrimination in their everyday lives. But the report is not only intended to contribute to raising awareness. It also serves to reinforce the argument against those who think that racism is a petty misdeed, an isolated case or the problem of just a few people.



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der Kulturen
liegt ein
Geschenk.*
***Im Reichtum der Kulturen
liegt ein Geschenk.***



Weltladen 1010 Wien
Lichtensteg 1
(Rotenturmstr./Hoher Markt)
01 - 5352886

Weltladen 1080 Wien
Lerchenfelder Straße 18-24
1080 Wien
01 - 4083996

Weltladen Salzburg
Linzer Gasse 64
5020 Salzburg
0662 - 877474



EZA Fairer Handel GmbH, Wenger Straße 5, 5203 Köstendorf
Tel: 06216 20 200 - 40, E-Mail: office@eza.cc; www.eza.cc

Public Space

Austria is a safe country. In comparison to everyday life in many places in the world there is the wonderful and often underestimated freedom to be able to go everywhere untroubled at any time of the day or night. This feeling of safety is of virtually inestimable value. Unfortunately this safety does not apply to the same extent to everybody who lives here. Particularly people who belong to the so-called "visible minorities", i.e. people who because of the colour of their skin or because they wear religious symbols, in short because of their appearance, are seen as "foreign" by many people, often experience this country in a completely different way. The incidents described in this section are evidence of another "parallel" reality. There are examples of violence suddenly appearing from nowhere directed against members of minorities. The means by which exclusion, rejection and hate are conveyed is usually language. Insults, abuse and graffiti are very clearly a form of violence that should not be played down. This form of violence poisons the environment and causes strife, fear and anger. Even though there are fortunately comparatively few physical racist attacks in Austria, the verbal form of violence has become a virtual everyday occurrence. It is also remarkable with what audacity racist aggression is let out in public. The perpetrators obviously feel very secure in doing so, do not reckon with the intervention of passers-by and certainly not with legal action or prosecution. Fortunately they are proved wrong more and more often. Their actions are noticed and rejected. More and more witnesses are reporting to ZARA, at least to have such incidents documented or to offer to testify in legal proceedings. This is important and gives encouragement and hope that Austria will soon be a safe country. For everyone.

The legal field is difficult to narrow down. The penal provisions can be found on page 57 of the Racism Report 2003 and (in German) at <http://www.zara.or.at/materialien/rechtliches/>.

1 Ms D., of Turkish origin, is on her way home. It is raining quite heavily and nobody apart from her is on the narrow streets. A car leaves its parking spot and wants to pass her. Suddenly the driver winds down the window and shouts at her, "Complete bimbo, why don't you stop?" Completely stunned she asks him, "What did you say?" He repeats, "Why don't you stop?" And goes on with verbal abuse, "You're a bimbo, a pointless creature." Suing for slander is futile because the incident was not seen by witnesses. At Ms D.'s request it remains as documentation.

2 In April 2005 a case of racist violence is reported to ZARA. A 17 year-old grammar school boy, whose mother is Austrian and father African, is beaten up on the main square of Feldbach in Styria. The 17 year-old is first subjected to verbal racist abuse by six skinheads and then beaten up – on that day there was a skinhead meeting in Knittelfeld. Among other things the skinheads say to him, "We thought Feldbach had been purged of you lot." Shocked at the incident, his mother contacts ZARA. She is given information about the legal situation and the addresses of support organisations in Styria. It is reported to the police. The police find the perpetrators. One admits the crime and is sentenced. Because a second case in which skinheads are the perpetrators is reported around the same time, the Federal Office for the Protection of the Constitution and Prevention of Terrorism (Bundesamt für Verfassungsschutz und Terrorbekämpfung – BVT) becomes active. It is part of the responsibility of the BVT to investigate the background to ideologically motivated and organised crime. On 18.04.2005 an article appears about the incidents on derstandard.at under the headline, "Racist Attacks on the Increase".

3 In April 2005 Dr B. is beaten unconscious by skinheads in Vienna in a racially motivated attack. Dr B., who comes from the Democratic Republic of Congo and has lived in Vienna for many years, is a board member of the Vienna Integration Conference (Wiener Integrationskonferenz – WIK) and, among other things, is also involved in the work of the Austrian Network Against Racism (ANAR). Dr B. is on his way home near the Naschmarkt when six skinheads bar his way and first racially abuse him. Shortly afterwards they knock him to the ground, beat him for several minutes and leave him lying unconscious.

A witness reports that one of the perpetrators lifts his foot, holds the sole of his boot in Dr B.'s face and says, "Lick my boot, slave." The police who have been called record a report for assault and damage to property. Dr B. is taken to hospital where he has to remain for several days. Many organisations and activists declare their solidarity. Investigations remain fruitless and the perpetrators cannot be found. Also in this case the Federal Office for the Protection of the Constitution and Combating Terrorism (BVT) investigates. A detailed report can be found at www.afrikanet.info.

4 Ms T. is practising driving with her father Mr T., both of Iranian origin, because she has her driving test next day. She becomes tired and decides to park in a place where parking is allowed. Suddenly they hear a woman shouting from a nearby gar-

den, "Clear off!" Ms T. and her father are confused and don't know if they have done something wrong and ask what the matter is. In answer they hear from the woman, "I don't want you stopping on this street!" Mr T. becomes annoyed and shouts back, "We can park here another thousand times!" Ms T. asks her father to change places so that he could take over the driving as the two of them get out of the car a second woman comes to the garden fence and shouts just as aggressively, "Get in the car and drive off!" Ms T. tells her she should call the police if she thinks they will do something illegal. The abusive women are reinforced by three men who holler that the two of them should clear off and go back to their home country. The situation escalates. One of the men gets into a car, drives quickly in a curve and comes to a stop about 15 cm in front of Mr T. Mr T. supports himself on the bonnet of the car threatening him. The aggressive driver gets out of the car and hits Mr T. in the face. Ms T. threatens to report this to the police and one of the women says, "It doesn't matter. Austrians cover for Austrians!" Ms T. answers, "Shake your family tree!" The woman answers that she doesn't have to do that because she is a "born-and-bred" Austrian. Then Ms T. calls the police. Shortly afterwards four police officers arrive and take the particulars of the people involved and the circumstances of the case. An ambulance is called for Mr T. since he has several injuries. After the incident Ms and Mr T. approach ZARA. They are very upset and are eager to do something about it. A ZARA staff member drafts a report of racist abuse to the Public Prosecutor's Office; the physical injuries had been registered by the police. ZARA accompanies Ms and Mr T. through the proceedings. Finally an out of court settlement is reached during the course of which the aggressors apologise for their behaviour in a talk with Ms and Mr T. Ms and Mr T. accept the apology.

5 Mr E. from Gambia is sitting on a park bench in the Volksgarten in Vienna on a July Saturday at around 14:00. A woman of about 30 cycles past on a black bicycle and abuses Mr E. She repeatedly shouts, "Niggers out," "You shit Nigger," and "We don't need Niggers here!" Mr E. decides to approach a police car

parked on Ballhausplatz to find a policeman. However, the car is empty and no police officers are in sight. Mr E. turns to the cyclist, "Please stop! I'm going to call the police and you can explain to them why you are insulting me!" A man approaches Mr E. and says he should call the police. They are still talking about the right telephone number for the police when the woman cycles up to Mr E., stops in front of him and sprays him in the eyes with a pepper spray and then cycles off towards Karlsplatz. Mr E. gives his mobile phone to two young people who call an ambulance. He is taken to casualty at Vienna General Hospital and treated there. The hospital makes the obligatory report. In addition ZARA drafts a description of the facts of the case for the Public Prosecutor's Office for investigation for bodily harm and racial abuse. Mr E. does not report again to ZARA.

6 Mr K., of Serbian origin, has lived in Austria for 35 years. He is meeting his 33 year-old son. Mr K. sees his son already standing on the other side of the street, approaches a zebra crossing and takes two steps onto it when suddenly a car speeds towards him. Mr K. has to jump backwards so as not to be run over. He falls over. The driver stops, jumps out of the car and approaches Mr K. with threatening gestures. Mr K. tells him that he fell over because of him. The driver answers, "You Yugo whore, you don't even have the right to be on this street, let alone that I brake for a Yugo, you pile of shit, you son of a bitch, go back to where you come from!" Mr K. replies that he will report him to the police. The driver's reaction is, "If you report me, I'll kill you, you shit Yugo. You don't even have the right to be here and if you ever try to report me, I'll find you, you whore Yugo, and I'll kill you. I'll find you, you Yugo, piss off back to where you come from. I'm not braking for Yugos, you should all be gassed, you whore Yugos." Completely shocked and upset Mr K. and his son turn to ZARA. They are informed of the possibilities for legal action. However, since the persons concerned do not get in touch with ZARA again, the case is only documented.

7 Ms I. is in the car with her Nigerian husband. He wants to change lanes and turns on the indica-



tor to show his intention. In the next lane the driver of a dustcart of Municipal Department 48 insistently drives on so that it is impossible for Mr I. to change lanes. Suddenly the dustcart overtakes the couple and the driver shouts from the window, "You shit useless Nigger!" Ms I. describes the case to ZARA and is informed that the dustcart driver can be reported to the police for racial abuse under § 115 iVm § 117 of Austrian law. Additionally a letter of complaint could be written to Municipal Department 48, which is responsible for refuse disposal. Ms I. asks for the case to be documented but does not wish to undertake further action.

8 Ms M., who works in a social project, is waiting at Westbahnhof for her tram on her way to the office like every morning. This particular morning about 10 men are standing by the tram stop, some of them with beer bottles in their hands, all of them drunk. They are abusing the waiting people. When the tram arrives they obstruct the passengers getting onto the tram. The men raise their right hands, chant "Heil Hitler" and sing extreme right-wing songs. Ms M. goes to the tram driver to inform him about the men and asks him to call the police. He replies tersely that he cannot do anything as long as there is no damage to property. Mention of the fact that passengers were being harassed and obstructed from getting onto the tram does not prompt the tram driver to take action. Ms M. gets off the tram three stops later and calls the police from her workplace. Shortly afterwards she goes back to the Westbahnhof tram stop herself with a colleague to see if the police have already arrived. When they get to the tram stop they see two policemen. Ms M. goes up to them and introduces herself as the person who had called the police. She once again tells the police exactly what happened. One policeman answers than he looked into it and found out that neither the Hitler salute with a raised arm nor calling out "Heil Hitler" is a punishable offence. The other policeman explains that the men were German tourists on their way to a football match in Hungary. A discussion begins between Ms M., her colleague and the police officers. One officer says that 10 police cars would have to be called to take all the men's particulars and in addition that there would be no point. The perpetrators would soon be back in Germany and the Austrian police would have no hold over them. The other policeman adds that Austrian neonazis would cause him far more concern. His colleague says that the left-wingers would also cause him worry. When Ms M. says that especially in Austria one should not close one's eyes to such scenes the policeman adds that it is, "Rather the problem of the German people." After asking what he means by that, Ms M. does not get an answer. The police officers end the conversation and upon her request give Ms M. their numbers. Ms M. sends a report to ZARA. However, after long and intensive consideration she only wants

the incident to be documented because due to her work she has to rely on good cooperation with the police in the 15th district of Vienna.

Editor's remark: the Austrian Supreme Court has ruled several times that exclamations such as "Heil Hitler" and "Sieg Heil" as well as the sign for the so-called Hitler salute are characteristic symbols of National Socialism. The demonstrative use of such slogans and gestures in public is thereby linked to the deliberate act of National Socialist activity and is therefore legally forbidden. It is therefore by all means a punishable offence. See the Supreme Court rulings from 13.09.2000 at www.ris.bka.gv.at under 13 OS 45/00 and 13 OS 47/00.

9 Ms C., a Muslim who wears a headscarf, phones ZARA to report the following incident and asks for it to be documented. In December 2005 she is standing on the side of the street in Innsbruck trying to cross the road. The heavy traffic makes her hesitate and wait for the right moment. In the meantime another woman crosses the street and comes in her direction. When she comes up to Ms C. she shouts at her, "Don't stand around so stupidly!" Ms C. is outraged by this effrontery and says she should not make such remarks. However, the woman goes on ranting and shouting, "Barbarian with no culture, go back home!" and, "You certainly bought your visa, you terrorist!" Ms C. is shocked that dozens of passers-by who notice the aggressive attack show no kind of willingness to intervene. Ms C. does not wish to let herself be provoked, leaves the woman standing and goes away. But the woman follows her for some time, ranting at her until Ms C. goes into a shop to shake her off.

10 In November Ms T. reports the following incident. She and Mr A., from Nigeria, go into a locale in the 19th district of Vienna with a friend. Another customer enters the locale with his dog. The waitress politely brings to his attention the fact that dogs are not allowed in this locale. The dog-owner then points to Mr A. and his friend and before he leaves says loudly, so that all the customers in the locale can hear it, "My dog isn't allowed in but them over there are!"

11 Numerous complaints and articles in the media about the behaviour of ticket inspectors and staff of private security companies in the Badner Bahn [tramline from Vienna to Baden] towards passengers who are visibly of foreign origin induced those responsible from the Wiener Lokalbahnen AG [the public transport company] to meet ZARA staff members.

ZARA reported on the incidents in the Racism Report 2004 under Case 110. At the meeting in April 2005 were the head of ticket inspection, his assistant, three ticket inspectors and two ZARA staff members. It was an informative and constructive discussion in

which the Badner Bahn assured us that they would make an effort to train ticket inspectors better. Those present agreed on closer cooperation and the head of ticket inspection held out the prospect of making use of ZARA awareness training for the ticket inspectors in 2006.

In 2005 ZARA only received isolated complaints about racist behaviour by ticket inspectors on the Badner Bahn. Four reports were passed on to the head of ticket inspection and were accordingly handled or cleared up.

12 Ms R., of Indian origin, is travelling on the underground towards Westbahnhof in July around 23.00. The carriage is full, many tourists are still on their way. An elderly man, well-dressed, obviously heavily under the influence of alcohol, keeps pointing towards the door and staring at Ms R. in an unpleasant way. Arriving at Westbahnhof Ms R. gets off the train and sees how the elderly man forcefully pushes aside a girl of Asian origin. Shocked, the girl asks him, "What are you doing?" Ms R. becomes scared and tries to get away from the man and out of the station as quickly as possible. On the escalator she notices that he is standing behind her smelling strongly of alcohol. He begins to abuse her, "What do you want in this country?" "Get out of here," and "I'll see to it that you clear out of this country." He approaches her and completely unexpectedly hits her in the stomach. Fortunately a passer-by rushes to her help. He prevents the man from hitting her any more. She quickly leaves the underground station and goes home. At home Ms C. tells her brother about the incident. He then reports the incident to the police. Ms C. is summoned by the police for questioning. She is told that she will know the identity of the attacker. He had come to the police on the day of the incident and had reported the passer-by who rushed to Ms R.'s help. He said that the passer-by had beaten him up for no reason. But the policeman questioning Ms R. adds that the man had been rowdy in the police station and at Westbahnhof. At the same time he alleges that Ms R. knows the passer-by and is now intentionally keeping his identity secret in order to protect him. Ms R. has the feeling that she is being made into a perpetrator. It has been difficult for her to travel on the underground since this incident. She is afraid.

ZARA draws up a detailed report of the offence for the Public Prosecutor's Office for Ms R. and makes an appointment for her at Peregrina, the therapy centre for immigrants (www.peregrina.at) where she is offered psychological support in coming to terms with the racist attack.

13 Ms A. reports a sauna visit at the Brigittenauer Bad [public swimming pool]. In the sauna she is a witness as a group of men tell anti-Semitic jokes and make racist comments. When she refuses to tolerate the propagation of such ideas and threatens

to complain to the management, she herself is verbally harassed. The spokesman of the group attempts to involve Ms A. in a discussion and tells her that he is a Nazi. In addition, he had been in the Foreign Legion and had already killed people. Ms A. has the feeling that the group are "old die-hards" and meet there more often.

When Ms A. comes to ZARA she has already prepared letters she wants to send to the councillor Grete Laska and the municipal department responsible for administering swimming pools (MA 44). However, she is not sure whether her complaint may put her at risk. ZARA offers to send the letters in the name of the counselling centre. However, because she wishes to stand by her statement, it is agreed that she sends her letter and ZARA joins her with our own letter of complaint. We also explain to Ms A. how to proceed with a report of an offence under the law forbidding Nazi activity. A short time later ZARA receives a letter from the MA 44 in which the head of department responsible regrets the incident and at the same time assures us that Ms A. can at any time address herself to the responsible supervisors. They are obliged to ban permanently anybody making racist comments or molesting other visitors to the pool.

14 Ms O. reports the following incident by email. She and her husband are sitting at the sauna buffet of the Römertherme in Baden [thermal baths] and see how a polite, blind man is served by the waiter in a very disregarding and unfriendly way. The waiter turns to the couple, looking for their approval, and says that the man is a gypsy and he does not like them because they are not resident in one place and cannot be integrated. Ms and Mr O. contradict the waiter. In cooperation with ZARA a letter of complaint is drawn up to the management of the Römertherme Baden. The management apologise for the behaviour of their employee, state that such remarks do not correspond to the philosophy of their company and say that consequences have already been drawn.

15 Ms S. reports to us that the musical production "Jesus Christ Superstar" at the Summer Theatre Amstetten is anti-Semitic. Jews are stereotypically portrayed as greedy business people and made responsible for the crucifixion of Jesus. Besides the "slobbering" Jews in this production, Muslims also demand that Jesus be crucified.

ZARA first telephones the production company. The manager defends his production. The musical is no longer in the repertoire and it was not his intention to stir up racist or anti-Semitic resentment. The production was staged true to the work and the Bible. He had spoken with priests who confirmed to him that it was a "clear presentation of the Passion of Christ". If it was now demanded not to show the Jews as responsible for the death of Jesus "the Bible could be rewritten straightaway." He had concerned himself with the Holocaust and the suffering of the Jews. He had spent

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hours in the Jewish Museum in Berlin and seen there that there were also very poor Jews. The image of grasping, rich Jews was completely mistaken, he goes on, but the piece just happens to be like that. There had in fact also been criticism from other sides of the Jewish priests wrapped in black clothes and with hats but ZARA's criticism was an absolutely isolated case.

He says, "Jesus did describe himself as King of the Jews. According to the musical and the Bible it just is that way, so that it could be said that the Jews killed their own king."

A ZARA lawyer asks for help from a friend who is a writer and historian, Doron Rabinovici. ZARA sends the following text to the general manager:

"The musical, 'Jesus Christ Superstar' is no naive rendering of the Gospels but a modern interpretation. (...) If J.K. remarks that he has so far come across no accusation of anti-Semitism and at the same time acknowledges that some members of the audience in Amstetten had criticised the Jews' costumes, he is obviously contradicting himself. These audience members were hardly concerned with questions of fashion but certainly rather with the presentation of Jewishness. Perhaps they somehow felt uncomfortable with the image of 'Jews' that comes across as dark and wearing a ludicrous hat, as had to be worn in the Middle Ages.

'The Bible', thus the Gospels, were witness to a mainly internal Jewish polemic two thousand years ago. To act as if this text could today be rendered without interpretation and at the same time true to the work is abstruse. It is no longer an internal Jewish debate. It has far more been used over many centuries to

stir up hate against the Jews and to murder them.

Each representation today holds within it a statement. Not merely about the crucifixion of Jesus in Palestine at that time but also about the murder of millions of Jews since then, for example in Austria.

Whoever says today 'the Jews' killed Jesus' associates themselves with that anti-Judaism which finally led to Auschwitz.

According to the Gospels, Jesus was sentenced to death by the Roman rulers in Palestine. Part of the Jewish people may have seen a messiah in him, another part may have held him in high regard as a rabbi and one faction may have feared him as a danger and as competition. Whatever the case; a majority would not even have known him since there are no records of him at all in the Jewish writings of the time. It is true that all the basic anti-Jewish examples that J.K. refers to are in the Gospels. The whole story from the driving out of the merchants from the temple to Judas' thirty pieces of silver could be used to gain agreement for pogroms. For centuries this credo has been used to stir up hatred against Jews.

However, since the Second Vatican Council in the 1960s another interpretation has officially prevailed in the Church. Today, whoever none the less maintains that the Jews killed Jesus is continuing and reinforcing anti-Semitic discourse, whether they want to or not."

The general manager acknowledges the letter but fails to see that the musical production is a problem. Since it will no longer be performed, ZARA only documents the case.

Politics and the Media

ZARA is continually asked by concerned and outraged people to do something about discriminatory statements by politicians or against prejudiced and irresponsible media reporting. Mostly it is about such distorted and provocative statements that many people have the feeling that “this kind of thing should actually be forbidden”. It must be said that in the vast majority of cases that are brought to ZARA’s attention criminal proceedings against those responsible are not possible. The law may only restrict freedom of opinion in as far as the limit of unacceptable intolerability in a democratic society is reached. This bar is very high. Even such stupid and dangerous comments are fundamentally subject to the protection of the human right of freedom of speech. Even when many people feel that the limit of intolerability has long been reached, the law is still none the less inapplicable. Only when there is incitement in the sense of the penal code or the law forbidding nazi activity is contravened can the criminal law be effectively applied.

ZARA has demanded for years that the elements of incitement should at least be extended so far that the general agitation against migrants and “foreigners” that is encountered so alarmingly often is included. This would be possible while protecting the right to free speech and due to international obligations also necessary. At the same time, it is clear that the use of criminal law cannot be the solution to all the problems. The idea of taking more rigorous legal steps in all cases of racist remarks may be tempting but measures against public statements can only be based on the law when it does not limit the human right of freedom of speech. This follows the basic concepts of the European Convention on Human Rights, which assumes that in a democratic society there are other, non-legal, possibilities to cope with stupid and discriminatory statements. It will therefore continually be necessary to react to comments such as those presented as examples in the following section and clearly belay racism where it is expressed. Here is also a clear warning about a possible false conclusion: due to the extensive and necessary protection of freedom of the press and freedom of speech there are continual cases of statements that are unjustifiable and dangerous. The fact that the legal system does not punish the authors of these statements does not mean that such comments must be tolerated or even accepted by society. On the contrary: for the sake of a vigilant democracy dedicated to human rights we are all called upon again and again to take up a clear position and not to tire of defending democratic values and warding off attacks against an open society in which all have equal opportunities. The legal provisions in this regard can be found in the Racism Report 2003 under “2 Penal Code” on page 59 or (in German)

at: <http://www.zara.or.at/materialien/rechtliches/>.



16 During the course of the Vienna election campaign in October Viennese households are sent the magazine “Wir Wiener: das Bürgermagazin” (“We Viennese: the Citizens’ Magazine”) at regular intervals. This magazine serves the election campaign of the main FPÖ Vienna candidate H.C. Strache and is full of inciting and racist content. Several concerned and annoyed citizens complain to ZARA about the magazine. African taxi drivers are particularly annoyed about an article with the headline “Vienna Milieu Solidly in African Hands” which says: “Black African criminals are driving around disguised as taxi drivers and tapping into police radio. Violence is threatened and used.” Since the appearance of the article they have been avoided by passengers, asked for drugs or asked if it is true that they eavesdrop on police radio. Mr O., head of the African Taxi Association Vienna (ATA), and Mr F., a member of the same association, approach ZARA. They are determined to do something about this article because they see their living threatened by such electioneering. They also bring a lawyer with them. Both the ZARA staff member and the lawyer come to the conclusion that no legal measures can be taken against the editor, the magazine or the FPÖ. However, ZARA and the ATA draft a joint statement pointing to the devastating consequences of such articles. The statement is published on both the ZARA and ATA homepages (<http://ata.omotech.com/>).

Mehr Polizei statt Drogenhandel !

Besuchen Sie unsere Veranstaltung!

FLUGFELD
Freitag, 25. Februar 2005
Beginn 18.30 Uhr
Grünanlage im Mairinger Park
Steinbrückergasse/Arbeitergasse

- Glühwein **GRATIS**
- Bier
- Frankfurter & Brot

Österreichische Hausmeister zurück !
Mögen Sie die volle Verantwortung, ob aus Österreich oder aus der Fremde, die Verantwortung für das Wohlbefinden der Wiener Bürger zu übernehmen. Sie sollen nicht nur ein schlechtes Beispiel sein, sondern auch ein schlechtes Beispiel sein.

Folgende Eigentümer haben bereits mit großer Mehrheit für die Wiedereinführung eines „Österreichischen Hausmeisters“ unterschrieben:

- Föhrenstrasse 21 / Etagen 1, 2 & 3
- Muth. Schönererstrasse 12
- Muth. Schönererstrasse 13
- Muth. Schönererstrasse 9
- Muth. Schönererstrasse 7

„Die Meinungsbildung in einer Demokratie mit Hilfe geleiteter Medien ist die verfeinerte Form einer Diktatur.“
Lies Konrad

WNAktiv - Liste HABERLER
Finanziert privaten Sicherheitsdienst für WN
SICHERHEIT statt DROGEN
• JA zu unserer JUGEND

WNAktiv - Liste HABERLER
• Mitz - Liste 5 Die OPPOSITION !

Ihre Stimme zählt !
„Ehrenbürgerschaft für ROT - & SCHWARZ“
NEIN zur PACKELEI

Das Boot ist voll !

ZUKUNFT statt ZUWANDERUNG !

Das Boot ist voll !
Die Gefängnisse sind überfüllt.
Der Anteil verurteilter Ausländer in österreichischen Gefängnissen ist weiter gestiegen.

(Anfang)	2000	2002	2004
28,53 Prozent	33,42 Prozent	42,44 Prozent	

Am 21. Okt. 2004 waren von 8.977 Häftlingen 3.765 Ausländer.

440 kamen aus Nigeria (Schwarzafrikaner)
277 aus den ehemaligen Jugoslawien
236 aus Albanien
232 aus Bosnien
239 aus der Türkei
170 aus Pakistan, weitere haben sich als Spanier, Moldauer & andere.

„Das Konzept von Multikulturalität ist mit einem demokratischen Gesellschaft nicht vereinbar.“
Die Meinung von Wolfgang Haberler & seiner Gruppe ist nicht nur in der Bevölkerung, sondern auch in der Politik weit verbreitet.
Abkürzung: H. Haberler (2)

Er sagt, was wir denken !
Das Bevölkerungsthema, die damit verbundene Ausländer- und Zuwanderungsproblematik, darf kein Tabuthema sein oder werden.

AUSLÄNDER - Kein Tabuthema !
Es betrifft uns alle - mehr oder weniger - früher oder später. Politiker werden gewählt, damit sie Probleme in Angriff nehmen und lösen. Mit Schanden allein ist niemandem gedient, weder uns noch den Zuwanderern.

Keine Scheinasiylanten für unsere Stadt !
Doch es macht einen Unterschied, ob man von integrationswilligen Gastarbeitern, welche zu unserem Wohlstand beigetragen haben, vorzeitig oder von Verwerflichen (Scheinasylanten) & Drogenkassern, die unsere Sozialstadt Wiener Neustadt zerstören.

ZUWEL IM ZUWEL !
• Nein zum EU-Beitritt der TÜRKEI !
Auch wenn jeder, dass der EU-Beitritt der Türkei mit seiner „Völkerverwandlung“ nach Europa nicht besser ist (Bleiben bleiben) das VOLK hat über Zuwanderung oder Integration zu bestimmen. Keine „Gastarbeiter“ keine „Pseudo-Menschen“ und schon gar nicht „Jugendstrafe“.

Sie haben es noch in der Hand!
WNAktiv - Mitz - Liste 5
Liste HABERLER

NEIN ZUR TÜRKEI
Die Türkei ist ein Land, das die europäischen Union beitreten möchte (Türkei). Flüchtlinge/Asylanten geben?

Das Boot ist voll !

know that he wants no bogus refugees, drug dealers or scroungers in the town, that the prisons are full of foreigners, that “every third birth in Wiener Neustadt Hospital is Muslim” and that churches will be converted into mosques. Because no legal action can be taken against the racist leaflets ZARA only documents them. At the elections on 6 March 2005 the Haberler faction loses three seats. It is now represented on the council by him alone.

18 The Islamic community in Telfs plans to build a minaret. This leads to massive protests among the non-Muslim population. The mayor receives numerous threatening letters and there are racist and anti-Muslim comments in the public debate. In December ZARA receives a telephone call reporting an entry in the guest book on the homepage of the market town of Telfs:

“The take-over of land by the Muslim barbarians in Europe can only be prevented as follows:

- 1) Atomic destruction of Mecca to show the Muslim sub-humans that they can do nothing against Europeans and US Americans, and that their shit false moon god Allah was only one of 360 ludicrous clay figures in the Kaaba.
- 2) Complete confiscation of property and deportation of all Mohammedans to their home countries (immediate shooting in case of resistance).
- 3) Total war against all Mohammedan countries, if necessary with the use of neutron bombs.
- 4) Occupation of all Mohammedan countries by European and American troops and setting up of occupation regimes.

- 5) Enslavement of the Mohammedan hordes and put these sub-humans to work in mines and other work camps.
- 6) Prohibition of practising Islam on pain of death.
- 7) Rededication or destruction of all Mohammedan places of worship.

ZARA reports the writer to the Innsbruck Public Prosecutor's Office for contravening § 188 of the penal code (StGB) under vilification of religious teachings and § 283 StGB for incitement. At the beginning of March 2006 the Public Prosecutor's Office informs ZARA that the office responsible for the case has not been able to find the author of the posting. The case is therefore closed.

17 During the course of the local council elections in March 2005 households in Wiener Neustadt receive numerous leaflets from Liste Haberler – W.N. Aktiv. Wolfgang Haberler is classified as part of the extreme right-wing scene by the Dokumentationsarchiv des Österreichischen Widerstands (Documentation Centre of Austrian Resistance). His W.N. Aktiv faction is a splinter group from the FPÖ. Besides Haberler's seat his grouping had three further seats on the council up to the elections in March 2005. ZARA receives annoyed and concerned emails from several Wiener Neustadt residents and leaflets sent in for documentation. One of the election campaign themes of Haberler's faction is what he describes as the “foreigner problem”. Headlines such as “Future instead of migration”, “Migration destroying welfare state” and “The boat is full!” glare from the leaflets. Under the slogan, “He (Wolfgang Haberler, Ed.) says what we think,” Haberler lets the citizens of Wiener Neustadt

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The Mayor of Telfs, Stephan Opperer (ÖVP), does not allow himself to be led astray by the protests and action group. He lets it be known that there is no legal possibility to forbid the construction of a minaret. In addition, he keeps reiterating that the Muslims who live in Telfs are Telfs citizens just like the Catholics. The action group withdraws its protest, the minaret is built.

19 In August it is pointed out to ZARA that at the address <http://iblis.twoday.net> a certain "Iblis" is posting anti-Muslim and inciting blog entries. Among other things he describes Mohammed as an "insane child molester" and the turban as a "nappy" and suggests (in English), "we should invade their countries, kill their leaders, and convert them to christianity."

ZARA reports the case to the Public Prosecutor's Office for vilification of religious teachings and with activists from the Initiative of Muslim Austrians and the European Network Against Racism (ENAR) approaches the provider of web space for Twoday. After numerous complaints they delete Iblis's account.

20 HMr H. reports a user-photo at www.club-info.at, containing the following accompanying text: "I'm right-wing and would like to get to know girl who hates foreigners just like I do."

At ZARA's urging the photo and text are removed.

21 A staff member of the internet platform no-racism.net sends ZARA the following email addressed to the platform:

„you complete idiots/the niggers are the criminals/ and you put yourselves on a par with the criminals/yugos out slavs out/niggers out/niggers out" and "soon you'll be bankrupt and this horrible homepage will disappear/idiots like you have no place with us/you can piss off with the niggers right now"



Refusal of Service in Locales and Shops

Since July 2004 the new Equal Treatment Act has been in force in Austria. An important improvement that this law brings is a clear prohibition of discrimination due to "ethnicity" in "access to and provision with goods and services." This should actually mean that refusal of service in locales and shops on racist grounds is a thing of the past. However, as the examples in this section show, the realisation of this legal regulation has not yet been managed: young people are turned away from discotheques by doormen due to their supposed ethnic origin, Muslim women are hounded out of shops and insulted because they are wearing a headscarf and boards are unscrupulously put up saying, "No room for gypsies". All of this is forbidden. Refraining from such practices is thus not only a question of morality and ethics but discrimination is a clear breach of the law. There is very low awareness of this fact. It is therefore still necessary also to enforce in law the legal prohibition of discrimination. The sanctions provided for these cases under the Equal Treatment Act are both repayment of material damages where applicable and payment of compensation for loss of dignity. Numerous cases are already pending. No rulings had yet been made at our editorial deadline. Rechtliche Information dazu ist im Rassismus Report 2004 unter dem Absatz „Rassistische Diskriminierung außerhalb der Arbeitswelt“, auf Seite 62 oder unter <http://www.zara.or.at/materialien/rechtliches/> zu finden.

22 Ms E., a Muslim who wears a headscarf, goes into a clothes shop with her friend and her baby in a pram. It is winter and she wants to buy a coat. She tries on a long coat. Her child begins to cry so she bends over the pram to calm her child. Suddenly a shop assistant shouts at her that the coat will touch the floor and get dirty. She should take it off immediately and leave the shop. He anyway wouldn't want money from foreigners. Ms E. takes the coat off immediately and goes towards the exit. Turning to her friend she says, "Is he normal, or what?" The shop assistant hears her, pushes her against the door, kicks her in the back and punches her in the face. Ms E. and her friend report the incident at a nearby police station. The police call an ambulance. Distressed by the incident the two women approach ZARA. Since it happened Ms E. does not dare to enter shops. ZARA starts criminal proceedings. The Public Prosecutor's Office suggests an out-of-court settlement. There is to be a talk between the perpetrator and Ms E. at the association Neustart which is supervising the settlement. A ZARA staff member accompanies her to the meeting. The encounter with the shop assistant makes Ms E. vi-

sibly afraid. She cannot accept his curt and obviously insincere apology. Ms E. is not well; the court case causes her much stress. So much that she does not make clear statements and the shop assistant is finally found not guilty. The incident has traumatised Ms E. ZARA therefore organises an appointment with Peregrina, the therapy centre for immigrants (www.peregrina.at). Ms E. undergoes therapy there. Together with Klagsverband (www.klagsverband.at) Ms E. and ZARA have also initiated a civil case under the new Equal Treatment Act for direct discrimination and molestation. In the first instance the court decides there was discrimination and molestation and fixes damages at € 700. At our editorial deadline the judgement is not yet legally binding.

23 Dr G. is a doctor, comes from China but has already lived in Austria for many years. With an Austrian friend he goes to a bank on Stephansplatz in the centre of Vienna. It is his local branch, meaning that he is known there. He wants to withdraw € 6,000 from his account. As always, to identify himself he produces his doctor's ID, issued by the Austrian Medical Chamber. The bank clerk begins the debit entry from the account, suddenly pauses and then refuses. He does not want to accept the doctor's ID because it is not an official identification with photograph. He telephones his superior to make sure he is doing the right thing. As he speaks to her he adds that the customer is Chinese. His superior confirms that he is correct not to accept the ID. Dr G. asks to speak to his superior personally. She comes and explains that it is in the customers' interest that money can only be withdrawn with an official ID with photograph. Mr G. is not satisfied and adds that he can withdraw money in every other branch with his doctor's ID. She says that there are many criminals in the centre of Vienna and repeats that demanding an official ID is in the customers' interest. Immediately after the incident Dr G. and his friend go to another branch. Here his friend also attempts to withdraw € 6,000 from his account, also with a doctor's ID. He receives the money without a problem. Because of the incident at his bank Mr G. feels deeply insulted and discriminated against. He approaches ZARA, where a letter of complaint is drawn up together and sent to the responsible department at the bank. The letter asks for serious clarification of the incident, otherwise Mr G. will change his bank. He receives an answer from the bank's ombudsperson. However, the reply is not satisfactory since it does not refer to the real reason for the complaint but only gives information about the regulations. Another letter is drafted and sent to the ombudsperson. Only in a se-

cond letter do the people involved apologise. Mr G. does not change his bank but avoids this branch.

24 Ms G., her sister and an Afro-American friend from Louisiana, USA, are sitting in a café in the 10th district of Vienna and want to order. A man comes to their table from behind the bar and says that they should leave the café immediately because he will not serve “black Africans”. The three of them ask why he will not serve “black Africans”. He does not answer but instead again demands that they leave the café. Ms G. goes to the police where she is told that they are not responsible and she would have to go to a civil court. She makes an appointment and comes to ZARA for advice and is informed about the legal possibilities. Because her friend is back in the USA and she does not wish to do anything without his agreement, ZARA documents the case.

25 Ms S. is on an evening out in Vienna with a female friend and two male friends from Nigeria. After midnight they are in a locale in the 4th district. There one of the two male friends is asked by two young men if he has any drugs to sell. He answers expressly in the negative and asks his friend, Ms J., to inform the locale’s security about the incident. They react promptly and immediately ask the two young Austrian drug users to leave the locale. Around an hour later the four decide to leave. Mr A. asks the others to accompany him to the taxi rank. He has an uncomfortable feeling. His hunch is unfortunately confirmed shortly afterwards. The two young men who were thrown out of the locale are waiting on the street. They abuse the women as “Nigger whores”, chant racist slogans and become violent. They attack the four of them. Fortunately the doormen of the locale see the incident and react quickly and hold the two young men until the police arrive. The injured people must be taken to Vienna General Hospital. Ms J. describes the incident to ZARA and wishes it to be documented. The two accused do not appear at their trial. No new date had been set before our editorial deadline.

26 Mr S., Mr K. and Mr O., three UN civil servants of African origin go cycling in the Prater. After a while they decide to have something to drink. They go towards a kiosk with a small garden intending to sit down. A man comes towards them, indicates that they should not sit down but should go. The three of them think the kiosk is closing and leave. Ten minutes later they cycle past the kiosk once again and see people sitting down and being served. They are surprised and go there. They ask the waitress why they were not allowed to sit down ten minutes ago. She tells them it is because they are black and the boss does not want black people in his garden because they would deal drugs. The three are furious about this incident, they have never experienced such humiliation and discrimination.

They approach numerous organisations including ZARA. ZARA documents the case. The three had already reported the incident to the Equal Treatment Office who will bring the case before the Equal Treatment Commission. The result is still pending.

27 On a Friday in October 2005 around midnight Mr G. and a friend, both Austrian citizens of African origin, want to enter a Cuban dance club in the centre of Vienna. However, they are stopped by two doormen and a man “with a tie”. They are not permitted to enter. No reason is given and they are pushed aside. None the less they both want to know the reason for the refusal. Mr G. asks if he and his friend are not suitably dressed. The man “with the tie” says that is not the case. Meanwhile a lot of “whites” and “blacks” of Latin American origin go past them into the club. The man “with the tie” tells the two of them that if they wish to make a complaint they should send an email. Mr G. says it would be racist to refuse only them entrance to the club because they are from Africa. The man wearing the tie says it has nothing to do with racism and tries to speak quietly. The subject seems to embarrass him. Mr G. tells him that he has previously entered the club without any problem but now it is almost impossible. The man wants to calm him down and says that he will perhaps be able to come in another time, maybe next time. Finally the man reveals the real reason. He says, “Do you know Brigitta? She’s my girlfriend. Whenever she’s at the club and blacks are also there, she wants to ‘go home’ with one of them.” After this information Mr G. and his friend cut short the conversation and leave. As Mr G. previously mentioned, this was not the first time that he had experienced racial discrimination at this club. Therefore he approached ZARA. The club management is reported under Art IX Clause 1 Z 3 of the EGVG. In addition, on behalf of Mr G. ZARA files a petition to the Equal Treatment Commission which will determine whether discrimination due to ethnic origin in access to a service has occurred in this case. The commission’s decision is still pending.

28 After a cinema visit in October 2005 around 23:40, Dr R., an Austrian citizen born in Nigeria, and his colleague from Kenya, Mr J., also an Austrian citizen, want to go to the nearby discotheque M. As the two come to the entrance one of the two doormen says, “You can’t come in.” Dr R. asks why. The doorman replies, “Because you’re Africans, and foreigners aren’t allowed in. Arrange it with him over there.” He points to a colleague who it later turns out is from Ghana. Mr J. begins talking to this doorman, who he knows personally. To the question, “Why can’t we enter?” the Ghanaian doorman answers, “They don’t allow blacks and foreigners here.” Mr J. asks, “Since when?” The doorman answers, “Since I came back from holidays.” Dr R. returns to the two doormen and says, “Are you refusing me entrance to your club because

I'm black?" The first doorman answers, "Foreigners are not allowed in." Dr R.'s colleague adds, "We're Austrian citizens." One of the doorman ends the conversation with the words, "I'm sorry." As the two are going away they see two policemen nearby, who are busy with an illegally parked car. They go up to them and describe what has happened. The police officers are very friendly but say that it is not part of their job to intervene because of such discrimination but none the less accompany the two men to the entrance of the discotheque. However, in the presence of the police neither of the two doormen gives the reason that entrance has been refused. Dr R. asks for the names of the two doormen but they do not want to say. Dr R. then asks them to call the manager of the club. He says, "My doormen work according to instructions." Entrance is still refused to the two men.

ZARA reports the incident under Art IX Clause 1 Z 3 EGVG and on behalf of Dr R. files a petition to the Equal Treatment Commission for direct discrimination according to § 31 Clause 1 Z 4 GIBG. Proceedings are currently underway and are being monitored.

29 In August ZARA is informed by email that Roma and Sinti have no access to a campsite in East Tyrol. The operator of the campsite in Sililian puts up two notices at the reception on which is written, "No place for gypsies" and "Nessun posto per i gypsies". Regional television and Der Standard newspaper report on the case. In an interview with Der Standard, the manager of the campsite defends himself, "99 percent of campsites don't take gypsies." He

has to a certain extent been forced by the publishers of camping catalogues to refuse Roma and Sinti. If he had not done so, he would no longer be included in tourist guides. In addition he says, "If someone comes who I don't like, I refuse him. After all, hotels can also do that."

ZARA explains to him that this is not the case. He is reported to the Bezirkshauptmannschaft Lienz under Art IX Clause 1 Z 3 EGVG. In the first instance these administrative proceedings will probably end provisionally with a fine for the campsite operator.



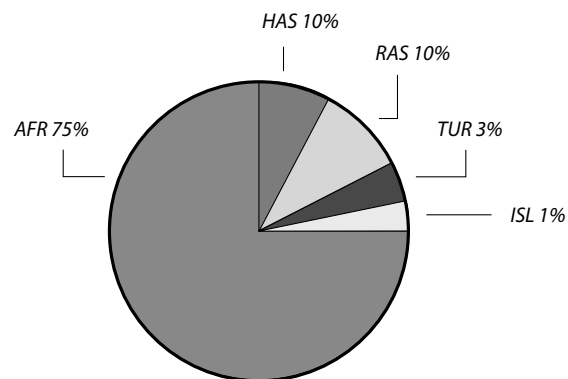
Racist Graffiti in Public Space

There was again a massive increase in the number of reports of racist graffiti in 2005. In total 425 cases were reported, mostly from Vienna. However, this figure is in no way representative of the real figures for the streets and squares of Vienna. Only reported cases are registered. On building walls, doors, in the underground and on trams and buses can be found insults such as "shit Yugos", threats such as "Turks out" and numerous demands for killing like "Kill Nigger" in English and German. From a legal point of view all racist graffiti are classified as damage to property, but not because of the content, rather only because of the act of painting or writing, which is why painting over this graffiti is just as much liable to prosecution insofar as it has not been agreed with the property owner. Graffiti containing threats or demands for killing fall under incitement according to § 283 StGB. In order to be legally actionable as defamation, graffiti must be on the walls of a building and directed at one person. Swastikas come under the law against nazi activity, while anti-Semitic graffiti is only legally relevant if it is anti-Semitic in the National Socialist sense.



In ZARA's view racist graffiti is no bagatelle. The fact that demands for killing and other terrible messages are read every day by countless people is unsettling. Those addressed have to read each day that they will be killed, should vanish from here, go back to the bush, to Asia or somewhere else. It is menacing for these people to read such things. Messages like this have the effect of reinforcing prejudice. The volunteer ZARA staff member, Monika Muhr, is undertaking the Sisyphean job of consistently documenting and removing numerous graffiti. ZARA would here like to thank the Wiener Linien and the Vienna Bürgerdienst for

their good cooperation. Both are important partners in clearing racist graffiti.



AFR	„Africans“
HAS	Swastikas and „anti-Semitic“
RAS	„Racist“
TÜR	„Anti-Turkish“
ISL	„Anti-Muslim“

Statistics

In 2005 a total of 425 cases of graffiti were reported, 124 of them on public transport.

What does ZARA do?

When graffiti is reported to ZARA, the location and content must be exactly specified (tram carriage number, address etc.). Volunteer ZARA staff members document the content, location and type of graffiti and, if possible, organise photographic documentation. The next step is to ask the authorities and/or property owners for it to be removed. After a period of time there is a check to see if it is still there. In this case the whole process is started from the beginning. ZARA only stops working when the graffiti is actually removed.

**Please report racist graffiti to:
office@zara.or.at**

More details on the topic can be found in the Racism Report 2004, page 16, by Christa Markom..

The Police

The police have a particularly responsible and difficult job in our society. In order to maintain peace, order and safety they are also bearers and administrators of the state's monopoly on violence. This means that the use of violence, up to the use of arms, is part of the profile of police officers' activities. Police work, especially the exercise of official authority and force, is subject to strict legal regulation. This is necessary and important in a constitutional state. It is just as important that civil society remains vigilant and critical with respect to the executive. The demands that individual members of society make of the executive are full of contradictions and often emotionally charged. On the one hand the police cannot arrive quickly enough if an individual expects protection and help, on the other hand, however, in other cases one's own room for manoeuvre should be limited as little as possible by the executive.

The executive as an organisation, but also each individual officer, must deal with such complex demands day in day out. In addition they must handle unsociable working hours, often very bad working conditions, a strictly hierarchical form of organisation and political interests that all put a strain on everyday working life. None the less most police officers see their job as a vocation, enjoy their work and have a professional approach to the job. All the same, blunders happen again and again. It would also be completely impossible to carry out millions of official acts each year without a single mistake. ZARA's criticism applies to the executive as an institution: the police as an organisation is not prepared to admit that mistakes happen. However, it is not merely a question of small lapses but also of operations which, due to police action, often infringe human rights. Unfortunately however, the institution of the police is not prepared to react adequately to such errors. Complaints from individuals about police violations are still not taken as an opportunity for identifying existing weaknesses in the system and taking appropriate action against them. In many cases complaints are still not taken seriously. Attempts are made to question the credibility of the complainant or they are intimidated with reprisals such as charges, numerous checks and threats. The accusation of prejudice or discrimination in particular is mostly denied across the board. Negating the problem protects those in the apparatus who do not keep to the rules, who deal unprofessionally with their tasks and harm the image of the police but especially innocent people. It is thus not a question of the actions of the oft-quoted "black sheep" but of an institutional deficiency for which the institution of the police as a whole is responsible. ZARA endeavours

to assist not only people who have been incorrectly and discriminatorily handled by the police within the framework of legal possibilities. By pointing out a considerable number of cases of racial discrimination and violations year for year, ZARA wants to support the executive in identifying mistakes and becoming more professional. For those involved, making a complaint is still a very difficult undertaking that requires strength and endurance. This is because they are the ones who must prove that an often traumatic violation actually happened. In doing so they are usually faced by a superior number of Austrian police officers. The best possible care of those involved is an important concern of ZARA. The legally established possibilities of a regulations and measures complaint, under the control of the Independent Administrative Council (Unabhängige Verwaltungssenat – UVS), provide a viable basis for examining police activity. Racial discrimination by police officers has a particularly negative effect on those affected: many of them no longer feel safe. They have doubts about the due process of law in this country. They feel unwanted and left alone. It is therefore important to do something when complaints are not taken seriously and discriminatory acts are not punished. As stupid and wrong as it is to claim across the board that police officers are racists, it is as correct to say that the police force as an institution acts in a racist manner as long as it does not take transparent, decisive and rigorous action against discriminatory behaviour in its own ranks. Detailed legal information on this theme can be found in the Racism Report 2003 under the heading "Security Police" on page 61 or (in German) at <http://www.zara.or.at/materialien/rechtliches/>.

30 Mr N. comes from India and was granted asylum in Austria in 2001. In India he is a respected writer, in Austria he teaches Indian dance. In November 2005 around 20:00 he is travelling on the U1 underground line towards Reumannplatz. However, he falls asleep and misses his planned change at Stephansplatz. At the last station, Reumannplatz, he is roughly awoken by underground staff. He is told to get off the train and leave the station. Mr N. does not understand why he should leave the station, he wants to travel back with the underground. He has an annual season ticket which he also shows to the underground supervision staff. Mr N. and the male supervisor begin a loud discussion. The supervisor finally turns to violence and grabs Mr N's upper arm and keeps hold of him. One male and one female supervisor then escort Mr N. to the monitoring room when the woman leaves and, as it turns out, notifies the police. Two police of-

Officers arrive and take Mr N. into the video surveillance room. Officer A asks for his identification. In the meantime, Officer B stands in front of the exit and “guards” it. Mr N. puts his wallet on the table. Firstly Officer A takes his identification papers from it and checks his particulars. Because Mr N. does not easily understand German spoken in dialect, he only receives the abuse, “shit foreigner!” “arsehole!” and the laughter of those present. Finally Officer A takes out € 21 and gives Mr N. his wallet back and at the same time a spot-fine for causing a disturbance. Mr N. attempts to find out why the money has been taken away from him but is only told, “Take your wallet and vanish!” He insists on knowing the reason for the fine when Officer A approaches him, twists his arm and forces him to the ground with one hold. Officer A kicks him about four times in the side and on his backside. He then pulls him up again and repeats his instruction that he should take his wallet and vanish. Mr N. puts his things in his pocket and says, “What you are doing is wrong!” Officer B now approaches him, twists his left arm against his back, pushes him towards the door and punches him in the area of the right kidney. Officer A tells Officer B he should now stop and throw Mr N. out of the room. Officer B opens the door and pushes Mr N. out. Outside he falls to the floor. A witness, Ms P. asks what has happened and how she can help. Mr N. describes what has happened and she gives him her address and telephone number. Mr N. trudges to the underground and goes home. Next day Mr N. has a friend take him to Caritas where he is advised to go to hospital immediately. He goes to the accident and emergency department of the Lorenz-Böhler Hospital. Injuries are found and he is urgently advised to stay for observation. However, he is discharged at his own wish. ZARA reports the police officers involved to the Public Prosecutor’s Office. After an enquiry in writing to the Wiener Linien about the incident ZARA receives the information that the Wiener Linien staff concerned were not present at the police action but were in an adjoining room. The Public Prosecutor’s Office had not reacted before our editorial deadline. Mr N. does not wish to complain to the Independent Administrative Council (UVS) because he cannot take on the risk of the cost.

31 Mr K. drives the bus of his employer (Evangelische Flüchtlingsdienst – Evangelical Refugee Service) to a vehicle repair garage. The appointment has been previously arranged. His colleague follows him in a second vehicle. Mr K. and his colleague show the mechanic the vehicle to be repaired. While inspecting it he says to the two of them, “The thing’s a junk heap, repairing it will take too long. I don’t actually want to repair it.” Mr K. suggests to the mechanic that he will come another day if the mechanic has too little time today and goes into the office to make a new appointment. A little later the mechanic follows him and says he does not want to do the job at all. Mr K. wants to know the reason. The mechanic replies, “I

don’t want anything to do with you.” Mr K. asks, “Why? You don’t even know us at all. You’ve seen me for the first time today. Is it because of the colour of our skin?” The mechanic answers, “Yes, I’ve got plenty of reasons. Leave my property immediately or I’ll call the police.” Mr K. calls the police himself, he does not wish to tolerate this kind of treatment. Shortly afterwards two police officers arrive. Mr K. greets them and explains that he has called them. The two police officers ignore Mr K. and address the mechanic. Mr K. again draws their attention to the fact that it was he who called them. As a reaction he hears, “Idiot, shut your mouth!” and is pushed aside by one of the police officers. Completely surprised by this treatment, Mr K. says, “What are you doing? You’re a policeman!” The same officer then pushes him again, this time with the comment, “Shut your mouth or else you’ll see!” The police officers take the particulars of all those present. Mr K. asks for the officers’ numbers. After several requests they tell him their numbers. After Mr K. demands them in writing the officer who has been most active writes the number on a wet car standing in the workshop area. Mr K. then asks which police station the two are from as he wants to make a complaint there. Immediately after the incident Mr K. drives to the police station they stated. There it turns out to be the wrong one and the right one is in a neighbouring place. Mr K. drives on to the next police station and complains to the police officer responsible. Mr K. phones to arrange an appointment for advice with a ZARA staff member. He arrives at the appointment with a fine order of € 60 for “aggressive conduct against organs of public security”. A ZARA staff member drafts an appeal against this. At the same time a regulations complaint is made to the UVS (Independent Administrative Council) about the behaviour of the police officers and petition is filed to the Equal Treatment Commission about the discriminatory behaviour of the mechanic.

In the meantime administrative proceedings against Mr K. for “aggressive behaviour” have been abandoned. In point 3 of the regulations complaint about giving the wrong information about the police station and service numbers, Mr K. was proved correct. Proceedings on the other point (use of the familiar second person singular and making discriminatory comments) is still pending before the Independent Administrative Council (UVS). Proceedings at the Equal Treatment Commission are also not yet concluded.

32 Ms S. wants ZARA to document the following incident. Her husband, of African origin, is taken to a police station in the 10th district of Vienna obviously for no reason. He can identify himself and there are no indications of a criminal act. He has to remain at the police station until his wife comes and picks him up. She asks the police officers why he was taken there and insists on receiving an answer. Finally she is told that he was only picked up because he is black. Ms S. is happy that ZARA exists, thanks us for

documenting the incident but after being given information about legal possibilities wants to let the matter rest to avoid possible problems for herself and her husband connected with legal action.

33 Ms L. is married to a man from Gambia. She tells ZARA that at the beginning of June around 30 people, all Gambian, some of them married to Austrians and almost all of them with regular jobs were arrested at home or at work in a sometimes brutal and inhumane way. Most of them were taken into custody for investigation at the Vienna Straflandesgericht prison and are already represented by lawyers. At the first advice session Ms L. does not yet know the reason for the arrests. According to the statements of Austrian wives with whom Ms L. is in contact, at the arrests the police officers involved made racist comments and used violence. The following remarks are said to have been made, "Niggers are pigs," "Niggers stink," "Why are you 'married' to something like this?" "Take one of my colleagues as a husband," "They are murderers of your grandchildren," and so on. One of the wives present at an arrest reports that her husband was lying in the corridor, face down with his hands bound behind him. The police tell her that she should step over him. When she says there is not enough space she is answered that she should simply "tread on" her husband. Her husband is taken into the next room from where she hears noises indicating that he is being beaten.

ZARA informs Ms L. about the legal situation and advises her to make contact with the wives she knows and advise them to draw up a statement of what they remember about the arrests. Ms L.'s husband was also present himself at one of the police checks but was sent away unmolested after identifying himself and the remark, "Oh, but you speak good German." Despite this, Ms L. fears the worst for the coming days and is afraid for her husband. A few days later Ms L. contacts us again. The wives of the Gambian men arrested are not prepared to undertake legal action against the police officers involved because of fear of further violations. In the meantime Ms L. has received the information that the telephones of the arrested men had been tapped by the police and the names of Gambian meals were supposedly synonyms in a "secret language" in connection with criminal activities.

After a while Ms L. gets in touch again and reports that some of those arrested have been released after two weeks in custody at the Vienna Straflandesgericht prison. Nothing has so far happened to her husband but she will make contact again if there is news.

ZARA documents the events she has described but cannot undertake any further action without those involved.

34 Mr C., an Austrian citizen of African origin, is asked for his ticket by a female police officer in the U3 underground station Stephansplatz in July. He has his annual season ticket with him, shows it to

her but is then asked for another identification. Mr C. answers that he has done nothing wrong and is not obliged to show his identification. If it is absolutely necessary he would have to fetch it from home. The policewoman tells him to follow her and takes him to a nearby police station. Firstly, his particulars are checked on computer. The policewoman sees that he is an Austrian citizen. Mr C. stand against the wall so the contents of his trouser pockets can be checked. He protests, "I haven't done anything." The policewoman and three others "immobilise" Mr C. and try to put on handcuffs. In doing so the policewoman sets her foot on him and inflicts bruises on his torso. Two other officers are called for reinforcement and support the four colleagues in making the arrest. Finally, with use of force and further injuries they manage to put on the handcuffs and check the contents of his pockets. The officers find nothing remarkable. Four officers carry Mr C. out of the station by his arms and legs. He is put into a police vehicle and taken to the district police station of the first district. There he sits in a cell injured for three further hours and is finally examined by an official doctor. He is taken to a lawyer and questioned although he hardly understands what the officer is saying to him. He signs four forms, which he also does not understand, and receives a payment slip which he must pay in. In addition he is charged with resisting arrest.

ZZARA accompanies Mr C. to a hearing as a witness with an official of the Office for Special Investigations. However, proceedings against the police officers for the bodily harm of Mr C. are abandoned by the Public Prosecutor's Office at an early stage.

ZARA draws up an appeal against the administrative fine, helps Mr C. to fill in the application for legal aid and accompanies him to his first court appearance for resisting arrest.

Mr C. is represented by a committed lawyer before the Vienna District Criminal Court. The lawyer tries her best for her client against the several police officer statements which all corroborate each other. She advises Mr C. to admit his guilt in the escalation of the situation at the police station. In return he receives a low sentence and the judge is spared the detailed witness statements of the police officers. Mr C. is finally sentenced to a three-month suspended sentence. He accepts the sentence and the Public Prosecutor does not appeal against the verdict.

35 Mr L., an asylum-seeker from Macedonia, goes to a shopping centre in July with his friend B., who comes from Iran. They go into a clothes shop to look at jeans. On leaving the shop they are checked by the police. They show their cards from the Traiskirchen refugee camp and before the police officers look at them they say, "Shit asylum-seekers, go home!" The cards are then checked after all. Mr L. hears the officers saying the papers are in order but his friend is accused by one of the officers, "Your card

is a fake!" When Mr L. interjects he is told, "Shut your face!" by the police. They are taken to the car park and searched. Then they are handcuffed. To B's question why the police would do this, a policeman answers, "Because I like it, playing with you, you shit asylum-seekers." Then Mr. L. is asked if he has stolen the shorts he is wearing. He denies this. A shop assistant is then brought outside from the clothes shop. She only tersely says that such "cheap" shorts are not sold at their shop. Mr L. finds the situation humiliating, in addition he knows the shop assistant and a crowd has gathered around them. The two men are taken to a police station where they are spat upon and further insulted by policemen drinking there. The two asylum-seekers spend the night under arrest. The following morning they are released. However, their personal belongings are not given to them but thrown out of the window by a laughing policeman.

In addition, Mr L. receives an administrative fine for aggressive behaviour towards police officers. He comes to ZARA with a staff member from SOS-Menschenrechte Traiskirchen. The two of them are advised on possible legal action.

36 Mr J. from Gambia, African friends and an Austrian female friend want to visit an acquaintance who is in the Vienna General Hospital. They sit on park benches in front of the hospital. Shortly afterwards they are photographed by a man. At first they think he is a tourist and indicate that he should stop. The supposed tourist approaches them and says, "I'm a policeman, I may take photos." He shows them his police identification disc. They reply that he certainly does not have the right to take photographs without any reason at all. The plain clothes officer answers that taking photographs is part of his work. He asks to see the IDs of all of them except the Austrian. She asks why he does not want to see her ID. He answers that only the blacks interest him as they are anyway not as a rule Austrians. During the discussion the plain clothes officer makes remarks such as, "I can check your IDs because blacks are criminals and dealers." He says to the woman, "You're probably a junkie and that's why you're with the blacks." The plain clothes officer calls two other officers, a policeman and a policewoman and prides himself in front of his colleagues, "Today I'm going to take someone else to prison. I know they're criminals." The particulars of those involved are checked from headquarters and everything is found to be in order. The plain clothes officer is not satisfied with this and calls another colleague and instructs him to check the information again down to the last detail. However, nothing suspicious can be found here either and the information from headquarters is confirmed. The police officers leave the five men and the woman in peace. Mr J. does not want to let the matter rest and turns to ZARA. After a comprehensive advice session about the legal possibilities he decides for a letter of complaint to the

responsible complaints officer and an application for his photographs to be struck from the record. He does not wish to opt for proceedings in front of the UVS (Independent Administrative Council) due to the risk of legal costs and the mental stress that this would cause. A ZARA staff member drafts a letter of complaint and an application for the deletion of the photos. In a reply to the letter of complaint we are informed that the photos have already all been deleted. However, the accusations are disputed by the officers involved. They insist that they never made such remarks. Due to his personal circumstances Mr J. is no longer in Austria. ZARA is therefore taking no further action except documentation.

37 Mr K. from Senegal has lived in Austria for many years. He works as a refugee advisor and in his free time plays in a band. On an evening in October his band has a concert. On the afternoon of the concert he wants to pick up a band member from the station in Wiener Neustadt. In the station car park he by chance meets colleagues from work who also come from Africa and live in Austria. They are standing there talking together when Mr K. notices that they are being photographed by an Austrian Railways employee. Shortly afterwards police officers appear carrying the railway employee's camera. The police officers carry out an identity check. Mr K. inquires why they have been photographed and checked, they were only talking together. One of the officers tells him that they were called because suspicious characters were hanging around in the area of the station.

A ZARA staff member assists Mr K. with drafting an application for the deletion of fingerprint and photographic data. There was no result at editorial deadline.

38 In October, Ms M. turns to ZARA with a call for help. For some time business at the locale of her African husband in the second district of Vienna has been destroyed by regular police checks.

Chronology:

13.10.05: the locale is stormed by 15 Vienna SWAT Police Unit (WEGA) officers. They are supposedly looking for a "black" because of a drug offence. The locale is totally devastated. Among other things, several doors are completely destroyed and the ventilation system damaged. One customer is taken away, the reason is unclear. When Mr M. enters his locale the police officers want to handcuff him. After Mr M. explains to them that the locale belongs to him and there is no evidence against him they refrain. The police officers find € 7,700 on one of the African customers. According to Mr M. it is honestly earned money that the customer had saved for a journey.

20.10.05: four police officers go into the locale and among other things want to see the business licence

and the commercial establishment permit. There are once again identity checks. Mr M. receives an administrative fine because of the defective ventilation that had been damaged by the police one week previously.

On 13.11.05, 17.11.05 and 29.11.05 there are identity checks at the locale.

The customers are almost exclusively Africans. Since these checks started turnover has gone down rapidly. Customers come only in the evenings, eat quickly and leave again. Mr and Ms M. go to a lawyer who attends to a compensation claim for damages caused to the locale under the Police Authority Compensation Act. In addition, he drafts a complaint to the Ministry of the Interior due to the continuing police checks that damage business and attends to the administrative fine for the defective ventilation. ZARA accompanies and advises the M. family together with a journalist from Der Standard daily newspaper. The story is published (in German) on derstandard.at under the headline "We're the police, we can do anything". Numerous statements of support in the postings in the forum about the article and a ZARA solidarity event in Café Madu in Rembrandt Strasse in the second district

give the couple strength to continue. Until our editorial deadline there have been no further police checks.

39 Ms K. has an 18 year-old son and a younger daughter. Her boyfriend, Mr S. is Nigerian. One day several SWAT (WEGA) officers storm their flat looking for her boyfriend. However, only Ms S's son is at home. The officers tell him that he should inform them immediately Mr S. comes home. Around an hour later the whole family is in the flat. As instructed, the son informs the police that Mr S. and the whole family are now at home. A short time later SWAT officers storm the flat again. Those present have guns held to their heads, the officers destroy glass doors and various objects that are "in the way". The family are told that Mr S. is violent and a drug dealer. Mr S. is imprisoned on remand. Immediately after this Ms K. approaches ZARA to have the incident documented and to ask about a lawyer to represent her boyfriend. After eight months of imprisonment on remand Mr S. is finally released. He is found not guilty of all accusations. His lawyer is now attending to compensation for false imprisonment..

Other Authorities and Public Institutions

"Public authorities" accompany us in numerous spheres of life. Mostly these authorities act protectively and support us, such as in schools, public transport, official offices and hospitals. In the following section are cases in which people have not experienced protection from these public authorities or their staff but have been discriminated against with racist remarks and practices. The public administrative authorities are subject to a strict equal treatment regulation that is safeguarded under the Austrian Federal Constitution. In addition, the amended Federal Equal Treatment Act stipulates that any form of discrimination by administrative staff is a breach of their duty. Administrative authorities are therefore especially called upon to increase the awareness and understanding of their staff in order to prevent unjustified disadvantages or insults and harassment based on racial prejudice. It should be positively stated that interventions by ZARA to public institutions are consistently fruitful so that many cases have been able to be cleared up and solved to the satisfaction of those directly affected. Detailed legal information about this field can be found in the Racism Report 2003 under Section 1 Fundamental Constitutional Principles, on page 57 or (in German) at <http://www.zara.or.at/materialien/rechtliches/>. The Ombudsman (Volksanwalt) Dr. Peter Kostelka is responsible for this field. For more information, see www.volksanw.gv.at.

40 Ms R.'s daughter is in the third year of a school in the 16th district. Ms R. and her daughter come from Africa. Her daughter is subjected to racist mobbing at school and attacked physically several times. The main perpetrator is an Austrian classmate, who has already changed schools several times. Ms R. makes several complaints that her daughter has come home with bruises and bite wounds. Only when an Austrian mother also becomes active does the school direction take action and temporarily suspend the problematic pupil. An attempt should be made to find a solution at a parents' evening. ZARA cannot accompany Ms R. but offers further assistance if the head teacher does not offer an acceptable suggestion for a solution. Unfortunately the discussion does not end to Ms R.'s satisfaction. The head teacher says, "Whoever it doesn't suit should take their child out of the school." Ms R. gets together with other parents. They want to approach the City Schools Inspector to resolve the conflict in the class. If no solution can be found Ms R. wants to send her daughter to another

school. Unfortunately Ms R. did not subsequently contact ZARA.

41 FMs E. sends ZARA an email and forwards a complaint written by her husband about an incident at the AMS (Employment Service). Mr E., who comes from Egypt, is handled in an extremely unfriendly way by a female AMS staff member and finally thrown out of her office with the matter not dealt with. He protests and insists that someone should attend to his problem. Instead of this the AMS employee calls the police. Four police officers appear, speak familiarly to Mr E. (using the familiar "Du" form), and make insulting remarks such as, "Go back home and stay there, by the Nile," and "We'll show you what it's like in Austria." Finally they arrest and handcuff him. In the lift he is hit in the back and on the head by the policemen. Then he is taken to the district police station and after being examined by the police doctor is taken to hospital.

At an advice session with ZARA Mr E. reports that he was summoned to a police lawyer at the Vienna Police Headquarters. In conversation with an officer he is made the offer that if he makes no report against the police and pays a € 36 administrative fine he will not have to reckon with a criminal charge. Mr E. therefore makes no report but sends a letter of complaint to the AMS and Vienna Police Headquarters. On account of this, investigations of the officers are started. Mr E. nevertheless has to go through a trial for attempting to resist arrest. ZARA recommends a lawyer to Mr E. and accompanies him to the trial at the Regional Criminal Court. Mr E. describes the scene at the AMS. The two AMS staff members give evidence. They consistently testify that they saw no attempts by Mr E. to hit or kick the police officers and thereby no active resistance. They state that Mr E. had only resisted passively. The third witness is the police officer who drew up the charge against Mr E. The judge firstly draws his attention to the fact that he need not give evidence if he will otherwise incriminate himself. Visibly nervous, the police officer describes the incident. His statements remain very vague. Asked about the charge he wrote and the detailed allegations, he only confirms what is read out to him. However, in answer to the judge's questions he becomes entangled in contradictions. After him the two other police officers involved in the police action give evidence. These two are also not able to convince the judge because they are not clear about their statements. Mr E. is found not guilty.

The judge indicates that the police officer who drew up the charge can expect legal proceedings for giving false information.

42 An attentive reader brings ZARA's attention to a report with the title "Combating fraud actively and offensively" published by the Federal Ministry of Finance. The leaflet can be found (in German) at: <https://www.bmf.gv.at/Publikationen/Downloads/BerichteBilanzen/Betrug2003.pdf>. On page 9 of the report, under the headline "Illegal employment conditions", is written, "Moonlighters at work; 'cheap' labour from the east without work permits and insurance are stealing jobs from people who want to work legally. No taxes, no social insurance contributions. Some become real 'benefit scroungers'." Here the report talks of "Turked up lorry loads". ZARA writes a letter to the editor and publisher of the leaflet drawing attention to the problematic wording and asking for a response. No reply had arrived at our editorial deadline.

Case 43
Good Practice

43 Ms B., a member of staff of the Austrian Chamber of Commerce (Wirtschaftskammer Österreich - WKÖ), comes across a case relating to taxi driver exams while reading the Racism Report 2004. At the time discriminatory examination methods against candidates of non-Austrian origin were reported (see Case 126 in the Racism Report 2004). Among others the examinations are administered by staff from the Occupational Group for Passenger Transport from the responsible federal province chambers. Ms B. is very concerned to clear up this case. She organises

a meeting between those responsible at the Chamber of Commerce and ZARA staff members. Unfortunately the person who reported the case could no longer be reached at the specified email address but the discussion develops positively. The examination process is discussed and problems can be identified. One staff member from the Occupational Group states that in 2005 it is intended to replace the oral examination with a written one, which can at least partly remove the grounds for the allegations. At the end of the talk those present agree that if there are future complaints, there will be closer cooperation between those reporting, ZARA and the WKÖ.

44 The Forum Against Anti-Semitism reports the following incident: sportspeople from the Jewish club S.C. Hakoah train at the sports facilities of the Vienna Brigittenauer Gymnasium (a grammar school). One day in June there is an argument between the school caretaker and some of the Hakoah players. The caretaker gives free rein to his resentment and says, "You're like the Niggers in America."

ZARA and the Forum Against Anti-Semitism write a letter of complaint to the school's head teacher. The head teacher speaks to the caretaker. He also scoffs, "that every criticism of the behaviour of individuals is immediately interpreted as racist or anti-Semitic." However, he apologises to the chairman of Hakoah. ZARA reiterates in an email to the head teacher that the caretaker's remarks were unambiguous and could not be misunderstood.



Markus Omufuma - Informationsbroschüre

In dieser Broschüre findest du Informationen zu Markus Omufuma, dem rassitischen Alltag in Österreich und der Asylgesetzgebung. Weiters: eine Dokumentation der rassistischen Beschmierungen des Markus Omufuma Gedenksteins. Kostenlos zu bestellen auf unserer Homepage.



Suspect

Das Suspect ist die Zeitung der GAJ-Wien und erscheint 4 mal im Jahr. Wir versuchen damit eine Alternative zum gesellschaftlichen Mainstream zu bieten, das Abo ist ebenfalls kostenlos auf unserer Homepage zu bestellen.



Jeden Dienstag ab 18:30 GAJ-Wien Plenum in der Lindengasse 40, 1070 Wien, Tel: 01/52125242
info@gajwien.at

www.gajwien.at

Work

Racial discrimination in the world of work has been explicitly forbidden in Austria, at the latest since the amended Equal Treatment Act came into force in June 2004. The prohibition of discrimination refers to the following areas: job advertisements, appointments, pay, assignment, promotion, training and further training, employment conditions, termination of work contract and layoffs. As the cases in this section show, the reality is far removed from the ideal of a discrimination-free employment world. The widespread practice of explicitly discriminatory job advertisements and a racist appointments policy is still a massive hurdle, particularly for members of the so-called "visible minorities". In 2005 ZARA received 77 reports of discriminatory job advertisements. These were reported to the authorities in all cases. Criteria such as skin colour or accent are still drawn upon by employers to reject job applicants. However, even those who have managed the step into an employment contract are not immune from further discrimination or harassment with a racist background. Mobbing by colleagues or superiors can make work "hell" and make those affected ill. This year ZARA has accompanied many people in the tiresome task of also demanding the rights to which they are entitled on paper. This step requires courage and staying power from those affected. Many people give up because of hurdles in the procedure, fear of losing their job or simply because they resign. They only want to have their case documented but take no further steps against the discriminatory treatment. In addition, support organisations and not least the judiciary are challenged to keep the way from "being" right to "getting" your rights as short and direct as possible.

45 There has been a legal decision in case 121 of the Racism Report 2004, in which the Jordanian citizen Mr E. suffered racial discrimination in his job at a haulage company. Mr E. was worse placed than his Austrian colleagues under employment law, was insulted by them as a "camel driver" and "Arab arse", mobbed and finally so badly beaten that he landed in hospital. In February 2006 the Equal Treatment Commission ruled that Mr E. had been the victim of massive harassment. At the time of editorial deadline Mr E. is preparing a claim for compensation to be brought before the responsible industrial tribunal. In this he is supported by ZARA, the Legal Action Association for Ensuring the Rights of Discrimination Victims (Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern – www.klagsverband.at) and the Vienna Chamber of Labour.

46 Mr D. comes from Nigeria and is looking for a job. He wants to apply for a job as a cleaner

with the company S. in Vienna, which had advertised in the Kurier newspaper. Firstly he calls the company, asks if he should visit and tells them he has eight years' work experience. He is invited to an interview. Several people are waiting in front of the room. Soon it is his turn and he is called. When the staff member sees him she says, "You needn't come in. I can't take you because of the colour of your skin because our customers don't want black people." He goes home and tells his girlfriend what he has experienced. She calls the company and talks to the staff member who confirms what she had said. After expressly pointing to the new Equal Treatment Act she is not impressed. She knows the Equal Treatment Act but she adheres to her statement. His girlfriend then approaches ZARA and describes the incident. Unfortunately Mr D. does not want to take any action against the company. He calls ZARA and explains that he has already lived in Austria for a long time but the situation will never change anyway. He is despondent. This also does not change after a long talk with a ZARA staff member.

47 Mr A. is from Gambia. In April 2005 he begins working via an employment agency as a room cleaner at a hotel at Schwechat Airport. He is informed that he will be offered short-time employment if he fulfils requirements. Two days later his wife calls the hotel to ask if he has been officially employed. A employee of the agency reacts to her inquiry in a very unfriendly way. She tells Ms A. that her husband is not yet permanently employed. In addition, she accuses him of not being where he is meant to be and of smoking during the breaks. Both allegations are invented. Finally Mr A. receives € 54.76 from the agency for a working week of 42.5 hours. Mr A. ends the employment contract with immediate effect. At an advice session with ZARA Mr A. reports that his colleagues had almost exclusively been migrants and badly informed about their employment rights. On one of the following days ZARA accompanies Mr A. to the Chamber of Labour. A letter is drafted to the employment agency demanding payment of € 275 for Mr A.'s work, laid down in the collective bargaining agreement. A few weeks later Ms and Mr A. inform us that the company has paid the rest of the money. The couple express their thanks and tell us that they have already informed many acquaintances about the ZARA counselling centre.

48 Ms S. comes from The Philippines and is a nurse. Part of her job is washing patients' private parts. The son of one patient regularly visits his mother in hospital. On one of these visits when Ms S. is alone with the son in the room he says to her that she should come back to his flat with him and do the

same with him as with his mother. A short time later a second nurse enters the room and asks the son to bring some shower gel for his mother at the next opportunity. Ms S. adds that his mother will also need cotton swabs. Mr V. angrily replies that he will certainly not bring cotton swabs, after all, he pays enough for his mother's hospital stay. In addition he says that Ms S. should go back to her home country, where nobody would even know what cotton swabs are. He also calls her a whore. Ms S. is bewildered and leaves the room but then decides to return to tell him that she will not speak to him again and that he is primitive. Ms S. approaches ZARA because she feels supported by her colleagues but feels let down by her superior, Mr V. She also takes advice from a lawyer. Only during the course of further events do her superiors declare themselves willing to support her comprehensively. ZARA documents the case.

49 Mr K. from Iran is a taxi driver. In March around midnight he is waiting in his taxi at the Hietzinger Hauptplatz taxi rank when a couple approach him. As he is winding down the window the woman pulls open the door and tells Mr K. to call a second taxi because there is a group of six people. Mr K. says he would be pleased to do so if they wait and do not take another taxi in the meantime. The man then shouts at him, "Are you gonna call us a taxi or not?" Mr K. gets out and tries to explain to him calmly again. The other four people arrive at the taxi rank. One of those who have just arrived shouts at him, "Piss off, you Yugo!" and comes out with other racist and xenophobic slogans. Mr K. rebuffs the insults and says that he will not drive people who abuse him. The man grabs Mr K.'s arm and draws back to hit him. The other two men join in and hit and kick Mr K. He can hardly defend himself and calls out for the police. They finally arrive, intervene and take the aggressors to the police station. Mr K. is taken to hospital by ambulance. Two days after the incident he comes to ZARA with a couple who are his friends. Facial injuries are still clearly visible. ZARA documents the case and accompanies Mr K., who is represented by a lawyer from the taxi company, through proceedings. Only one of the three

perpetrators is found guilty and has to pay compensation. The others remain free. Mr K. stops working as a taxi driver. He is currently on an AMS (Employment Service) training scheme.

50 A recognised refugee from the Democratic Republic of Congo is looking for work. He applies to a home-help company which looks after pensioners. There he is turned away because, as he is told, "Blacks are objected to by our clients." He applies for a job as "dishwasher" at another company, an assistance organisation for refugees, and this time asks an acquaintance to call for him. She is told that the manager does not take blacks. He applies to a restaurant in the ninth district of Vienna. His application with photo is sent back with the comment, "Not suitable." His acquaintance approaches ZARA but he does not wish to take action so the case is only documented.

51 Mr F., a recognised convention refugee from Chechnya, applies to a building firm as a bricklayer. After checking his application forms, he is to be employed. A short time later his refugee carer, from the assistance organisation that Mr F. supports, calls the manager of the building firm to ask when he should start. She is promised later. Therefore she calls again and again to ask. The beginning of employment is delayed for over four months until Mr F. finally starts work. Mr F. is on the building site for exactly 2 days and 9 hours. He is responsible for clearing away refuse. At the end of the third day the foreman tells him that he need not come to work anymore because only Austrians will be working on this site. The day after the carer calls the manager. He also informs her that Mr F. need not come to work anymore. However, the reason he gives to the carer is that Mr F. had not worked well. The refugee carer approaches ZARA. She knows Mr F. as a very proper, reliable and honest man. After having possibilities for legal action explained to him, Mr F. does not want to take action. ZARA documents the case.

Housing

As with the provision of food and water, adequate accommodation is a basic need of everybody. Access to accommodation is therefore also one of those areas that should be free from racism, safeguarded by European legal regulations. The reality looks different: landlords and agents still reject people because of their origin. Housing agents insist on being able to implement racist wishes of those commissioning them ("Austrians only"). In 2005 three discriminatory advertisements were reported to ZARA, and they were all reported to the authorities. As with all ZARA figures, these depend on the number of reports to the counselling centre. The real number of such advertisements is considerably higher, as a glance into the small ads section of Austrian newspapers shows.

Some housing providers explicitly serve the market for "foreigners" with overpriced sub-standard flats. The housing market is thereby characterised by massive limits on access based on the racism of the property owners. However, even those who have found a flat are exposed to racist hostilities from neighbours or property management companies. All of this impairs the quality of life for migrants and members of "visible minorities". Precisely the ubiquity, the everyday and literally "neighbourhood" nature of racism makes it so attritional and dangerous in this area. New legislation offers the possibility to take legal action against many of these forms of discrimination. ZARA has intervened in numerous cases, worked towards an amicable, jointly-agreed solution and finally also accompanied legal proceedings against discrimination. In such cases of discrimination the Equal Treatment Act provides the sanction of giving those discriminated against the entitlement to adequate compensation. This compensation is divided into two parts: on the one hand any financial damages should be paid, on the other, however, also an appropriate and deterring contribution for the harm to the dignity of those affected accompanying the discrimination. At our editorial deadline no such court proceedings had been completed, so that it is not yet possible to report any outcomes.

52 FMs P. sends ZARA an email. She reports about a Nigerian friend who lives on a housing estate in Villach. He has become a target of racist abuse from his neighbours. Furthermore, the neighbours got together to apply to the cooperative housing company for the eviction of the family. The reason given for objecting to the Nigerian family is the supposed noise made by the children. Some time later the cooperative housing company actually starts eviction proceedings at Villach District Court. The fa-

mily loses the case and must leave the flat. ZARA supports with legal advice but can no longer prevent the loss of the flat because of the legally-binding verdict. Ms P. is helping her friend's family in looking for a new flat in a less racist neighbourhood.

53 In June ZARA finds out about a fatal racist attack from the news: "Shortly before midnight residents of the council flats in Tautenhayngasse in the Fünfhaus district of Vienna were awoken by two shots. A 33 year-old Serb was lying in the courtyard with a shot in the stomach. A witness called an ambulance but shortly afterwards the victim died of his serious injuries. The alleged perpetrator, a 65 year-old pensioner, was arrested by police. The police officers also found the weapon in his flat. As witnesses report, the pensioner and the Serb, who lived next door, had been arguing for weeks. During these arguments, which were mostly about the Serb's children and noise, the pensioner never made a secret of his xenophobia. 'Especially when he'd been drinking,' reported a shocked neighbour.

On Friday evening the pensioner must have again felt disturbed by the noise in the courtyard. He stormed down there and there was a loud argument and then two shots."

www.wien-heute.at on 18.06.2005

Mr L. leaves a wife and two children. In July Ms L. comes to ZARA with her daughter and tells us about the incident. The perpetrator, Helmuth M., is remanded in custody awaiting trial. Despite what her husband did, the perpetrator's wife, who is still the neighbour of the victim's family, continues verbally abusing them. Ms L. and her children often hear remarks such as, "Dirty Yugoslos" and "My husband was clever to kill him completely straightaway." When Ms L. installs a memorial to her husband in the courtyard with the help of other residents, Ms M. protests that she will break it up. Among other things she says, "For that arsehole you're still lighting candles." Ms L. is afraid that Ms M., who like her violent husband also has a gun licence, could also be capable of such an attack. Wiener Wohnen [the housing provider] offers the victim's family a replacement flat. However, Ms L. does not wish to move away because she receives much support from other neighbours. On behalf of the L. family ZARA approaches the office of the Vienna Housing Construction Officer to find a solution to the intolerable situation for those left behind. Finally the housing provider persuades Ms M. to accept the offer of another flat in another apartment building. In December 2005 ZARA observes the trial against the perpetrator, Helmuth M..

His defence is based on the claim that because he was highly intoxicated he can hardly remember anything of the incident. The gun had only inadvertently been fired. The jury find Mr M. guilty, not of murder but only of grievous bodily harm with fatal consequences. Mr M. is sentenced to 6 years' imprisonment. Racism as an aggravating circumstance is not taken into account in sentencing.

54 Ms L. is of Egyptian origin and reports the following incident to ZARA. She is flat hunting and goes to see a flat advertised in the *Kurier* newspaper. When she arrives the person renting out the flat who is present does not pay her any attention. Also when she asks a question he ignores her. At the end of the flat viewing he says to her, "I don't rent to foreigners, I also live in the building!" ZARA explains the legal possibilities to Ms L. but she only wants to have the case documented.

55 Ms C., of Serbian origin, is flat hunting. She goes to an arranged appointment to view a flat in an apartment building in the 12th district of Vienna. Several people are there interested in the flat. An elderly man comes up to her and asks her if she is there to view the flat. She tells him she is and then he wants to know where she comes from. She asks what role that would play. The man becomes furious and shouts at her, "You must leave my building immediately! I don't want foreigners in here." Ms C. and a couple of other people who had been interested leave. In front of the building a man tells her that he had been looking at another flat in the 12th district and the same man had acted in exactly the same way there. Ms C. describes the incident in an email to ZARA. ZARA informs her of possibilities for legal action. Ms C. thanks us for the informative email but does not wish to take action because she has been in this situation so often. She is not convinced that the situation would change. The most important thing for her is to find a flat. She prefers to forget situations like the one described above quickly.

56 Mr Ö. has already lived for 8 years in a flat in the 10th district of Vienna. In 2000 his wife from Turkey comes to live with him. One year later the couple have children. From this point problems arise with a female neighbour. The arguments are mostly about disturbance and how sensitive to noise the neighbour is. However, the neighbour expresses her displeasure about the noise that children naturally make in xenophobia. The family is abused by the woman as "Shit Yugos" or "Shit foreigners"; they should go home to Turkey because here you have to stick to the rules. Mr Ö. approaches ZARA and wants the case to be documented. He has already turned to the property management company and the Area Renewal Office for a solution to the conflict. Although the conflict cannot be resolved through talks with the neighbour

it can be channelled so as to make living next door possible.

57 Dr C., an Italian citizen, studied in Italy and recently moved to Austria after living in Germany for 7 years. He is a bioinformatician. One afternoon in August 2005 Dr C. visits an Innsbruck estate agent. He is interested in a 3-room flat in a recently constructed building in Tiergartenstrasse in Innsbruck. It says in the advertisement that this flat will only be rented to "respectable" tenants with "good credit-worthiness". The rent is € 880 per month. When Dr C. enters the office of the estate agent only one staff member is present and when he asks if the flat is still free she says it is. A short time later the owner of the estate agency, Mr U., enters the room. His staff member tells him that Dr C. is interested in the flat. Dr C. asks if it is possible to view it. Mr U. does not answer but asks Dr C. where he comes from. Dr C. says that he is Italian and Mr U. replies, "No, this flat is only for Austrians." After this statement Dr C. indignantly leaves the office with the remark that this is complete nonsense. ZARA files a petition to the Equal Treatment Commission against the owner of the estate agency. Proceedings are continuing. In an initial statement Mr U. says that he never made this discriminatory statement but that the relevant flat had already been rented at the time.

58 Ms S. gives notice on her tenancy agreement to the Wohnheim Verwaltungsgesellschaft m.b.H. (WV-Ges.m.b.H.). She suggests helping to find a new tenant. A WV-Ges.m.b.H. staff member accepts the offer but adds, "But it can't be a black – know what I mean, that doesn't comply with our basic principles." Ms S. finds this remark more than curious in view of the following passage from the contract governing the regulations of the accommodation WV-Ges.m.b.H.: "II.2. The management of the hostel may cancel the contract without notice and with immediate effect if there are important reasons to do so. Among these are in particular: ... damage to the religious and/or moral interests of the hostel (e.g. through anti-Semitic, anti-Israeli or other racist remarks or behaviour."

ZARA approaches the WV-Ges.m.b.H. and asks for an explanation. A WV-Ges.m.b.H. staff member says on the telephone that the incident must have been a misunderstanding but at the same time she reports problems with "black" tenants and emphasises that there had also been problems with "blacks" from the USA. However, additionally ZARA receives a written statement with the assurance that the relevant staff member has been spoken to and warned about his racist remark. The management express their regret and promise to keep to the Equal Treatment Act in future.

59 Ms D. and her husband are flat hunting. At www.immobiliien.net they find a flat. Ms D. calls the estate agents responsible asking for information about the advertised flat. The staff member of the

estate agency who takes the call tells Ms D. that the flat has already been rented. Ms D. hears the staff member talking to someone else in the background and then she tells Ms D. she should come and visit the agency anyway. Ms D. is surprised because the flat has already been let. The staff member says she should come by anyway because they have other similar flats on offer. Once again Ms D. hears how she turns to another person. Shortly afterwards the other person is on the phone, her voice sounding like an older lady. She apologises for her colleague who is new to the business. She tells Ms D. that her colleague had heard an accent but did not know which country it was from. They do not rent to blacks, Japanese and Swedes because they have always had problems with them. Ms D. lets her know that she is from the USA. The older staff member says, "In the USA there are certainly people with white and black skin colours. What colour are you then?" Ms D. answers that she is white. The estate agency staff member then does offer her an appointment to view the flat. Ms D. and her husband are not sure if they should actually keep this appointment, but go there because they are curious. The older estate agent comes to the appointment and is extremely friendly. Ms D. and her husband do not take the flat. Instead they come into the ZARA office and tell a staff member what they have experienced. With the agreement of Ms D. and her husband a letter is drafted to the estate agent requesting a statement. The manager of the office calls ZARA and says that she is aware that her behaviour is not lawful but she would have to close down her business if she obeyed the law. 80% percent of owners who want to rent their flats demand no Indians, Japanese, Blacks or similar. She cannot change

her practice. Ms D. and ZARA report the incident under the EGVG.

60 Ms J. and her husband, both of Polish origin, want to rent a small garden from a garden association. They discuss the relevant points with the chairman of the small garden association and with a solicitor. An appointment is made for signing the contract. In the meantime the couple inform themselves about financing from the bank and a friend offers a prefabricated house for the site. On the arranged day Ms J. calls the chairman of the association to confirm the appointment. On the telephone he informs her that she need not come because he has spoken with members of the association and the contract cannot be signed after all. When asked for the reason the chairman replies, "Well, let's just say it's because you're foreigners. They're always having parties." Ms J. approaches ZARA and is advised on possible legal action. With ZARA's help she first wants to write a letter to the chairman and let him know about the new Equal Treatment Act. In his reply he denies making the statement. Ms J. does not want to let the matter rest and wants him to tell her the reason that the contract was not concluded. Upon her wish ZARA drafts another letter to the chairman, which however is not answered. After several unsuccessful attempts to contact Ms J., ZARA takes no further steps and documents the case.

Racism as a Reaction to Anti-Racism Work

The incidents described in this section provide uncensored insight into the negative, hate-filled reactions met by anti-racism work in Austria. Mostly immediately at times of well-publicised anti-racist activities or media reports there is a real hail of calls, emails, posting and letters containing hate, jealousy, anger and delusion. These manifestations of racism at times appear to confirm the thesis that racism does not only make its victims ill but also those bearing resentment. Staff members at the ZARA Counselling Centre always try to enter into a constructive discussion with insulting and threatening callers, mostly with a bare minimum of success. It is obviously the primary aim of these people to shout out their mostly fatuous and false images of the world and to abuse. In doing so they use platitudinous, dull and often also inciting words in which one characteristic is most noticeable: the assumption appears to be particularly "popular" that the members of the majority of society have their livings endangered by migrants, are underprivileged with respect to them and are helplessly exposed to their arbitrary attacks. This reversal of the perpetrator-victim roles seems to be the engine of their zeal. The examples of racist tirades printed here are not intended to be a forum for them but simply to document them: this is also a part of reality in this country.

61 In June 2005 a man sends the following email to ZARA:

"YUGOS AND TURKS GET OFF THE WORLD! ALL OF YOU! This is the demand of civilised humanity."

62 In June 2006 ZARA receives several racist emails from an internet terminal at the library of the Vienna University of Economics and Business Administration (Wirtschafts-Universität Wien – WU). Because the number of emails increases, ZARA informs the technical department of the WU. Fortunately they take care of the problem very quickly and find the perpetrator. The university bans the man from the building.

Two examples:

"millions of Tschusch Niggers
have descended on our country
and made it into a den of criminals
Yugos murder steal rape
and the horrible Niggers are the worst
Austrians must also pay x billions for the scum
that is oppression exploitation and racism"

and

"First name: andi

Last name: mailat prokorn

Email: gehts.scheissen@zara.at (piss.off@zara.at)

Tel.: 133

When: yesterday

Where: kindergarten

Who: all the children

They all sang 10 Little Niggers

.... one had Aids and then there were only nine..... one was a drug Nigger... and then there were only eight.... one was a rapist.... and then there were only seven one was in custody awaiting deportation.... and then there were only six....one was a rowdy.... and then there were only five one was a murderer and then there were only 4

\$ horrible Niggers are still free... one knocked down a postman , and then there were only three.

... one strung himself up and then there were only two... one swallowed all his drugs and then there was only one more Nigger, the Nigger was homesick and cleared off to Africa.

That's the beautiful end to the story

If only we could also get rid of the Niggers so quickly in real life AWAY WITH THE NIGGER BROOD!!"

63 EA man sends the following email via the contact form on the ZARA homepage:

"throw the Turkish brood and the Kaffirs out of Austria, shut up your shop that needs funding and go and get a decent job.

A worried – about Austria – Austrian

64 "lini tanti" sends the following via the contact form on the ZARA homepage:

"it's good that you can give your opinion about racist crimes by yugos and niggers more murders by niggers and other yugos shows that the crime rate among the yugos and niggers is 10 – 20 times as high as among the austrians. that's why it's right not to let the pack in at all and deport at least a third of those that are here

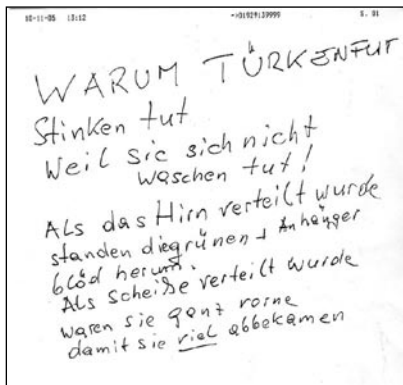
this yugofication costs us 5 – 10 billion euros per year the majority of austrians have had enough of this criminal yugofication policy so niggers out yugos out"

65 Mr G. V. jun. sends an email in his name in November:

"You're just embarrassing! Giving a platform to drug Niggers is an abomination for everything Austrian!!!!Yuck, I spit on such dirtiers of your own nest!!!! My grandfather was in the SS (involuntarily!), he would turn in his grave. You're a disgrace to this country!!!!"

66 On 10 November 2005 the following hand-written fax arrives at ZARA's office:

"Why Turkish cunt
stinks so much
because she doesn't
wash it much
When the brains were handed out
the greens and their supporters stood stupidly
around
When the shit was handed out
they were right at the front
so that they got lots of it"



67 And email is sent via the contact form on the ZARA homepage:

"Form of address: Herr
Title: Führer
First name: Adolf
Last name: Hitler
Email: adi@hitler.de
Street: 13 Vogelgasse
Town: Berchtesgaden 1
Commentary: The Führer will come and get you all!

you are getting the punishment now, you're actually broke HAHAAHAHAH, you Austria haters, you Austria denouncers you dirtiers of your own nest, you false people, who want to finance criminal foreigners and illegal refugees at tax payers' expense, take care of the Austrians for once, HIKMET what kind of a name is that, piss off to where you came from and do some work for once, not just waste tax money and unjustly withhold it from the Austrians, and the Austrian pensioners can kick the bucket!!
Long live the FPÖ, and that you get no more subsi-

dies! I hope that PROKOP tightens the asylum law and brings back detention awaiting deportation, and bans your association that's a disgrace to the whole country.

PS: capital punishment for the black drug dealers because they also kill our young people!!!"

68 In February 2005 "Mike Jager" sends an email to ZARA:

"i was attacked by a wild nigger, now i'm afraid that i get aids almost all the niggers have aids they should all be locked up niggers should be deported to africa"



69 The following email comes to ZARA via the contact form on the ZARA homepage:

"First name: sir
Last name: austrian
When: yesterday
Where: austria
Who: 10,000 african apes the apes have descended on austria the wild apes kill austrians, rape, steal and are just horrible, so we are sending the apes back to africa resist foreign infiltration infiltration niggerisation are crimes"

70 The following also arrives via the contact form on the ZARA homepage:

"First name: ugauga
Last name: nigger
When: for years
Where: throughout austria
Who: thousands of niggers

the nigger plague has broken out these horrible niggers descend on austria and leave a trail of crime niggers kill, murder and rape..."

71 In February 2005 "nigger erwin" sends via the contact form:

"First name: nigger
Last name: erwin
Email: polize@ju.de
Tel.: 122

i need expert advice on how we get all the horrible

yugos and wogs out of vienna again can we just shoot down the criminal trash? or can we put them on the reichsbrüche and give them a kick so that they fly into the danube and from the danube most of the foreign trash can get home again easily yugos and slavs are soon at home the turkish pack must go through the black sea the niggers have a longer way they must go through the mediterranean but that's anyway good at least they can't commit a crime during that time"

72 In January 2005 ZARA chairperson Dieter Schindlauer receives the following by email:

"From: "james last" last729@...
To: dieter.schindlauer@zara.or.at
Subject: You horrible AGITATORS

Zara is a dreadful gang of agitators of people with civil courage who resist the yugofication stand up against the foreign criminal gangs are attacked and persecuted by this shit association Zara. Zara uses gestapo methods sets the police on conscientious citizens

Zara and you as one of the top agitators want to criminalise people who offer resistance against the prevailing dumbing down. We will continue not to permit Niggers, Yugos and certain other wogs to be able to feel good in Austria and able to commit their crimes unpunished Apes belong back in Africa and Niggers just are a kind of ape. Yugos and other wogs have no place in Austria Yugos out Niggers out and the certain criminal gang also out Zara peg out!!"

73 ZARA also receives the following email via the contact form on the ZARA homepage:

"First name: bruno
Last name: kreisky
When: always
Where: throughout austria
Who: Niggers 10,000 Niggers

The abominable Niggers are flooding our country This pack of Niggers ought to be deported and people like you who stick up for these criminal Niggers should be locked up! Niggers out Yugos out and close down Zara"

74 In March 2005 "nigger yuck" sends ZARA the following text via the contact form:

"Niggers Yugos wogs out of europe"

75 Also in March 2005 and via the contact formula "uga uga" sends ZARA:

"shit niggers out
of austria
and the zara criminals off to africa to their nigger friends"

1 1 0 J A H R E



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Gedanken über die Zukunft?

Sicherheit ist immer relativ. Umso wichtiger ist es, für alle Fälle vorzusorgen. Sichern Sie Ihre Familie und alles was Ihnen sonst noch wichtig ist, zu besonders günstigen Konditionen ab. Als Versicherungsverein auf Gegenseitigkeit sind wir der traditionelle Partner für den öffentlichen Dienst – aber auch alle Privaten können unser Allround-Angebot nutzen.
„Alles aus einer Hand“ – von Mensch zu Mensch!

Mit der ÖBV durchs Leben



Commentaries of other Organisations

The aim of ZARA is “promoting civil courage and a racism-free Austrian society, combating all forms of racism and advancing the legal equality and actual equal opportunities of all people in Austria irrespective of skin colour, language, appearance, religion, nationality and origin.” In the ZARA mission statement there is also a principle that states that it is important to form alliances and do active networking work with representative groups. At www.zara.or.at it is stated: “The knowledge of people who are directly affected by racism is an important resource. The possibility of working against each other or each doing the same

work should be excluded as much as possible through sharing information and experience.”

Every year the Racism Report also offers an opportunity to publicise other standpoints than that of ZARA. We asked individual organisations to draw up a short report or expert commentary about their contact with the victims and witnesses of racist incidents and how they handle the information relating to racism in 2005. The following organisations have sent in contributions providing a valuable supplement to ZARA’s perspective.



Peregrina

Commentary for the Racism Report 2005

Racism is not a selective but a constant characteristic of the life situation of members of the majority population and migrants. Racism is day-to-day, ubiquitous, factual or feared. This means that even when there is no visible reason to suppose discrimination, racism is in play if the person affected expects it and fears it. We need only think of the political discourse about migrants in 2005 and its resonance among the population:

Already at the beginning of the year the blame for the bad results of the PISA study was shifted to migrants’ children and their mothers. The solution considered was simple: compulsory German courses for mothers and children!

This was followed by the debate stretching throughout the year about starting negotiations with Turkey about accession to the EU. This was conducted with racist arguments without regard for and to the cost of migrants of Turkish origin living in Austria.

And recently the Vienna local election campaign ensured that Muslim women had to fear being (forcefully) liberated by self-proclaimed feminists. In all of these examples the aggression was primarily directed against women. The political discourse about the German language level of migrants flourished particularly well in everyday racism. Thus job advertisements were to be found with “mother tongue German” or “perfect

German” as requirements for cleaning jobs.

The labour market is still the area in which the consequences of structural and everyday racism are most visible. Of 380 women from 52 countries who took training advice from PEREGRINA, 77 percent were not in work, meaning that they could not gain a foothold in the employment market. Half of those seeking advice had no access or very difficult access to the employment market due to restrictive access regulations. Almost 70 percent of women in work were in jobs for which they were over-qualified.

For female migrants racist and sexist discrimination go hand in hand. Women who, for example, were in technical jobs in their country of origin are pushed into feminised (and ethnicised) jobs on the Austrian labour market. Thus a travel agent from Tibet with many years of experience was advised to aspire to the job of a carer by the Employment Service (AMS) in an occupational orientation course. The AMS line of argument was that as an Asian you can certainly do that better. No account was taken of either her lack of qualifications for a caring profession or her personal interests. For many women migration means a step backwards in their emancipation in terms of their professional career.

Another aspect seen from the PEREGRINA education and training statistics is that women who have mi-

**PEREGRINA
Education,
Advice-, and
Therapy Centre for Fe-
male Immigrants**

Währingerstraße 59/
Stg. 6/1. Stock
1090 Wien
T: (01) 408 33 52
(01) 408 61 19
F: (01) 408 04 16-13
information@peregrina.at
www.peregrina.at
Opening times:
Mon – Thu 8:30 – 17:30 Uhr

grated to Austria as adults tend to have a higher level of education than migrants of the second or third generation who have grown up in Austria. Is this an indication that the educational opportunities of migrants are not too plentiful? Muslim women with headscarves and black women have most difficulty on the job market. On the one hand they are regarded as victims of their male relatives and on the other they are said to be backward and any responsibility is denied to them. In any case they are seen as the product of their "imagined" culture and not as an individual.

Two examples from everyday experience in counselling illustrate this: when a PEREGRINA counsellor enquired of a ministry civil servant about social insurance for an asylum-seeker from the Democratic Republic of Congo and mentioned that she was a doctor, she received the reply, "No, she's most likely a nurse."

An African PEREGRINA client wanted to apply for a job as room cleaner at a cleaning company. The moment she entered the office and said, "Good morning," the company employee jumped up, made a rebutting gesture with her hands, as if she would attack some-

one, took a few steps backwards and said, "No thanks, we have no work for blacks, the blacks only cause problems, nothing else, go away!"

Such behaviour leaves behind a lack of comprehension, perplexity and desperation. We are trying to further support and strengthen the client so that she does not lose strength and courage in job-seeking and in everyday life.

The possibility of starting proceedings under the Equal Treatment Act will not be taken up for understandable reasons. Most migrants do not have the financial and physical resources to go through with legal proceedings.

Gamze Ongan – Chairperson of PEREGRINA

The aim of PEREGRINA is primarily to support migrant women and their families in coming to terms with their legal, mental and linguistic life situation in Austria. PEREGRINA was founded in 1984 as a non-profit organisation..



THARA

"No place for gypsies" Discrimination against Roma and Sinti in Austria in 2005

**Initiative
THARA Haus
EQUAL EP nEwC_
baselines**

Volkshilfe Österreich
Radetzkystraße 27/2/14
1030 Wien
T: 0676 83 402 287
F: (01) 817 67 85
nadine.papai@volkshilfe.at
nadine.papai@thara.at
www.thara.at

Roma and Sinti are the most frequent targets of racism in the EU according to the Vienna-based European Monitoring Centre on Racism and Xenophobia (EUMC).

It is clear, not only in view of the incident this year at an East Tyrol campsite that caused a furore with a board saying "No place for gypsies", that Roma and Sinti are also affected by direct discrimination in Austria. Measures that have for a long time been planned or even implemented and the increasing trend towards supporting projects combating racism (e.g. Roma assistant teachers in Vienna schools) have apparently not yet done enough to counteract the pre-

judices of the majority population. In a centuries' old tradition the word "gypsy" ["Zigeuner"] in Vienna parlance has always stood for someone underhand and fraudulent.

Statistical arguments are often attempted against the general accusation of discrimination. Census data is supposed to show that only few Roma and Sinti live in Austria and therefore minority political demands such as the right to have their own media were difficult to realise in the past. In 1991 only 145 people stated that they spoke Romani (the Roma language) whereas in the 2001 census the figure was 6,273. The fact that this statistic is also still an under-represen-

tation appears to be totally disregarded. Experts say that many Roma and Sinti do not publicly avow themselves to their minority or they state the mother language of their previous home country. Estimates for Austria therefore range between 10,000 and 40,000 Roma and Sinti. The fact that this group is often not explicitly mentioned in housing statistics, for example, leads to a distortion of reality and an information deficit in public offices.

Roma and Sinti are one of the most economically disadvantaged groups in Austria and are particularly victim to structural violence and discrimination and are thereby affected by unequal distribution of income, educational opportunity and expectations of life. There is discrimination against Roma or migrants in general particularly in the fields of housing and education. As a direct consequence of these social disadvantages entrance to the employment market is made enormously difficult.

While flat hunting, "We don't rent to gypsies," is regularly heard from landlords or agents who do not want to rent to "foreigners" or expressly "gypsies". Thus, particularly immigrant Roma live in lower-standard flats, such as the so-called concierge flats. Mostly the Roma live there in a large family. Although there are also such flats amongst Viennese council housing, they are very difficult to access for many migrants because they are not Austrian nationals. Social institutions and programmes such as the allocation of emergency flats by the Vienna Council are also little help since they mostly do not live up to their names due to long waiting lists and strict rules.

A general closing-off of Austrian society towards the outside is also not least reflected in current political debates and agitation campaigns against "foreigners", also present in this year's Vienna elections. This social-political development has its consequences at school, among other places. Particularly Roma children are shunted into special needs schools. These schools for children with mental or physical disadvantages are often seen as an alternative for children with language problems. However, children also suffer other forms of discrimination at school due to their origin and their parents are often not taken seriously when they air their grievances. For example, a Slovakian Roma complained about her daughter's problems at a secondary school in the 21st district of Vienna, she was continually abused as "Yugo" or "wog". When she finally reported this to the head teacher she replied that she had too much to do and in her school there

was no racism at all. To counteract such problems the Ministry of Education is attempting to implement the educational principle "intercultural learning". It is also planned in future to offer teachers the opportunity of further training to improve their work in intercultural classrooms. An obligatory qualification such as this could lead to increased motivation for creating awareness of the Roma culture. However, it finally remains unclear whether there will be the will for implementation or the absolutely necessary commitment towards these activities, particularly on the part of the responsible institutions.

¹ Fremdenfeindlichkeit in den EU Mitgliedstaaten: Trends, Entwicklungen und bewährte Praktiken Jahresbericht 2005 – Teil 2, erhältlich unter: http://eumc.eu.int/eumc/material/pub/ar05/AR05_p2_DE.pdf, p. 21

² Der Standard (31.08.2005) „Kein Platz für Zigeuner auf Osttiroler Campingplatz“

³ Statistik Austria, Volkszählung 2001, Hauptergebnisse I Österreich, Verlag Österreich, Wien 2002, p. 73

⁴ Baumgartner Gerhard, 6 x Österreich – Geschichte und aktuelle Situation, Drava, Klagenfurt 1995 oder auch: <http://www.gruene.at/10bl/auto/info.html>, (06.07.2005)

⁵ Informationen aus Gesprächen mit RAXEN Focal Point für Österreich Dezember 2005

⁶ Informationen aus Gesprächen mit RAXEN Focal Point für Österreich Dezember 2005

⁷ Johan Galtung, Strukturelle Gewalt. Beiträge zur Friedens- und Konfliktforschung, Reinbeck bei Hamburg, 1975 oder auch: http://de.wikipedia.org/wiki/Strukturelle_Gewalt (6.12.2005)

⁸ Aussage basierend auf einem am 16.12.2005 geführten anonymen Interview mit vier Roma (sowohl Männer und Frauen) und auch eigener beruflicher Erfahrung

⁹ Interview geführt mit der Mutter des Kindes am 08.12.2005

¹⁰ Bundesministerium für Bildung, Wissenschaft und Kultur (2003) Gesetzliche Grundlagen schulischer Maßnahmen für SchülerInnen mit einer anderen Erstsprache als Deutsch, Gesetze und Verordnungen, Informationsblätter des Referats für interkulturelles Lernen Nr. 1/2003, available at: http://www.bmbwk.gv.at/medienpool/6416/nr1_2003.pdf, (20.11.2005)

THARA is an initiative of the associations kanonmedia, Roma no Drom, Verein Alte Fleischerei - backbone, der Volkshilfe Österreich and the waff Programm Management GmbH. As part of the nEwC_baselines project of the EU EQUAL initiative, THARA is supported by funds from the European Social Fund and the Austrian Federal Ministry of Economics and Labour. Strategic partners are the Vienna Chamber of Labour (Arbeiterkammer Wien), the Vienna Social Fund (Fonds Soziales Wien), the Youth Department of the City of Vienna (Landesjugendreferat der Stadt Wien), the Vienna Employee Promotion Fund (Wiener ArbeitnehmerInnen Förderungsfonds) and the Vienna Chamber of Commerce (Wirtschaftskammer Wien).

asylkoordination österreich

**asylkoordination
österreich**

Laudongasse 52/9
1080 Wien
T: (01) 53 21291
asylkoordination@asyl.at
www.asyl.at

2005 saw a renewed increase of racism against asylum-seekers. Asylum-seekers are exposed to the racism constructed in political and media discourse that views the approximately 30,000 asylum-seekers per year from dozens of different countries as a unified group and devalues them by means of imputations such as "asylum frauds", "bogus asylum-seekers" and "economic refugees". As on previous occasions when governments have wanted to legitimise and implement asylum policy legislation, an image of refugees is constructed by the government with the support of the mass media that portrays this group as a threat to public safety or the employment market. This type of racist discourse has been described by Ruth Wodak as "racism at the top".

The tightening of Austrian asylum and foreigner legislation was legitimised with a discourse about abuse in which politicians from the right fringe such as Members of Parliament Helene Partik-Pablé and Heinz Strache set the tone and the line.

Finally, in Parliament the Austrian Social-Democratic Party (SPÖ) voted in favour of the whole package of foreigner legislation. The continually repeated argument of the governing parties why the asylum laws had to be tightened up was that asylum-seekers would "abuse" their status "for criminal activities" (Wilhelm Molterer in the debate on the legislation in Parliament). The tabloid press fuelled the fire: a popular subject with the Krone and Co is African drug dealers.

The Krone reporting appears almost harmless besides despatches in the "Neue Zeitung für Tirol". There an anonymous police officer is quoted, "whose hackles rise when he hears the word Moroccan." It continues in this vein. Obviously false allegations are made, such as that asylum-seeker offenders would go unnoticed making a new application for asylum under another name, which has in any case not been possible for a long time due to the EURODAC fingerprinting system. The conclusion of such reporting is: Moroccans are drug dealers, "ruthlessly exploit weakness in asylum law" and are highly aggressive.

Discussions about the accommodation of asylum-seekers were not only a means of spreading the racism

of politicians among the public in Carinthia. In communities in which asylum-seekers were to be quartered there were continual public protests – mostly fomented by right-wing politicians. However, working on the spot we were often presented with a totally different picture. As soon as the refugees were actually present, there were numerous volunteers who helped the asylum-seekers with donations and direct support.

This racist discourse accompanying legislation leads to an increase in everyday racism. People in intercultural partnerships suffered most severely from the agitation. The massive discussion about "sham marriages" has the consequence that particularly women intending to marry an African asylum-seeker, frequently hear racist and sexist remarks. Some registry offices (especially that in Floridsdorf) refused to conduct marriages if asylum-seekers could not produce all documents from their countries of origin. We continually received calls from despairing women reporting on their experiences.

New legislation in force from 1 January 2006 intensifies the problems of marriages between Austrian citizens and asylum-seekers. Whereas in the case of marriage to an Austrian citizen, it was previously possible to make an application for a residence permit immediately in Austria, refugees must now wait for the conclusion of their asylum proceedings and, if negative, apply for a residence permit at an Austrian embassy in their region of origin. Applications that could still be made in Austria in 2005 have partly no longer been processed since the summer and those affected have deliberately been left in the dark by the immigration authorities about the new legal situation after 1 January 2006.

asylkoordination österreich has worked since 1991 on national and international levels. Networking, public relations work and education are the central tasks of asylkoordination. Over 25 associations and 300 individuals are now members of asylkoordination. Five full-time staff members work at our office on the implementation of the association's aims.



Forum gegen Antisemitismus

Also in 2005 one of the most important themes present in the news was the situation in the Near East. During the discussion of this subject there was also legitimate criticism of Israel's policies, but sometimes the threshold to anti-Semitism was crossed. For example when Israel is denied its right to exist and terrorism is described as a legitimate form of combat against Israel and glorified as an anti-imperialist struggle.

The book "Blumen aus Galiläa" (Flowers from Galilee) published (in German) by the Pro Media Verlag is mentioned here as an example of this perfidious anti-Semitism. It is edited by Fritz Edlinger, the General Secretary of the Society for Austro-Arab Relations. The author of the book, an ostensible Jew by the name of Israel Shamir alias Jöran Jermas, is eulogised by Edlinger as the voice of the "other Israel", whereby the book turned out to be an amalgam of the worst anti-Semitic conspiracy theories and anti-Semitic stereotypes. The debate about this inflammatory book finally led to the editor, Edlinger, seeing himself forced to distance himself from the work.

The Near East conflict is also a breeding ground for attempts at recruitment through the Islamic scene, which according to the current Verfassungsschutzbericht (Domestic Intelligence Survey Report) also occur in Austria, mainly in the precincts of certain radical mosques. The report also finds increasing radicalisation which represents a medium to long-term threat. Fortunately, official Islam in Austria attempts to counteract this development and clearly distances itself from the so-called "preachers of hate" who this summer came to the attention of the Austrian public through media reports.

The past year of 2005 will also go down in history as the so-called "memorial year". This year was not least characterised by memories and thoughts of the end of the second world war, the end of the occupation period and liberation from the concentration camps. Unfortunately several political die-hards did not let themselves be deterred from gracing the anniversary year commemorated by official Austria with fascist remarks. The Federal Councillors Kampf (who called army deserters "murderers of comrades" and described de-nazification as "brutal nazi persecution") and Gudenus (with his repeated questioning of the Holocaust) thus provided the best arguments against the "forgetting" of the nazi atrocities propagated from many sides.

The right-wing extremist milieu came to terms with the anniversary year in its own way. In the relevant publications there was repeated mention of the only

"supposed liberation" in 1945. The end of nazi rule is thereby turned into "total defeat", whereby it is insinuated that the allied occupation after 1945 was far worse than the Third Reich. At the centre of remembrance were the so-called "war crimes" of the Allies and their "bomb holocaust". Current actions of US troops in Iraq are also happily drawn upon as a comparison to past acts of war.

The Alliance of Free Youth (Bund freier Jugend – BfJ), a forefront organisation of the Political Action Committee for Democratic Politics (Arbeitsgemeinschaft für demokratische Politik – AfP), drew attention to itself in a particularly alarming manner. After Prof. Heinz Mayer found in an expert report that both organisations "massively contravene the provisions of the Verbotsgesetz" (the law against nazi activity), the BfJ disposed of the rights to its publication "Jugend Echo" to "Romanian comrades" and now organises its distribution from Spain to avoid possible intervention by the Austrian authorities. How well the extreme right-wing scene is internationally connected was also shown by the meeting of extreme right-wing parties from a number of European countries in November in Vienna, organised by the FPÖ.

In 2005 the Forum recorded a total of 143 anti-Semitic incidents:

- 22 verbal abuse
- 53 graffiti
- 2 threatening phone-calls
- 38 anti-Semitic postings on the internet
- 4 damage to property
- 5 defamatory letters and phone-calls
- 1 physical attack
- 1 dissemination of anti-Semitic writings
- 2 threatening letters

A short extract from our cases

On 04.03.2005 an anti-Semitic letter is found stuck to the tram-stop shelter Landstrasser Hauptstrasse on the O line. The letter speaks of the "criminal Peter Pilz and the MOSAD Hurra Freda Blaumeisner" and the Member of Parliament Terezija Stoisits as a "Zahyonistische-CIA-MOSAD Hurra".

On 10.05. next to the entry phone of an apartment building there is a swastika and the words, "Germans resist."

On 14.05. various graffiti is reported on the 24A bus including "88" (Ed. note: code for "Heil Hitler" among

Forum gegen Antisemitismus

Seitenstettengasse 4
1010 Wien
T: (01) 531 04-255
F: (01) 531 04-980
info@fga-wien.at
www.fga-wien.at

neonazis) "Sieg Heil", swastikas and SS runes.

On 20.06. the desecration of the gravestones of Gustav and Henriette Löw is discovered. The graves are painted over with a white "J".

On 06.10. it is reported that someone has written "Jewish sow" on a poster from the Green Party for the Vienna elections.

On 09.05. a Jewish woman is travelling in a taxi when the taxi driver says to her that the Jews bear the blame for the one-way streets. Asked for the reason, the taxi-driver answers, "Because there are so many Jews in the town hall."

At basketball training of the Jewish Hakoah basketball team on 09.06 the caretaker of the school where they train says to the players, "You're worse than the Niggers in the USA."

Postings

On 30.08. a posting at the Krone-Talksalon says: "The 2nd World War is an American invention" to divert attention from the "bomb holocaust against the German civil population."

On 01.09. on the forum of kurier.at there is a posting in which among other things can be read: "If you hit a Jew/Israeli you're a nazi or at least a racist!" and "Why a people is persecuted again and again for almost 2,000 years is surely very interesting!"

On 12.10. on the forum of xpserver.de there is the following: "Jesus was a Jew, I like Jews, preferably well-cooked, with onions... next week we're going to Auschwitz"

On 03.11. the user robsi1973 posts on the Krone-Talksalon among other things: "Strange that the Jews have been persecuted and 'hated' for 5,000 years,

maybe they'll one day realise that they are to blame themselves. What they are doing with the Palestinians borders on mass murder." Later he adds, "I'm just sick of their high-handedness, how they take for granted taking things that don't belong to them, rob, murder, kill innocent people and in the same breath demand enormous sums of money as 'compensation' from the 2nd World War!"

• **Monitoring:** the Forum follows the activities of extreme right-wing and extreme left-wing organisation and Islamic extremists, monitors developments in these scenes, mainly in Austria and neighbouring countries and records anti-Semitic and anti-Israeli incidents. In doing so the Forum obtains its information on the one hand from various public media and on the other is reliant on information from the general public.

• **Information:** the Forum informs members of the Jewish community about recent incidents in Austria and the world in a monthly article in the "Gemeinde" ("Community") magazine and through its own mailings and contributions (e.g. newsletter).

• **Support:** the Forum serves as a contact point for people who wish to report anti-Semitic incidents or are exposed to harassment and threats. It documents them, supports those affected through personal contact, considers and takes joint action with them and, if necessary, offers preliminary legal advice.

• **Contacts:** the Forum is in touch with other organisations and people working against anti-Semitism and racism in order to exchange information and, if necessary, take joint action.



Helping Hands Graz/Anti-Rassismus-Hotline

HELPING HANDS GRAZ

Schlögelgasse 9/9
8010 Graz
T: (0316) 873 5188
0699 11338402
F: (0316) 8731551
www.helpinghands-graz.at
Contact person:
Daniela Grabovac

Last year again brought to light very different cases of discrimination in Styria. Our cases show the range of discriminatory actions from everyday racism such as insults on the street, violence and pulling off headscarves to institutional racism such as rejection because of ethnicity or skin colour when flat or job hunting.

Especially noticeable and on the increase are cases of neighbourhood discrimination. In addition, it is meanwhile pointed out by property management

companies that landlords want no "foreigners" or that neighbours feel disturbed by them. This is explained without batting an eyelid. One must understand that the "foreigners" have a different culture and are louder and more dirty. They would simply not fit into the area.

When job hunting dark-skinned migrants are very often turned away with the information "We don't take Niggers." Awareness of acting in a racist manner

is missing.

It is felt to be absolutely legitimate to exclude someone because of their origin and express resentment aloud.

However, due to the Equal Treatment Act our scope of action for our activity as an anti-discrimination organisation has been extended so as finally to be able also to act as mediator and legally and give victims of discrimination a hold against it. Three cases that were counselled by Helping Hands Graz have been filed to the Equal Treatment Commission. One case of discrimination in access to and provision with goods and services according to § 30 Clause 1 Z 4 GIBG was recognised as discrimination in the opinion of the Equal

Treatment Commission. Two further cases are being dealt with by the commission but there are so far no decisions. In addition, we reported two cases to the Equal Treatment Office, which are also still to be dealt with.

Our cases from 2005 can be found on our homepage www.helpinghands-graz.at.

The Anti-Racism Hotline from Helping Hands Graz was set up to be available for victims and also witnesses of discrimination and thereby enable prompt advice. Clients are therefore not bound to official office hours and are immediately put in touch with a legally trained person.

Initiative muslimischer ÖsterreicherInnen

Whoever receives so little political attention as the FPÖ under H.C. Strache in Vienna in 2005 must dip particularly deep into the box of populist tricks. The election poster stuck up all over Vienna with the headline "Duel for Vienna" shows Strache on the right of the picture with St. Stephen's Cathedral in the background and the slogan in blue, "HC Strache for us Viennese". The Mayor of Vienna, Michael Häupl, is shown on the left of the picture with the Floridsdorf Mosque in the background and, written in red, "For more immigration". The "Christian Western world" versus Islam is the unmistakable announcement with which the limit to the mere use of resentments and fears against Muslims is exceeded. St. Stephen's Cathedral, as the landmark of Vienna, and Austrian Christians are misappropriated to second Strache in the true sense of the word in his self-declared election duel. It is to be hoped that the Catholic Church, but also other Christian institutions, comment here and reject this misuse.

Islam is not an "immigrants' religion" as Strache would like to make understood. After all, Islam has been recognised in the Austrian constitutional state since 1912 and approximately one third of the 350,000 Muslims in the country have been Austrian citizens for a long time. Agitation against Muslims is an old line for the FPÖ but in 2005 it was more aggressive than ever before. In one FPÖ publication delivered to homes ("Wir Wiener" [We Viennese], 1210 Vienna) "A look in our parks!" depicted four Muslim women wearing headscarves with a pram in order to worsen the disposition towards "women in oriental clothes" and "men with sultan-like turbans" in the article. Distortions such as "Siege of Vienna" and "children who run around everywhere" do not fail to boost the view of

a society of "people similar to each other". The message put across: "We as the FPÖ dictate the total assimilation of the 'others' or refuse the right of presence." The penetrating emphasis on "ours" is discriminatory, it represents the supposed "others" as aliens who are taking over. The same publication naturally did not fail to present the second bogeyman: "Abuse of asylum is black" (on page 23). Racism can hardly be more dull-witted when judgement is made across the board about people of a particular skin colour. Since the summer TV discussion with Armin Wolf the female "black prostitutes" have joined the male "black drug dealers" as enemy images.

However, it is in no way only about the FPÖ.

It would be a mistake to reduce racism and Islamophobia exclusively to Strache and the FPÖ. In Austria Islamophobic internet sites have appeared for the first time, which do not correspond to the previously known categorisation of the extreme right wing and even distance themselves from Strache's FPÖ style. They have the one aim of attacking Islam as a religion and Muslims in Europe. This racial incitement is recorded by the Initiative of Muslim Austrians and with the support of friendly NGOs such as ZARA also followed up through the law. The discussion is taken up on European level with European institutions such as the EUMC and international organisations such as OSCE and OHDIR which on 27.09.2005 for the first time invited NGOs to Warsaw to look more closely into the phenomenon of Islamophobia and develop joint strategies.

**Initiative
muslimischer
ÖsterreicherInnen**

T: (01) 259 54 49
baghajati@aon.at
dieinitiative@gmx.at
Contact person:
Dipl.-Ing. Tarafa Baghajati

The tone of anonymous letters to the Islamic community reached a new level. Where previously defamation and sullen insults were predominant, we now experience a harder, largely so far unknown tone full of direct threats. For example, in September 05 an active member received a letter with the conclusion, "One day the same thing could happen to you as to the Jews. They became more and more cheeky until the people had had enough." The signature under the handwriting was, "Austrians who love their home country." Another racist letter ended with, "You are unwanted! Vanish from our beautiful country! You can call out your Allahu Akbar somewhere else. For me Islamists are what pigs are for you. Although that's an insult to those intelligent animals. Take notice: we know all about you, we are watching you very closely!! It's only a question of time till legal measures can be taken about you."

Stone thrown at Linz mosque

When Muslim believers are attacked with a stone at morning prayers in the mosque, the threshold to physical violence has been crossed. Such an attack is evidence of hate and willingness to use violence against a religious minority, so there should not only be a reaction on the part of Muslims. A stone thrown from outside broke a window in a Linz mosque. The incident took place in the early morning on Saturday 24 September. Fortunately the splinters of glass were caught by a curtain so that nobody was injured. Because those at prayer were in direct proximity to the window, physical injuries could otherwise not be excluded. Obviously the perpetrator was prepared to accept this. The mosque management reported the attack to the police immediately. A report was made against unknown persons.

Nobody is immune

Undifferentiated criticism, verbal outrages, across the board suspicions and collective accusations lead to social tensions. These observations are in no way phenomena that are exclusively to be found on the right-wing margins of the political scene. Recently, messages from left-wing activists have been circulating that distinguish themselves neither in the choice

of methods nor the creation of a concept of the enemy. Everywhere where one-sided and tendentious representations of social grievances come together in making the religion of Islam in itself responsible, it fits in with their own line. For example, contrary to the results of scientific studies and experience in practice, forced marriage is portrayed as an "Islamic phenomenon". Experts such as those from Orient Express are among those who basically repeat: forced marriage is not grounded in the religion, takes place in groups from various religions and independently of the degree of the family's religiosity.

It should be stated what relief is brought by the immediate wave of solidarity and unequivocal rejection of such a line on the part of well-known NGOs and activists. It should now be articulated with all clarity: the path towards further escalation and the resulting physical attacks on Muslims appears dangerously near. Therefore all the above-mentioned examples should be taken as a reason to remember once again how important more circumspect and fairer dealings with the theme of 'Islam' are. This appeal goes out to politicians, the media and civil society. Because of Islam's recognised status in Austria and through the active participation of Muslims in political and social discourse, a situation is created which promotes dialogue and accelerates the integration of Muslims. So far Austria has been able to project an all in all positive image in international comparison. It would be a mistake to regard this as natural.

Dipl.-Ing. Tarafa Baghajati Vice-President of ENAR European Network against Racism and co-founder of the Initiative of Muslim Austrians

We are not only here for Muslims!

We demand the social participation of Muslim citizens on behalf of the public good, by openly acting with initiative in a wide range of directions.

Work areas of the initiative:

- *The media and public relations work*
 - *Civil-societal commitment, especially in the anti-racism field*
 - *Political participation of migrants in general and especially of Muslims*
 - *Inter-faith dialogue*
 - *Integration work among Muslims*
-

Gleichbehandlungsanwaltschaft

Since the Equal Treatment Act (BGBl. I Nr. 66/2004) came into force in July 2004 discrimination because of ethnicity has been forbidden in the sphere of work and in other areas. In addition, in the sphere of work it is forbidden by law to discriminate due to religion or beliefs, age, sexual orientation – and since 1979 due to gender. The Equal Treatment Office has taken on two extra Equal Treatment Officers for the support and counselling of people who feel discriminated against under the new law. One is responsible for equal treatment without distinction due to ethnicity, religion or beliefs, age or sexual orientation in the sphere of work and one for equal treatment without distinction due to ethnicity in other fields.

The Equal Treatment Office is a federal institution that is autonomous and independent in terms of content. As Equal Treatment Officers our main task is the legal counselling, information and support of people who feel discriminated against. Depending on the wishes and requirements of the person affected, contact can be made with the employer or the discriminatory person or office, and negotiations and mediation between the two carried out. We can also start proceedings in front of the Equal Treatment Commission and represent the person affected. Another important field of activity is public relations and awareness-raising work. For example, in talks and training we spread information about the ban on discrimination and the legal possibilities available to act against discrimination. The Equal Treatment Act provides a good basis and it is now a question of making it known, using it and enforcing it.

The commitment of as many people as possible from the widest range of fields is essential in the “fight” against discrimination. Especially NGOs are very important multipliers for acting together against racism, drawing attention to racist behaviour and enforcing the Equal Treatment Act. We therefore regularly exchange information and ideas with ZARA, one of the most experienced NGOs in this field.

There follow some of the main focal points of our work so far with regard to discrimination due to ethnicity.

In the sphere of work there are frequent enquiries relating to discrimination when starting or ending employment contracts. In some cases it is about harassment such as racist insults, remarks or jokes by colleagues or employers. On the one hand employers are not allowed to harass anyone themselves and on the other they are legally bound to provide adequate redress if there is harassment by work colleagues. After the person affected making contact by telephone or in writing, in most cases the first step wanted was a letter to the employer asking for a statement. After this, or also directly, some cases were forwarded to the Equal Treatment Commission.

Four areas outside the sphere of work come under the heading “other fields”: education, social protection, social benefits and goods and services, including housing.

Most of the cases and enquiries so far have concerned discrimination due to ethnicity in connection with goods and services. There were, for example, complaints about discrimination regarding access to restaurants, bars, snack kiosks and shops, discrimination when taking out insurance and when renting or buying a flat. Harassment due to ethnicity – whether verbal or through humiliating and insulting behaviour – is a continual theme in our counselling work.

The Equal Treatment Officers offer:

- **Free personal counselling**, support and information in all questions relating to discrimination in the sphere of work due to ethnicity, religion or beliefs, age or sexual orientation and discrimination due to ethnicity in other fields outside the sphere of work
- **Representation and mediation** at negotiations before legal proceedings
- **Initiation of proceedings** and representation in front of the Equal Treatment Commission
- **Information** about the Equal Treatment Act through talks, seminars and participation at events on the subject of equal treatment

Anwältin für die Gleichbehandlung ohne Unterschied der ethnischen Zugehörigkeit, der Religion oder Weltanschauung, des Alters oder der sexuellen Orientierung in der Arbeitswelt

Taubstummengasse 11
1040 Wien
T: (01) 532 28 68
F: (01) 532 02 46
gaw2@bmgf.gv.at
www.bmgf.gv.at
(Gleichbehandlung/
Gleichstellung/GAW)
Beratung nach
Vereinbarung:
Mo: 9:00 – 18:30 Uhr
Di – Fr: 9:00 – 15:00 Uhr

Anwältin für die Gleichbehandlung ohne Unterschied der ethnischen Zugehörigkeit in sonstigen Bereichen

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Ombudsman

Guarantees of human rights must be able to be felt

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Protection against discrimination is a central part of today's understanding of human rights, to which Austria expressly avows on national and international levels.

Consequently constitutional law contains stipulations of extremely various scope with regard to questions of equal treatment and discrimination. However, the fact that the catalogue of basic rights as such has become complex due to many overlaps and amendments over the course of time and the failure to include a modern catalogue of basic rights in the B-VG make overall reform necessary. A deeper political discussion will certainly still be required. I would like to point out for example that the European Convention on Human Rights (ECHR) contains "constitutionally guaranteed rights" iSd Art 144 B-VG. The 12th additional protocol to the European Convention on Human Rights, modelled on the pattern of Article 7 of the Universal Declaration of Human Rights 1948, contains a general ban – not only limited to rights protected under the Convention – on discrimination on the basis of birth, race, language, gender, national origin and belonging to a minority, was signed by Austria on 4.11.2000 but has so far not been ratified.

Even effective judicial legal protection is of course only one aspect of comprehensive protection of human rights. To measure the reality of everyday life in general against norms containing basic rights and to document and point out infringements – should they occur – is just as essential to the development of understanding basic rights as self-evident.

ZARA makes an important contribution with its committed work by drawing attention to victims of discrimination whose concerns would otherwise "go

under". Low threshold protection of human rights is also part of the work of the Ombudsman, who under Art. 148a B-VG can be engaged by anyone to look into grievances with public administration.

The free of charge "right to complain" and the fact that the administration must justify its behaviour to an independent organ of control also enables us to enter into dialogue in sensitive cases relating to basic rights. Only an administration that is thus always forced to justify its behaviour in the light of the imperative of human rights will also take the second step and not merely react but also act proactively. In 2006 the Ombudsman will present a "Special Report Section" to Parliament for the fourth time – based on 17,000 concerns raised – in which investigation procedures relevant to human rights are separately highlighted.

Cooperation with ZARA in preparing the material to be looked into is very useful for me. It has been jointly planned that the Ombudsman's Office will present documented breaches of the law to ZARA so that ZARA can then recommend measures in special or general regard to the top levels of administration for them to be handled. In doing so the constitutional right of protection of the interests of private individuals against those of the public must be maintained, which ZARA also respects.

Although our tasks and possibilities are different, cooperation with ZARA represents a further step for stronger implementation of human rights and combating racism.

Dr. Peter Kostelka

Ombudsman

Active Against Discrimination

It is ZARA's aim to change the consciousness of every individual with regard to everyday discrimination, to raise awareness of what happens day in day out on public transport, in supermarkets, in public space and in school classrooms. The willingness of each individual to do something against injustice should be strengthened. These are elementary starting points for reducing the potential for discrimination in society. ZARA has therefore worked out a workshop concept also intended to help transform the "wish to do something" into action. ZARA Civil Courage Workshops have been held for five years, mainly with school classes and groups of young people. The aim is to raise schoolchildren's awareness of racial discrimination and of one's own and others' prejudices. Their courage to act against racism should be reinforced.

"What I liked about the workshop was that we discussed so much," Markus, 14 years-old. The training is intended to stimulate reflection and give content to terms which although previously used as a matter of course, their actual meaning is often very unclear. What is discrimination? What is a prejudice? What does civil courage mean? Where does violence actually start? In everyday life in many classrooms there is little space for controversial discussions besides teaching the curriculum. In the workshops the pupils get to know the various standpoints of their classmates and are consistently astonished by them. They become aware that it takes patience to listen to the opinions of others and "let them be" as such.

The interactive ZARA workshops tie in with the personal experiences of the young people. Everyone can say something about discrimination, whether it be because they have experienced discrimination themselves, discriminated against someone or seen discrimination taking place. In role plays they can go through everyday situations in a protected environment and try out possible strategies for action. Changing roles between being the victim, the perpetrator and the role of the third party as witness and what could be done in the situation opens new perspectives.

"We all suddenly started talking to the perpetrator and not even noticed that the victim was standing there completely alone." Romina, 16 years-old.

Speaking out against racist behaviour on public transport can lead to the situation getting out of hand.

The perpetrator receives even more attention, one can be accosted oneself. The pupils should find out for themselves where "playing the hero" has its limits. "I don't like talking in front of lots of people. It's somehow uncomfortable simply to stand up on the underground. That's why I found it a good suggestion that I divert the perpetrator's attention and ask the way or what time it is," Klara, 16 years-old. It is often enough to stand in the line of vision between the perpetrator and the victim to defuse the situation and show solidarity.

Besides verbal self-assertion, the physical also plays an important role and so the targeted use of voice, gesture and body posture is practised. This demands personal stability in dealing with often unpleasant situations in public. Ultimately it is less a question of doing "exactly the right thing" but more of simply doing something. This positioning and solidarity can take many forms. To practise this first gives the courage simply to try something in a real situation.

For the last six months the civil courage approach of the workshops with the concrete target group of schools has taken on a new dimension. As part of the ZARA civil courage campaign, "Companies Give Civil Courage", firms can now sponsor workshops for school classes and thereby make their contribution to civil society.

So racism does not remain uncontradicted!

For more details of the campaign (in German) please see: <http://www.zara.or.at/trainings/schulaktion/>

Karin Bischof / Katrin Wladasch





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Akakiko

EASY JAPANESE DINING

Mozart und Freud

Die Stadt Wien feiert mit zahlreichen Veranstaltungen den 250. Geburtstag Wolfgang Amadeus Mozarts, des ersten „Popstars“ der Musikgeschichte und den 150. Geburtstag von Sigmund Freud, dem Begründer der Psychoanalyse.



Foto: Herbert-von-Karajan-Centrum

Die Stadt feiert den 250. Geburtstag Mozarts. Ein Blick ins Köchelverzeichnis zeigt den Tatendrang des Genies: Opern, Sinfonien, Klavierkonzerte, Lieder, Tänze, Serenaden und mehr. Mozart wurde nur 35 Jahre alt. Zehn Jahre davon verbrachte er in Wien. Eine Zeit, die ihn und die Stadt deutlich geprägt hat. Jeder, der will, kann 2006 Mozart kennen lernen: Aufführungen wird es in allen Bezirken Wiens geben.

Mozartjahr für alle

Auch das Mozarthaus Vienna, das Gebäude mit der einzigen in Wien erhaltenen Wohnung Mozarts, öffnete Ende Jänner seine Tore und präsentiert in sechs Stockwerken Leben und Werk des Genies.

Das Theater an der Wien beginnt seine neue Ära als Opernhaus mit fünf der Hauptopern Mozarts, die als Neuproduktionen gezeigt werden. Egal, ob Musik, Literatur, Film oder Ausstellungen – begegnen wir Mozart und feiern ein Fest für ihn!

Kulturelles Erbe Freuds erhalten

Ein weiteres Jubiläum gibt es 2006: 150 Jahre Sigmund Freud. Seine Psychoanalyse stellt die Grundlage der modernen Tiefenpsychologie und Psychotherapie dar.

Seine epochale Erkenntnis war die Entdeckung, dass unbewusste Vorgänge auf das Leben eines Menschen Einfluss nehmen. Die Sigmund Freud Privatstiftung, die sich für die Erhaltung und Vermittlung des kulturellen Erbes Freuds engagiert, wartet im Jubiläumsjahr 2006 mit zahlreichen Aktivitäten sowie internationalen Kooperationen im Bereich Kultur, Kunst, Musik und Wissenschaft auf.

Im Mittelpunkt steht die Sonderausstellung „Die Couch: Vom Denken im Liegen“ im Sigmund Freud Museum, die Wissenschaft, Kunst und Literatur verbindet. Zur EU-Präsidentschaft Österreichs findet im ersten Halbjahr 2006 das internationale Symposium „Psychoanalyse und Gewalt“ statt, das der amerikanische Konfliktforscher Vamik Volkan leiten wird.



Veranstaltungen

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www.mozarthausvienna.at

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www.wienmozart2006.at

„Stimme und Verstummen“

Soiree zum 150. Geburtstag Sigmund Freuds,
5. Mai 2006, Volksoper

„Die Couch: Vom Denken im Liegen“

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www.freud-museum.at



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T: (01) 929 13 99
F: (01) 929 13 99-99

office@zara.or.at
www.zara.or.at