

Racism Report 2000

**Report on Particular Cases of Racist Infringement
and Racist Structures in Austria**

Published by



Zivilcourage und Anti-Rassismus-Arbeit

Together with AHDA, Die Bunte (Zeitung), Deserteurs- und Flüchtlingsberatung, Forum gegen Antisemitismus, Fair-Play-VIDC, Evangelischer Flüchtlingsdienst, Helping Hands Salzburg, Initiative muslimischer ÖsterreicherInnen für mehr Toleranz, Peregrina, TschuschInnen Power und Verein für Interkulturelle Organisation und Entwicklung

Made possible/printed with the generous support of Ingrid and Christian Reder, Vienna.
Our warmest thanks!
Thank you to Heidi und Hans Hauf. May there be many emulators.

Another thanks to the many voluntary helpers, to Lisl Ponger for the photos and to



ZARA is supported by the Wiener Integrationsfonds

Imprint

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Special thanks to Christiana Berger for the free proof-reading

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Introduction

A counselling service for witnesses and victims of racism, ZARA describes its sphere of activities in the following terms:

Racial discrimination implies a person being disadvantaged in some way on account of his/her colour, language, appearance, religious affiliation, nationality or origin and thereby being subjected to discriminatory treatment, insult or assault – be it when seeking accommodation or employment, in restaurants, bars or shops, in dealings with the authorities or private individuals, in public places or at the hands of the media.

All incidents covered by the above definition which had been reported to the counselling service over the period 1 January- 31 December 2000 were considered for inclusion in the Racism Report. Rather than include all the incidents, a reasonable selection was made. (In describing the incidents emphasis has been placed on the facts per se, with only a cursory description being given of the counsel given, action taken, countermeasures adopted and other services subsequently provided by the ZARA-team).

A number of NGOs contributed to the Racism Report. Their individual contributions have been duly flagged in each instance.

In preparing the report, a selection was made of the most typical and the most outrageous incidents. Even organisations active in other fields passed on details of 'experiences' that their clients had recounted. The cases published in the report provide a brief glimpse into things that probably more or less reflects the kind of racism current in Austrian society. By no means, however, does the number of incidents that ZARA and other organisations find themselves addressing on a daily basis bear any relation to the number of incidents occurring throughout Austria. They are but the tip of an iceberg. They offer only the slightest idea of what everyday life means for many people in Austria. Racism follows us everywhere, be it while we work, open an account at a bank, plan to move home, go out for a meal or catch a bus.

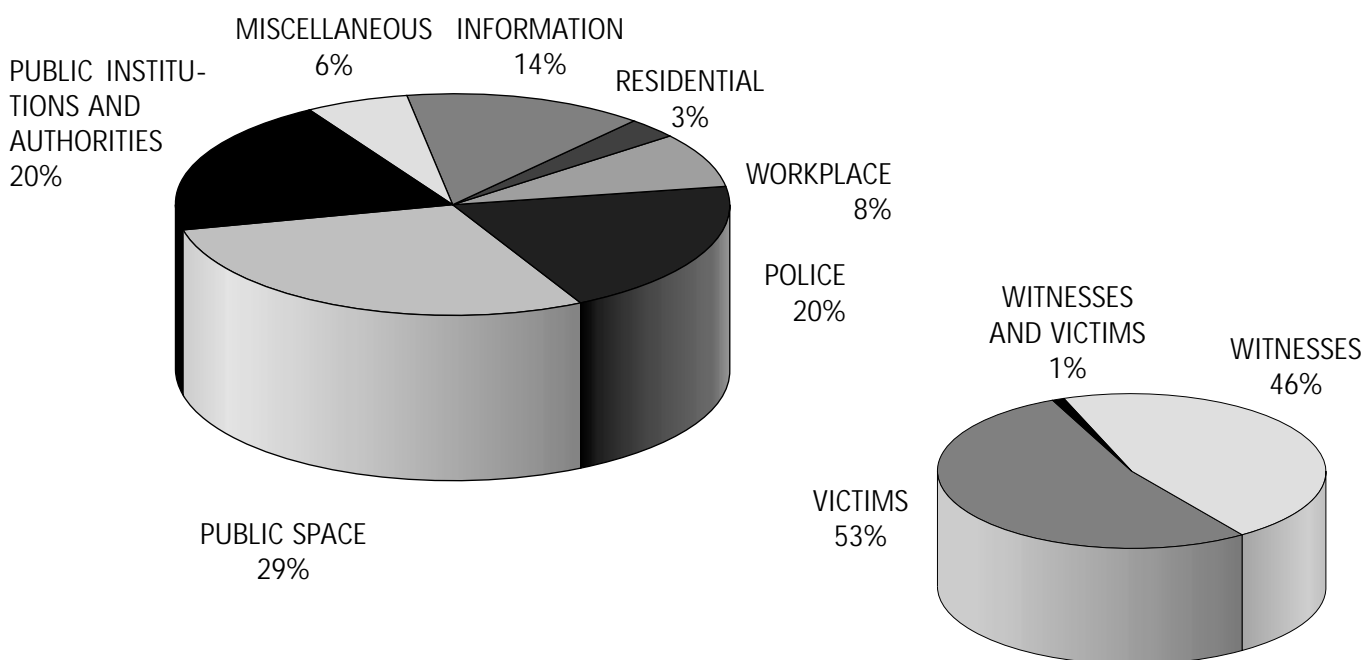
Hence the reason for publishing the report: so that all those people who don't believe it, don't want to believe it, have never experienced it or deny its existence might know that Austrian society can be very onerous for many people. Racist excesses, racist hostility and racist insults are constant features of our society. Racial discrimination can be systematic.

There are the victims who suffer. Just as there are the culprits and those who assume an active or participatory role. There are also the witnesses. There are those who do something about it or speak up. Just as there are those who look the other way. There is racism in Austria. The evidence contained in the Racism Report 2000 proves it.



Statistics and explanatory notes

The Racism Report contains a relatively large number of witness reports. As the pie charts show, among those who took recourse to the services provided by ZARA, witnesses and victims are almost equal in number. This is a positive aspect: first, many people obviously consider themselves 'affected' (i.e. victims) and secondly they apparently consider it necessary that something be done about it. Particularly positive is the number of people who have been party in some way to what they deem to have been an incorrect official act and thus present themselves as witnesses. They phone in on the assumption that those directly affected will likewise approach ZARA. At the same time an increasing number of calls have been placed by people who have witnessed incidents and wish to be informed about their rights.



Police refers to all reports of incidents involving the security forces, police force and gendarmerie, for the most part individual members of the same.

Public space refers to all incidents occurring in public areas (i.e. places that are open to the general public, viz. streets, public transport, shops, etc.)

Public institutions and authorities refers to all incidents involving private individuals and public institutions/authorities (excluding the police force) such as public offices, courts and schools.

Residential refers to incidents occurring in and around the home

Workplace refers to incidents that involve 'work' in the broadest sense of the term (labour market, seeking employment, colleagues at work, vacancy announcements)

Information refers to enquiries that are not directly related to racism. For example, Mrs. A rang in after the recent death of her husband who used to take care of all matters related to residence permits (including hers). Mrs. A was at a complete loss and unsure as to her current status and similar issues. She phoned ZARA and sought our advice. We passed her enquiry on to the appropriate advisory service.

The Racism Report does not address this type of enquiry.

Miscellaneous refers to all reports that do not fall under any other heading. Incidents and reports that cannot be vouched for.

Note: All counsellors are duty bound to check the veracity of the incident reports they handle. They are equally committed to viewing the matter from the standpoint of the 'opposing party' and/or third party. That notwithstanding, counsellors cannot vouch for the veracity of all the information brought forward by the different parties. By its very definition as a counselling service for victims and witnesses of racism, ZARA serves individuals. The primary task is to safeguard the interests of those individual persons who approach us. Thus, their presentation of the facts cannot be doubted per se: their reports are subject to critical scrutiny, but first and foremost they must be taken seriously. It thus follows that only very rarely are 'cases' passed on to journalists. This only occurs when publication in the media is deemed to contribute to a reasonable resolution of the problem – and then only with the client's consent. Moreover, very much secondary importance is attached to scientific research, further elaboration and other interesting things that could be done with the material to which the counsellors have access.

The activities of ZARA are particularly aimed at supporting those affected and encouraging them to adopt their own initiatives. For instance, ZARA first tries to press for an internal solution to problems arising in the home environment before offering subsidiary mediation through a ZARA counsellor.

Conceptual issues

Language constantly influences our thinking and reality; on the other hand, however, reality also governs our choice of words. The meanings of words/concepts are always contextual in origin and hence whatever we experience lends meaning to our words.

On that basis one could enter into a discussion of concepts vested in different descriptive terms. For example, terms such as foreigners, strangers and migrants would be somewhat problematic on account of the values associated with them and are thus deserving of discussion. A comprehensive discussion, however, would be beyond the scope of this report. None the less, given the different terminology used by the various contributing organisations the following conceptual clarification would appear essential.

Black Africans, Africans, Negroes, blackmoors, dark skinned people, people with dark skin, coloureds and nationality (such as Senegalese or Congolese): all these are terms used to describe people, yet they are also judgemental in that they convey a scale of values or perceived values. As for some concepts there is broad consensus on their meaning, whereas others are not quite so clear in terms of what they really mean. For example, the connotation that the term 'Negro' bears is incontrovertibly negative: those affected feel it to be discriminatory and thus roundly reject it. The same holds true for the term 'coloured': a descriptor that originated in the context of South Africa.

In the course of putting this report together it transpired that all of us have different preferences and interpretations where the individual terms are concerned. As a team we were unable to reach agreement on which usage is or may be 'more correct': black, black African, African or the nationality?

Among those so described, the term 'black' has a history all of its own, with pride and power coming to the fore (cf. "I'm black and I'm proud"). It thus takes on a political meaning and is used as a political concept by those involved. The term 'black African' poses problems in that a certain spin has been put on it by both the law enforcement services and the media in the course of various campaigns (cf. reports on 'Black African drug-dealers'). It thus casts the blacks in a singularly negative light. It associates them with crime (the question goes begging whether anybody ever refers to 'white Europeans' or 'yellow Asians', when describing the Austrians or Chinese!).

The term 'African' is all too often used in a very general form and thus negates the heterogeneity of the African continent: cf. 'African music' as opposed to 'Senegalese music'.

Describing a person in terms of his/her nationality is by far the most pragmatic and best approach to the issue. For blacks with Austrian citizenship the term 'Afro-Austrian' might possibly be the most appropriate. On the basis of the individual reports included in the Racism Report it is quite evident that to an ever increasing degree blacks are the butt of intentional racial discrimination; in describing the incidents reference to the colour of the victim's skin takes on primordial importance. Thus, we have clearly pointed to it throughout the report.

The Cases

Witnesses

ZARA Mr. F is on his way home when he witnesses an official act. "From a four metres distance I could tell that the police officers found it difficult to notify the frisked man about the reason for the search. As the situation was apparently tense I decided to miss out on my tram and keep watching the scene and –if necessary- to serve as a witness." When it finally comes to scuffles Mr. F offers to interpret between the German speaking officers and the English speaking African man who had been frisked. He did so in order to pacify the situation. "I approached the group from the side; I asked the older of the two officers what the reason was for this official act against the coloured fellow citizen and he replied that I rather mind my own business and move along. As I found the tone of his answer extremely impolite I politely asked for the officers' identification numbers. Again the older one replied 'You will receive it and now walk on'. Now the frisked man turns to me and asks me in English if I knew what he had to pay a fine for. As I was unable to answer his question I told him to show me the ticket so I could explain him the reason for the fine. When I told him that the ticket read disturbance caused by noise he became indignant and in a distraught state assured me that he had not been loud at all." Mr. E and another spirited passer-by, unknown to him at that point, ask for the officers' identification numbers and finally receive them in return for establishing their identity. While this happens, Mr. F persuades the African man who has already paid his 300 ATS fine to move along in order to avoid further trouble. Mr F and the other witness establish their identity. The officers take down the particulars and leave without a word of greeting. Subsequently, Mr. F receives a report for "aggressive behaviour facing agents of public authority..." pursuant cf. Article 82 Security Policing Act (SPG). We draw up a statement to the result of the hearing of the evidence. We did not receive an answer to our email inquiry regarding the outcome of the proceedings.

ZARA A witness, Mrs. R gets in touch with us. In a subway station she watched four police officers check a young black man's papers and take him away from the subway station. Upon her question as to what is going on she receives the answer that it is but a routine identity check and receives one of the official's identification numbers. Mrs R and her husband of African origin are parents to a son –on these grounds she is worried about the treatment the young man had received. She addresses other youths still remaining in the subway station who seem to know the young man and finds out that he is a pupil of a near-by school. His peers tell her his name and age, 15 and also that this has been the 3rd check already. We inform Mrs. R about her rights in a situation like this: „Wegweiserecht"/ person in a position of trust/compulsory ID paper checks, etc. We contact the school principal and inform her that on his way to school one of her pupils is troubled on a regular basis. She promises to get in touch with her pupil and if need be with his parents to pass them information about ZARA.

ZARA Mr. C watches as several people he believes to be foreigners get arrested by ten or even more police officers and are then heaved into a big bus. Due to the many police officers involved the witness did not dare say anything but takes down the police cars' license plate numbers. He is prepared to be a witness in case we should hear of the arrest.

ZARA Mr. S witnesses the police arrest a young black man and reports the incident to us: after the young man had tried to run away from the police they double-handcuffed him. He was pressed to the grounds and held by five to six men and sometimes even beaten. "While the rest of the policemen remained on the floor holding the man, one got up and kicked him about five times. Then they picked him up and lead him away. At first sight I could not see any injuries in his face". Mr. S provides us with an exact personal description of the kicking officer. We thank Mr. S for the report although we have to inform him that if we are not in possession of the victim's name they police will not pass any information.

ZARA A witness watches the violent arrest of a dark-skinned man by the police who surly call upon the bystanders to move along. The witness is outraged about the way the man has been treated by the police. She asks for information on the „Wegweiserecht". As we hear nothing more about the case we can only document it.

ZARA Via email we receive an eyewitness' report on the forcible arrest of an African. She and other bystanders are concerned about the man having been treated incorrectly what seemed to have been the case. "When some people stopped to watch what was happening the police officers carried him away hastily (...) The other girl and an elderly lady asked an agent for his identification badge but he 'didn't even think of it' and treated us in a highly disparaging way (...). He made a threatening gesture at me and shouted: "Don't butt in! Leave this place immediately!" Another lady responded that this was a public place and that we had the right to be here. The policemen tried to chase her away, they were very aggressive and even insulted us. Their attitude was belittling as if they had all the rights and we had none. I was really scared of that one officer who approached me in such a menacing way that I had to draw back. From that moment on I stayed in the background and remained quiet because I was really scared that he was going to hit me any moment. But I kept watching as the elderly lady and the girl accompanied the group to the car and took down the license plate numbers (...) I also saw them sitting the African man in the car and drive away (...)." The witness made the case public under www.no-racism.net/MUND/. We heard nothing else from the case.

ZARA Mr. R writes us an email about a black passenger's identity check in a tram in Vienna. The line 33 had been held by the police in the station, A police patrol wanted to establish the identity of a passenger and refused to accept his driver's license as a proof. The man did not obey the police's order to leave the car. "The four police agents told the other passengers to leave the car and started dragging the man out. He put up resistance and tried to cling onto something and shouted various times: "I haven't done anything!" and "Let go of me!" (...) Neither the African man nor the police punched, kicked, bit or used arms. Everyone tried not to hurt the opponent. As they laid the handcuffs around his wrists the black man cried: "You break my arm." And the police officer replied: "Then stop fighting." In general the way the police had been treating the man had seemed correct to the witness, apart from the fact that there was no apparent reason for the check than the colour of the skin. What most bothered the witness was "Many of the other passengers and people standing around were against the black man what culminated in statements like: "They are all dealers anyways" , "He ought to be killed." , "Hang him." Unfortunately we had to inform Mr. R that there was nothing we could do about it without the man's name.

At the Workplace

ZARA Mrs. A calls and reads a disgusting letter to us an acquaintance of her had received at work. Her acquaintance holds the Austrian nationality for fifteen years by now and originally comes from Turkey. The sheet a colleague had placed on his desk was a false form of a petition for asylum including racist questions. The affected man prefers not to take any steps for the fear of losing his job. Mrs. A wants to have the incident documented and is highly indignant about the way non-native Austrians are treated in this country.



TschuschInnen Power forwards us the following report pertaining a lamentable practice in Graz we already know about: Taxi-companies in the capital of Styria found their advertisement on the statement that they employ "native citizens only". We inform Mrs. L about article IX, section 1, subsection 3, EGVG (General Administrative Procedure Act) and advise her to check if there exists an infringement of the Trade License Act. Mrs. L knows the EGVG and says that in this case this was not relevant. An organisation in Graz takes over.

Only natives in the carriage. Taxi customers' discontent about foreign drivers is increasing.

Standard collaborator Andrea König

Graz/Vienna-supply and demand have to be balanced out. When it comes to taxis supply also means: native drivers only, because many clients ask for that. The taxi-companies react to that in different ways. Only shortly ago Horst Knauss, manager of 889 placed advertisements in a newspaper that included sentences like "Our passengers are served by native drivers only". Mr. Knauss defends his strategy: "It is part of our company's philosophy to exclusively employ native drivers". 31 300, a Vienna based taxi-company assigns so-called features to its drivers who do not speak German very well or do not know their way around. It is all about an electronic code. If necessary the computer chooses drivers without a "feature". "We take our regular clients' wishes in consideration", says manager Nikolaus Norman. And there are other "features" as well, he adds, like driving a Mercedes or a car with air condition. "We do not have a comparable internal diction", affirms Leo Müllner, manager of 40100. As the driver's nationality is not recorded, only "drivers who speak German well" are selected. "This is unbelievable. Now it is about origin and colour of the skin." For Khedar Shadman, manager of the alien advisory board in Graz 889 's advertisement is sheer profit making on the backs of foreigners. He sees himself confirmed in his year-long claim for an anti-discrimination law. "It gives cause for concern that there are no rulings to fight this kind of advertisement." The head of the green party in Graz, Markus Scheuchern criticises: "To base advertisement on the origin of people does not bear the least trace ofl humanity." But it is not only the rejection of foreign drivers but also physical aggression towards

non-native taxi-drivers which increases. Last Friday affected drivers responded with a peaceful rally on the main square in Graz. Mayor Stingl has assured to support the activities, still Eduard Ruschka, manager of the 2801 company sees a reverse trend: "The anti-foreigner boom has even increased since the rally." (on-line standard, 10.03.00).

Public Space

ZARA From her apartment Mrs. L sees as the inmates of the neighbouring house are getting racially abused. The neighbouring house hosts a mosque and a visitor to the mosque parks in the building's patio, what annoys a resident to such an extent that he starts coarsely jeering at the man who has left his car in the wrong space. "Damned Turks, act like in Turkey, get lost bloody dagos, get lost or I will take care of you..." It almost leads to scuffles but the mosque-visitor does not let the other one provoke him although he physically threatens him as well (seizes him by the arm and drags him by the sleeve). From her window, Mrs. L butts in what made the aggressor move along murmuring his curses.

ZARA As Mr. S travels in the tram he watches an elderly lady turning to a dark-skinned man who is listening to music coming from his walkman and asking him to "Turn that down, we are not in Africa here." When the man asks for being left in peace, more and more passengers interfere and call the gentleman "primitive", suggest he "returned to the jungle", or loudly voice their opinion that "these people should all be sent back", and so on. The situation is about to escalate when the driver stops the train and comes into the tram car. He asks what is the matter and when the agitated people draw his attention towards the dark-skinned man, he states that the gentleman be left in peace and there is no reason for trouble. The trip can be resumed in (superficial) peace. Mr. S is so impressed with the driver's conduct that he writes a letter to the public transport authorities to thank the driver. The authorities answer: " (...) in this tricky situation you have described he has acted in such a spirited way, we wished all of our employees would act like that. Therefore we were happy to pass on the praise you bestowed on that driver who with this thanks you for it. His superior has acknowledged his behaviour therefore he will benefit from your appreciation throughout his career in our company. (...)"



ZARA In December 2000 a Viennese politician from the Austrian Freedom party initiates a list of signatures-"No right to vote without citizenship". The list has been attached to a Freedom party mailing headed: "Caution-threat of right to vote." We are still thinking about what steps to take against it.

ZARA Mrs B tells us about her grandmother who has left for a course of treatment a week ago. The home has a rigid seating plan due to the diets that have to be obeyed. The grandmother's seat-neighbours are some men who for a week have been talking about how "much better it had been under Hitler". Mrs B is told to advise her grandmother to change the table. When Mrs B talks to her grandmother again the old lady tells her that votes against the two men arise and discussions take place at the table. She finds this fruitful and therefore remains.

ZARA Mr and Mrs E ride the bus when they watch a man insult in a racist way a female passenger who is carrying a chello case. 'You bloody foreigner, make way, I am handicapped. Nobody shows consideration for me. Go to hell, bloody silly foreigner!' The man is terribly aggressive and rains blows on the woman and her instrument case with his crutch. A lady intervenes loudly and demands that he be quiet. Mrs E tries to pacify him and asks the man what the nationality has to do with a bus seat. The man has to admit that there is no connection and soon, swearing, he leaves the bus. The musician cries due to the shock, other passengers try to soothe her.

ZARA Mrs O tells us that when she visits her regular pharmacy, the pharmacist treats a young, shy woman who obviously does not have command of the German language in an unfriendly way. After the young woman had left the pharmacist's behaviour "culminated in spiteful remarks about foreigners who have no command of German." Mrs O was too shocked to react immediately. Later on, though, she wrote a letter to the pharmacist and passed it on to us as well.

ZARA After a book presentation Mrs M was talking to a man with dreadlocks when a stranger jostles her wordlessly. Later on she finds out that that man had abused the young man with dreadlocks as "monkey" among other things and therefore had left the presentation rapidly. She would like to confront the aggressive man with his behaviour and finds out that he is fully drunk. All her friends tell her to stay away from the trouble maker. She is angry because the man gets away unscathed just because he is drunk.

ZARA Mrs K reports a one metre red swastika smearing on a white wall in the 22nd Viennese district. She feels harassed by the smearing she has to pass by on a regular basis. After several weeks during which ZARA and the Forum gegen Antisemitismus urge the smearing to be removed Mrs K calls us and reports the swastika has been painted over, she thanks us.

ZARA Mrs V calls and reports several anti-Semitic smearings (swastikas). On the frontage of a house in the first district as well as several on white chairs displayed in the Schönborn Park. We pass the case to the Forum für Antisemitismus/Israelitische Kultusgemeinde where it will be taken care of.

ZARA Mr A and Mr B have discovered an inscription in a gymnasium in Vienna: "The German can only be assisted by Germans. Foreigners only lead us deeper into the undoing." They initiate an email forwarding asking to write the Viennese mayor Häupl what a ZARA collaborator does. The rather terse answer of Häupl: "...on the basis of the Austrian penal code technically no facts could be established in the inscription.

ZARA Mrs X calls and reports two racist smearings: "Bloody dagos" at the Nasch Market and "Blacks out" at the Nußdorferstraße Stree. A collaborator takes care of the case. The market authorities are very kind and tell us that the owner of the stall is tired of repainting it every week. GEWISTA, the company who owns the hoarding is very nice as well and a week later the smearing has been removed.

ZARA Mrs W reports a smearing on a traffic sign. "Dagos out, piss off!" With the exact address in our hands we contact the citizen service centre and ask for removal. The responsible person's comment: "Who do you think the dagos are?" The ZARA collaborator insists on the handling of the case. The man calls back and confirms the smearing has been made indecipherable.

ZARA Mrs S calls and tells us that she has seen something she finds outrageous. In a show about holiday loves racist statements from the audience about Moroccans and "foreigners" in general have remained uncommented by the presenter. We promise to write a letter. In this letter we explain the complaint and the reservation of our client. The show's editorial office calls immediately and says that everything has been completely different, they send us a video which one of our counsellors watches. The woman in the show says: "I cannot understand how one could possibly tolerate a relationship between your daughter and a Moroccan. A Moroccan, a Moroccan..." the audience applauds and cheers (the audience also applauds at the end when the Moroccan and the young Austrian sink into one another's arms). A representative of the Moroccan embassy calls too and wants to see the video. We write another letter to Mrs Karlich, the presenter of the show and talk to the TV-service to customers.

ZARA Mrs F calls and wants to know if there is such a thing as an anti-discrimination law in Austria. She works for a diplomatic mission in Vienna and tells us that the other day a dark-skinned French woman and her two little children had been abused in the tram. The caller tells us that she often receives complaints from dark-skinned French people who say that discussion, conflicts or miscommunications often escalate. She gives us the example of a group of young people who carry a table outside of a bistro in order to celebrate an anniversary and subsequently are accused of wanting to steal the table. She thanks ZARA for its work and dedication.

ZARA Mrs K is on the bike lane on her way to the university. She watches the following situation. Several young man are about to cross the Ringstrasse. While doing so they overlook a taxi driven by an African. The blue car has to jam the brakes and the young man start swearing at the African driver: "Nigger bastard, piss off, climb up your trees at home with the monkeys ...!!!" They are so loud Mrs K hears every detail. The taxi-driver rides on calmly showing no reaction. Mrs K is furious and asks to document the case

ZARA Mrs X reports the following two emails, the first of them was sent to the discussion forum of the Austrian Freedom party the other one to gettoattack

"From: billi (gore@whitehouse.us), Date: 12/08/2000

I cannot stand that in this leftist medium you do not represent but the Jews, these mean riff-raff. But you will never become sensible. Doesn't make sense to even write to you!!!"

"von: tonibeth arvello[tonibethkisskiss@yahoo.com], Wednesday 12/05/2000, 21:09

Sieg Heil! [Ich schwore bei Gott diesen heiligen Eid, das ich dem Fuhrer des Deutschen Reiches und Volkes Adolf Hitler, dem Oberbefehlshaber der Wehr Macht, unbedingten Gehorsam leisten und als tapferer Soldat bereit sein will, jederzeit fur diesen Eid mein Leben einzusetzen.]Encore! S'il vous plait! [I swear by God this sacred oath that I shall render unconditional obedience to Adolf Hitler, the Fuhrer of the German Reich, supreme Kommander of the Wehrmacht, and that I shall at all times be prepared, as a brave soldier, to give my life for this oath.]Gracias, Sieg Heil!"
The e-mail addresses have been blocked by the server.

Public Institutions and Authorities

ZNR Mrs L tells us that in February 2000 she had served as a lay judge. The judge had made racist remarks (Africans always lie...) Mrs L approached him herself and wanted to talk about it. Now she wants to know what she can do against it, if these remarks are in the records and in the verdict, if she can examine the files, etc. we provide legal information.

ZNR Judge Z in Vienna permits us take an insight into his racist intellectual world, reported in the Kurier newspaper 11/28/2000: *Yesterday in Vienna Resselpark court a 21-year old stood trial for robbery. He had threatened a pupil with a baseball club. "Originally I wanted to rob a black guy, a dealer" the defendant justified himself and thus the judge pricked up his ears. "Not all blacks are drug-dealers," Fritz Zöllner said, and with a special stress: "Not all of them, AM I RIGHT?" "But the majority", the defendant responded, the judge's happy reprise: "I am glad if the defendants say that. I cannot voice that in public."*

A student was also present at the trial in the framework of a university seminar at the district court and witnessed the scene she called us. She said the judge had also uttered: "When it comes to the drug scene, women are way more aggressive." By arrangement with the student we wrote letters of complaint to the senior judge and to the association of judges. We received an answer from the senior judge's office, stating that judge Z had made a statement concerning the racist remarks in the Kurier Newspaper from 12/17/2000. In regard to the sexist comments the judge informed in a separate statement that they had not been made and cannot be read in the records of the main hearing either.

ZNR Mr R writes us an email: "On X/X/2000 me and my family landed at Vienna airport. We returned from a vacation on a plane coming from Madrid. As Spain too belongs to the Schengen treaty there was no routine passport control. On our plane were two people with dark skin. The inspectors walked by me and checked the dark-skinned man first, what struck me as strange already. When I reached the escalator the other inspector was about to check the dark-skinned woman. She held her passport in her hands so I could see that she was British. On the escalator the two inspectors were right in front of us, so I was able to ask them whether their decision to check these two was personal or had to do with orders to control dark-skinned persons. They replied "you do not really believe that I will answer this question, do you? (...)" At the end of his email Mr R resumes: " (...) It is a racist attitude when making random ID control to use the colour of the skin as random criteria."

ZNR Mrs O is horrified when she finds out that in the KLUGE dictionary of German language, extended version 1999, the words "Neger" (Negro) and "Mohr" (Blackamoor) etymological descent is explained in every detail, while the remark that these terms are derogatory or discriminating is missing. We write a letter to the publishers. The answer is not very satisfying:

" (...) In the German language the word "Mohr" is archaic and can only be used in a poetic context, therefore it bears the marking 'obsolete'. I cannot understand why your source finds it 'discriminating'. The word 'Neger' in the first place is a common German word (loaned from Latin in the sense of 'black man'). The speakers rarely use it in a discriminating way, what does not exclude that the affected-for whatever reason it may be- feel it to be discriminating. In a similar case, the word 'Fräulein' (Miss), we wrote the following: 'In the course of equality of genders the word becomes gradually suppressed', which reflects about the state of the usage. Marking a word as 'discriminating' would in any case represent a statement, which we cannot advocate, as we thus would assume that the speakers use the word in a consciously malicious way. On the other hand the word 'Zigeuner' (Gipsy) has been treated in the following way: 'also used as an insult' because that is the case (with 'Neger' that goes only very rarely, if ever). As linguists we state in which way the words are truly used. We do not believe it to be our incumbency to make tendentious statements, we document and investigate the usage of a language, we are not social reformers (and cannot be it). I hope that we could make our position and profession clear, Yours sincerely Prof. Dr. E.S., Institute for German Philology, Ludwig Maximilians Universität, Germany."

TschuschInnen Power TschuschInnen Power sends us an article from the 16th Viennese district's journal written by the district's chairman. We view the article on possible incitement (§ 283 Penal Code, StGB) and with consent of the chairman we send a fact of the matter statement to the district attorney's office. TschuschInnen Power prepares a press statement. The Viennese district attorney's office sends us a notification that the report has been put aside. They say they have "looked into the report and not found enough reasons to launch criminal proceedings against the reported person." There was only one possibility, to demand to open criminal proceedings at the chamber; in case the reported person is not sentenced the reporter has to bear the costs. Thus, after consulting TschuschInnen Power we cannot take any further steps (see chapter "outline statutory provisions" and "our demands").

ZARA Mrs E's garden borders on a public park. She sees how a night watchman locks in two little children on purpose. The man ignores her demand to let the children out-instead he answers: "Gypsies have to be locked up." Mrs E takes note of his car's license plate. First she lets the children out through her garden -they tell her that they are 6 and 10 years old, but not their names. Mrs E tries to report the incident various times during the next few days but the police do not take her seriously. She lodges a complaint at the district attorney's office –it is turned down. We find out for which company the night watchman works and upon her request we pass Mrs E on to a journalist from a daily newspaper.



Police

ZARA We receive a letter from Mrs B in which she describes the bulging attitude of two police officers facing Mr A, an acquaintance of her. Mr A is held up on the street in order to establish his identity. Mr A, a person seeking asylum shows his ID card from Traiskirchen, a refugee camp, the officers frisk him. They find 900 ATS and take charge of the money. In return they issue three tickets, 300 ATS each. We advise Mrs B to report the officers or lodge a complaint pertaining to the infringement of directives (in order to establish settlement talks with the officers). Mrs B rejects this suggestion: the affected man was too scared of aggravating the conflict. Mrs B also runs a home for persons seeking asylum therefore a positive relationship with the police is vital for her. We agree to document incidents and to only take action if they pile up.

ZARA Mr P calls us. He is distraught because the police pestered him. On several days in a row he was checked at a train station he passes every day. They even took photos of him, and when he asked why, they answered that that was just routine. It is obvious that the officers find him conspicuous because he is black. In one of the controls they take away his mobile phone and keep it because he declares it belongs to a friend and he does not know the pin code. They take down a statement. Mr P is desperate and terrified and does not understand what all this is about. We accompany Mr P to the examination of files to the relevant police station. They do not assent to the examination of files a long conversation follows where the ZARA counsellor assures Mr P's readiness to clarify the situation. We convene that summons will go. When they do we accompany Mr P again. The situation is cleared up. When the ZARA collaborator hints that Mr P is checked very frequently he receives the answer that in certain sub-way stations drug dealing occurs with an increased frequency. They advise Mr P to stay away from them in order to avoid controls. On Saturday, X/X/2000 Mr P is at a friend's house in H. Some eight police officers search the house. The inhabitants and friends have to lie on the floor, no drugs are found.

ZARA A police officer informs Mrs W how she is supposed to behave in Austria. Mrs W is driving in her car. A driver's school car bends into the junction and its engine dies several times. She hoots. Then she sees an officer take down her license plate number. She wants to find out why, stops and asks the policeman. The agent instructs her that she can sound her horn at home, but not in Austria. Mrs W has been in Austria for 32 years by then and says she can no longer stand these remarks. In the past too she has been confronted with this kind of remarks various times. Mrs W received a notification on the result of the hearing of the evidence from the police authority. We draw up a statement regarding the result of the hearing.

ZNR The caller, Mrs P has an acquaintance from Turkey, whose husband is a "serious offender" (supposedly murder). The husband has fled and thus the police came to see his wife and children. The officers take her and her oldest daughter away, holding a pistol to their head. 24 hours later the woman returns home, full of bruises (whatever happened to the daughter remains unclear), she was obviously beaten by the police. The woman and her children tell Mrs P what has happened. Mrs P keeps saying that she is like an aunt to the kids and that they would never lie to her. She offers to act as a witness when the emergency doctor and the youth office report the police. The affected woman thinks that is not necessary as the matter seemed to be clear already. The police deny it all and claim her husband had beaten her. At the relevant time he had already been at large in Turkey where at present he is on detention awaiting trial. Mrs P's friend has received a notification that her proceedings have been called off without the possibility of lodging an appeal. Mrs P now wants to know if there is a chance to retry and now serve as a witness. Unfortunately we have to inform Mrs P that nothing can be done any more.

ZNR Mr S originally comes from Egypt. He is a cardiac patient and draws a disability pension of 8.000 ATS, he is thus obliged to sublet a room. From the very beginning problems arise and after three weeks he gives his African tenant notice to quit the room, orally and by registered mail. This leads to quarrels and threats. Mrs S goes to the next police station where he is told to change the locks and leave the subtenant's things outside the door. They also tell him to immediately call the police if necessary. When the lodger comes home he tries to unlock the door and finally kicks it in. Mr S calls the police and tells them that he has been threatened and still is (some friends call and threaten him on the phone). An officer remains in the corridor, another one follows Mr S into the flat in order to straighten that out with him. Unfortunately the officer does not believe him and tells him that he has to let the subtenant in, because they have a valid contract, etc. When S blocks the path the officer seizes him by the throat, strangles him and throws him against the wall until the other agent intervenes. Finally the officers ask for instructions at the station. They arrest tenant and subtenant and ask Mr S to make a statement on the incidents at the police station what he does, but without mentioning the officer's violent conduct, because other officers told him to do so. When he tells the story to a WIF counsellor (Vienna Integration Fund) she contacts the police station. Then two policemen ask S to come to a conversation, see his injuries and explain to him that they have to lodge a complaint against the officers. The WIF counsellor sends Mr S to us. He only wants to be left in peace and is enthusiastic when we tell him that the rest can be done without him. We talk about the situation with the relevant officer for complaints.

ZNR Mr K lives in Linz and visits a friend in Vienna and this is where he gets to know the police: they search his friend's house. They handcuff Mr K and press him to the floor. Then they frisk him violently, the officers step on his face and take him to the police station. Mr K who is of African origin sees himself confronted with the accusation of transporting drugs from Linz to Vienna. Mr K is treated badly during investigation, the interpreter obviously does not translate everything, as the police officers say some things and laugh. During investigation they empty a glass of water into his face. Mr K asks for a lawyer, the answer is: no, not before the day after tomorrow. Mr K asks whether he could call his counselling organisation or friends, but they will not let him do so. The next morning around 10.00 an officer enters his cells and announces that they now have found drugs on him. He throws something white on the floor and laughs. Mr K sees that it is chalk. In the evening around 10.00 pm the police release him but do not hand back his money or telephone to him. Only when we accompany him to the police, Mr K receives a receipt on the retained items (phone and money). The police do not hand him over a copy of his statement. Then the contact dies, not even his counselling organisation knows where he is now. The intended complaint retaining an infringement of guidelines and measures cannot be lodged without him though.

ZNR Mr I, Austrian of Nigerian origin is going out at night with a group of friends. They leave their car parked in 2nd line in order to see if it pays to look for a parking space. A few minutes later they return. Right next to their car stands a white Volkswagen with two uniformed police officers sitting inside. A man in a dark suit comes out from another restaurant and talks to the officers. Mr I gets into his car and makes a sign that he is going to leave anyway. He starts the engine, when the man in the suit pounces on him, flings open the car door holds onto the steering wheel and yells at him: "Papers!" The man smells of alcohol. The other police officers are still sitting in their car watching. Mr I gets out of his car and wants to know what is the matter and what he has done. The man in the suit yells again: "Papers!" For a second he shows his badge from his pocket. Mr I gives him all the papers and the agent walks a few steps away with them. A friend of Mr I's asks what happened and the officer in the suit says: "I'll take his driver's license." Mr I now asks him again what he has done and asks for the officer's official ID number, later on the civilian officer gives him a number. Mr I now addresses the other two police officers in order to find out what he has

done and upon request receives their numbers. They hand his papers back to him and he can drive on. Now he wants to know if he can report the officer for his aggressive behaviour. We discuss the possibility of a guideline complaint to the UVS (Independent Administrative Review Board). Mr I fears unpleasant consequences because the police often frisk him. Therefore we only document the case.

ZARA Mrs C tells us how the police beat her while arresting her. Later on she was taken to the doctor's and x-rayed. She had repeatedly mentioned that she expected a baby and was pregnant in the fourth month. Still they x-ray her, no drugs can be found. Mrs C fears that the x-rays could have a negative effect on the unborn baby's health. Several doctors confirm that fear later on. For this reason Mrs C insists on an abortion which is carried out a week later. A report to the district attorney's office is put back due to insufficient reasons to open criminal proceedings against the reported person. Meanwhile Mrs C has been deported.

ZARA Mr F comes from Ethiopia and is seeking asylum in Austria. When riding the tram the police spots him and waves at him to approach them. He remains seated because he does not realise that the sign was directed towards him. A policeman enters the car, asks for an ID card and tells him to get out. The officer then draws his pistol holds it against Mr F's chest and tells him to empty his pockets. Mr F does as he is told and stays calm. When the frisking is over the officers tell him that he can resume his journey. Mr F waits for the next car, gets in and sees another African in the neighbouring car. Two stations later the same police officer takes that African out and frisks him. When driving by Mr F sees the officers look into the man's mouth. Mr F returns to the home for refugees where he lives. In the evening he sees a larger group of agents outside the home, who establish the identity of each of the African inhabitants and frisk them. Again Mr F shows his ID card, twice in a day. He asks us what he should do in such a situation. The counsellor gives him information on the establishment of identities and tells him about his duty to carry an ID card at all times. They also discuss the legal possibilities in such cases (especially when weapons are used). Mr F prefers not to take any steps. He says that persons seeking asylum have to fight so many problems that he usually does not even pay attention to such incidents. But two checks in a day were just too much. We ask him to report such incidents to us.

ZARA Mr A and his wife and son drive through Vienna's 2nd district when the police stop them. Supposedly for not indicating. After a thorough control (first-aid-box, hazard warning triangle) they criticise that the son is not strapped. At first the fine is 300 ATS. Mr A is annoyed because only recently he had to pay a fine of 5.000 ATS and asks for mercy. The officers (one male, one female) insist and suddenly demand the car keys. Mr A becomes angry and throws the keys to their feet. The police now order him to hold his hands up and stand by his car they handcuff him on the back and lead him away. The police detain him for four hours then question him with the help of an interpreter. Mr A does not have a very good command of the German language therefore his son helps us to explain the situation to him. The son goes to pick up the documents from the police station on his own. Reports for aggressive behaviour towards agents of a supervising authority and grievous bodily harm are the result. We arrange for an appointment with a lawyer, Mr A has been sentenced by the court of original jurisdiction, his lawyer writes an appeal. We try to find a solution for the costs of the proceedings.

ZARA Mrs E reports an extremely unpleasant incident with the airport customs in Linz. Her husband, Mr E is Tunisian. When travelling into Austria he is asked to open all his bags -Mr E does so. After the procedure is over he asks for his passport several times, an officer deals him a blow to the chest, another one strangleholds him, later on he is dragged away by his hands and feet. When Mr E opposes to this treatment they knock him on the head a few times. Mr E demands for a medical officer to confirm his injuries. He has to urge until they accede to his pledge. The medical officer warns him that there might be problems, because one of the officers had to be taken to hospital. Mr E is surprised-after all it was him who got injured. First he receives a report and later on a petition for legal proceedings for grievous bodily harm and the summons for the main hearing. We advise him to look for a lawyer in Linz and recommend some to him. We also inform Mr and Mrs E about the possibility of a petition for support in the proceedings etc. A UVS complaint is impossible as the time limit has already run out. We also recommend to talk to a lawyer before contacting the media. Mrs E is glad we exist and thanks us for our work.

ZARA Mr G has been treated violently by security personnel at Vienna airport Schwechat. During passport control an officer told him to stop with the words: "Move aside, you have to wait!" In the duty room Mr G stated his Austrian nationality-the answer: "We don't care if you have it or not, you are still not a native Austrian." Mr G suffers from Parkinson's disease the distress made him tremble heavily. One of the officers mimicked him and said: "We'll pester

you until you go home again." Mr G was pushed around and dug in the ribs. Mr G asked what all this was about and demanded the officers' identity numbers. One officer smiled, showed him his middle-finger and said: "You still haven't had enough?!" Following that they took down a statement, threw Mr G's passport into his face and allowed him to go: "Now piss off!" He wrote a complaint to the supervising authority of Vienna airport police and took down a mnemonic statement. We discuss the case and the possibility of a guideline complaint. Mr G wants to take all possible steps in order to prevent other people from having to go through this. We lodged a complaint pertaining to the infringement of guidelines and other measures to the UVS of the province of Lower Austria. Later on, Mr G receives a letter from Schwechat police authority, involving that an infringement of guidelines could not be verified. There was only a demand to the UVS for the establishment whether there exists a violation of the guidelines or not. The decision is wanting still.

ZNR Mr S works for the frontier police in the Austrian province of the Burgenland. He is husband to a Ukrainian wife and stepfather to a 12-year old boy. After the boy has had an argument with his mother he went to the police in Neusiedl. He was detained there for an hour and interrogated about his family situation. Now a report has been made against Mr S and his wife for decrepitude, the youth authorities have been called in. We recommend sending us a fax of the report in order to assess the case properly. Mr S is less worried about the report than the police officers' conduct to detain the child for an hour. He wants to know what measures can be taken. The counsellor informs him about the possibility of lodging a complaint to the supervising authority or the UVS. However, Mr S does not call again.

ZNR Mr G is member of the works committee and calls for Mr A. His colleague is an Austrian of Brazilian origin. For eight years he has been working for a security company and his reference is excellent. "There never have been any problems at all, he has always acted in a correct way", says Mr G. When Mr A is on duty at an insurance company, a police patrol pulls up all of a sudden and the officers who get out of the car tell Mr A: "Give us the keys, idiot!" As Mr A is not allowed to hand the keys over to unauthorised persons he does not obey the request. He hears the police have been called because a torch light has been seen. The light stemmed from his colleagues inspection tour. Mr A receives a reminder for a penalty decree he never had received in the first place what is confirmed by the Austrian mail. He immediately pays the 1.000 ATS fine but is alarmed by the fact that a reporting of an offence has been submitted against him. He examines the files. Mr G, the caller, tries to get a mnemonic statement from three men who had witnessed the incident at the insurance company. They work for a diplomatic mission. A member of the insurance company's works committee has lodged a complaint against the officers' conduct. Mr A would come by to talk to us we are told however he does not do so.


AHDA A counsellor takes down the statement of a client, Mr J. He is from Uganda and has been living in Austria since September 1999. "On X/X/2000 a police control (4 officers in uniform) took place in front of McDonald's Kepplerplatz Square around 10.40 pm. Ask for passport, I hand my camp card to the officers. Ask for Address, did not have the registration form of B..., where I live. I held a TMS CD (music group) in my hand, the police took it. Then they wanted to place it in my breast pocket, but it was too small. They put the CD in my hand and then asked me what I had in my breast pocket. I pulled something out that had not been in there before, a plastic bag with white powder inside (about the size of a floppy disc). I shouted: 'what did you put in my pocket?' I was very loud. Ten people standing around me noticed us. The police left me standing and called 'asshole' after me, showed me their middle-fingers... They took my camp card and my mobile phone. After that the passers-by asked me what had happened. Now I fear the police officers will say that I had run away." The next day in the afternoon AHDA calls the police of the Van-der-Nüll-Gasse. When the counsellor has presented himself as representative of AHDA the officer says: "I have to be cautious then." The police version of the case: Mr J had run away, leaving card and mobile phone behind. On 20/7/2000 the counsellor goes by the police to fetch the temporary residence permit card.

AHDA At the beginning of July 2000 Mr J, originally from Kenia, opens his own restaurant "JAMBO" in the Taborstrasse Street in Vienna's 2nd district. It is specialised on African cuisine. The guests mainly come from Africa -business is doing well. Until, two weeks after the opening almost twenty police officers come to check the operating permit and other things. Selected guests have to establish their identities -one of them is taken to the police station where he has to spend two days. In mid-August the police comes again, this time only six officers. Again the permits are checked, the guests are spared though. In November the 3rd control takes place. Again almost twenty officers check the permit and establish the identity of several guests. Upon the owner's request what these constant controls are about he receives the answer, that the officers were only acting according with their duty.

White guests have not been asked for their papers, though some offer to show them in solidarity with the affected. In January 2001 the police raid the JAMBO again. AHDA writes letters of protest to the Minister of the Interior and the Security Council and informs the media. The weekly journal "Format" publishes an interview with the owner of the restaurant.

AHDA A counsellor takes a statement of Mr K's report. "On Thursday, X.X. 2000 I go to the market on Landstrasse Street to buy some meat. I take the municipal railway to the 20th district, I exit at Handelskai, where I live. On my way home I saw a girl and as she smiled I said: 'Hi, where do you go?' She answered: 'To see my brother at the hospital.' I invited her for lunch, after that I wanted to take her to the hospital to see her brother. When we came home, she opened all the windows because she said it did not smell good. She acted very strangely, then she said that she wanted to go. I wanted to finish cooking first but she started yelling as if she was abnormal. I didn't know what to do and became scared. I did not want to touch her so nobody would think that I wanted to beat her or anything of that kind. I called the police (I did not know what else to do) and told them to come and get the girl. Six policemen came, handcuffed me and took me to the police station. There, presumably in the Pappenheimgasse 33, close to Handelskai, I told my story, I thought the police believed me. At the end they said that I would receive a letter from court, but I have not received any yet. I do not know what happened to that girl, I saw and heard nothing from her. I only wanted to let somebody know in case I should receive the letter." Two months later a trial takes place (for coercion and wrongful detention) AHDA provides an auxiliary lawyer and K is acquitted.

AHDA An counsellor takes the statement of Mr V from Nigeria: "On X.X.2000 when getting off the tram line number 6 at the station Eichenstrasse Street a police man stops me and says 'Come with me!' I ask 'What is the problem?' and want to call my friend (Austrian), the mobile phone lands on the floor, the officer twists my arm behind my back and he takes me to the police station at Viktor-Christ-Gasse (3 minutes away), and at 12.00 to the police station close to the Eichenstrasse. There I receive a blow to my chest, I ask why -the answer: "Because fucking nigger." Then a blow into the face, another officer tries to calm the man. Three people are present (a woman and two men). I have my hands up the first officer searches my pants, takes everything out and empties my wallet. He checks in the computer (negative, § 6), takes a copy of the registration form (the only document) and chucks me out of the station (I am given back my organiser, but not my mobile phone). An hour later, my girlfriend, her cousin and I go back to the police station, the officer in question had left, the other two who had been present plus 4 other officers are there. My girlfriend wants to know what had happened and they say they cannot give any information. My white hat is dirty, it had fallen on the floor when the blows hit me and no one at the police station knows what had happened. Upon the question why the wallet was still there they answer. 'He didn't want to take it!' We receive an acknowledgement that it has been handed over." Due to the difficult situation of the evidence AHDA takes no further steps.

 A client reports increased police controls in public space accompanied many times by insults ("Nigger! Asshole! Go home!") Even more frequent are drug-consumers who want to buy "stuff", following the equation "African (Nigerian) = drug-dealer". In the case of the client it came to scuffles. He called the police who took but him to the station where he had to stay for the night. Similar reports piled up last year.

efdö The Evangelischer Flüchtlingsdienst resumes: " Encroachments with a racist background: We have registered three heavy encroachments with a racist background in our work. On 1/17/2000 black Africans from the refugee camp of Traiskirchen fell victims to such a police operation [see also the report in the Bunte Zeitung]. The operation was executed without a house search warrant, all black Africans were suspected to carry drugs, detained for several hours, the men even tied, the officers carried out anal and vaginal searches without observing the relevant norms. The persons from different African states seeking asylum found the operation deeply humiliating and were indignant. The efdö gave the affected a chance to lodge a complaint at the Independent Administrative Review Board (Unabhängiger Verwaltungssenat) and promoted the publication of the incident. The proceedings are pending at present. On July 1st, 21st and 31st 2000 there were three big police raids in a shared flat of 8 to 10 youths from Africa. The efdö put an apartment at their disposal. Mrs Ute Bock who had been awarded the UNHCR's human rights prize, supervises them. Here too the action was unusually severe. In the first raid three personnel carriers pulled up, partly in combat uniform. They violently kicked in the front door, devastated the flat, treated the youths in a belittling way and intimidated them. During the second operation the only one present has been kicked-the hospital made a report. In both cases the police's pretext was the search for drugs. Nothing was found. Only after a visit to the police head quarters the situation has abated a little bit."

Comments on the police

A prominent feature of our reports on police excess is the massive preponderance of Africans involved or males with dark skin in general. Drawing on a study based on both quantitative and qualitative factors, Birgit Haller from the Institute for Conflict Research has determined that overall the police force is appreciably less 'xenophobic' in its attitude towards foreigners than the general public. In this instance the officers' professional awareness would seem to have a regulatory effect. That notwithstanding 'Black Africans were the sole group, towards whom the police force demonstrated both their antipathy and uneasiness to a much more pronounced degree than the population as a whole. 42 per cent of the officers asked (out of a total of 456) admitted to feelings of antipathy or uneasiness towards them whereas the proportion of Austrians admitting to such feelings was far less: 25 per cent'. In her study Haller goes on to make an observation that unfortunately is not borne out by our work: 'Xenophobic attitudes are to be found among members of the police force, albeit to a somewhat lesser degree than in the population as a whole. These attitudes reveal themselves in discriminatory acts: the officers are brusque or impolite towards strangers; they bark at them. In other words, the police officers' xenophobic behaviour finds its expression in the form of impoliteness and impatience, there are hardly any indications of incidents of a graver nature.'

Residential

ZARA Mr T asks for our advice. He owns a flat he wants to let it to a young Turkish couple (he says: very sympathetic, westerly, the woman wears no head scarf...). As he fears this might cause problems in the house he informs the inhabitants. He is shocked upon the response: the entire house protests against the fact that Turks should move in. One inhabitant offers to buy the flat at a higher price to prevent him from letting it to Turks. Another one threatens to take legal steps in case he let the flat to the couple. Mr T just wants to know if there was the possibility to take legal action against him, what we can assure him is not the case. He also voices his dismay about the other occupants. Mr T had to apologise to the couple and tell them he would not let the apartment to them, it would be asking too much of them to stay in that house. We agree.

ZARA Family J (parents and a daughter) have bought an apartment in Vorarlberger Street in 1990. Soon after that their neighbours started mobbing against them. Mr J is a black Briton. For five years by now the manager of the house tries to expel them from the flat. There were expulsion suits, complaints, 10 reports, written warnings the family has been tormented because of parking, flower-pots in the corridor, etc. The reports and the proceedings have cost the family almost have a million ATS. Now the execution is about to be levied against the family. The manager wants to put the flat up for auction or have it himself. Mrs J says they do not earn enough and still were paying back the loan for the flat. MR J has the feeling that the proceedings had not been fair. The manager of the house is a medical doctor and knows some expert witnesses at court well. And it was always the same police officer who came upon another call from the manager, what struck her as strange. She would like to appeal to the European Court of Justice, but that is impossible. The family would prefer to move out but due to their financial situation they have to pass over this question. We are in contact with Mrs J and her lawyer for a long time until we have to acknowledge that we are unable to help.

ZARA Mrs K, of Turkish origin, comes home from shopping at around 4.00 pm. She uses the elevator and notices that it stinks heavily of urine. Later that evening she leaves again to collect her son from the day-home. She has already returned home an hour ago when around 6.00 pm the bell rings. She goes to see who it is and sees nobody at the door. A few minutes later the bell rings again. A neighbour from 5th floor insults her and her son in a racist way and accuses the boy to have urinated against the elevator wall. Mrs K cannot believe what she hears and asks the neighbour why she would think that, she explains that she had been with him all the time and that he had not had a chance to urinate in the elevator. The neighbour keeps insulting her until Mrs K asks her to leave but the woman is very pushy. Mrs K decides to go see the janitor and leaves her scared son with a neighbour she is friends with. She tells the care-taker what has just happened and says that she does not know the woman's name but that she was in the laundry room right now. The care-taker promises to talk to his wife but does not tell Mrs K the neighbour's name. On her way back to her flat she meets the woman again who says something like: "So you use the staircase too because it stinks too much." Mrs K is beside herself and she is scared of that neighbour-she calls the police. Two officers come and listen to her story. Mrs K says that she does not know the neighbour's name but that she was aware

of the fact that she lived on 5th floor. The officers go upstairs and do not return. Mrs K turns to the management for municipally owned housing for her district and then to us. The secretary has already found out the neighbour's name and that of the person who owns the dog that urinates in the elevator. For a while they do not manage to contact the neighbour. Until today there have been no further incidents, the case is at a standing.

ZARA Mrs K tells us about a private birthday party. Suddenly the police rush in and arrest some of her guests. They are –allegedly–illegal Romanians who are deported within a few days. Mrs K knows nothing about their illegal status and is furious about the lack of rights of illegalised people in Austria. Mrs K and her husband receive a penalty decree on alleged accommodation all six of their arrested guests, although she says that only one member of the group lived at Mrs K's place. Mrs K writes an appeal. Now the couple receives a demand to justify in legal proceedings for illegal employment. They are reproached with having illegal Romanians work as labourers in their vineyards and woods. Family K neither owns a vineyard nor a wood.

ST Mrs Z complains about massive trouble with her Austrian neighbour. The woman pesters and harasses Mrs Z's entire family but her favourite victim is Mrs Z. The trouble does not only involve complaints to the management of the house for alleged disturbance caused by noise but also, and predominantly discriminating racist statements concerning Mrs Z. Yet again the neighbour launches a verbal attack against Mrs Z in the stairwell –she calls her pitiable for wearing a headscarf. We know that Mrs Z has been admonished several times by the house's management on the strength of the neighbour's complaints, therefore we write a letter to the manager. We describe the incidents and conduct of the neighbour and hope for an objective assessment and responding to our appeal for a move towards stopping the mobbing against the family of Mrs Z. We receive a letter from the management. As can be seen from the many complaints, family Z does not observe the house-rules, this constitutes a detrimental usage of the flat. Moreover, we are informed that as a counselling service for migrants it is our duty to explain to female migrants what are their duties in Austria for that end, like in Mrs Z's case, that they know how to behave in an Austrian condominium. There is no reference whatsoever to the neighbour's racist behaviour. As Mrs Z suspects that further interventions with the management or a conversation with the neighbour could only be detrimental she asks us to refrain from further steps. We accept her decision.

Initiative muslim. A neo-Austrian is repeatedly pestered by her neighbours in a municipal building. She values the following insults as especially humiliating: when she empties her waste bin one neighbour's son shouts loudly into his waste bin: "Islam is sh..!" His mother who is present too laughs about the priceless joke and repeats it. The pestered woman's children can no longer use the complex's playgrounds because they are marginalized by the other children and their mothers and only serve as scapegoats for the daily frictions between the other children. Finally the family sees the only solution in moving into a co-operative building.

WORKPLACE

ZARA Mrs K supervises people in professional re-orientation courses and helps them find jobs or companies where they can do practical training. She relates from her clients' experiences: a fifty-year old woman from Nigeria with a good command of the German language has an appointment with the head of the delicatessen department in a big supermarket chain. When the head sees her she says: "If only I had known you are African I could have spared you the trouble of coming." Her reasons: they once had had a black colleague in the delicatessen department and the clients had lined up at the native shop assistant's in order not to have to buy from the African saleswoman. Mrs K calls the supermarket after this incident and asks for the reasons, she hears the same the head apologises that people in Hietzing (a Viennese district) are like that...Another one of her pupils applies to another supermarket chain for an office job –without customer contact- and is rejected too. "We do not employ dark-skinned people." When Mrs K calls to find out the reason why she is told: "That ain't me, that's the company's policy." We inform Mrs K about possible actions, she wants to discuss them with her trainees. She does not call in a long time and when we investigate the matter we find out that she has been moved and her post cancelled without replacement.

ZARA Mrs D is Austrian and originally comes from Ethiopia. After working for an international company for fifteen years her boss gives her her notice because he, as she puts it, "does not want me there any more". But Mrs D is a member of the works committee, thus her employment cannot be terminated. A trial follows the Supreme Court of Justice upholds the state. The new boss now offers Mrs D to renounce the proceedings and other claims and in exchange work for the company with a one-year fixed-term contract. Of course she does not accept. New proceedings would be too costly for her though and she does not know what to do. We have several counselling talks and try to clarify the situation. Unfortunately, Labour Law (ASG) does not include mediation. Mrs D does not call again.

ZARA When Mrs B calls she is very agitated and cries. Her husband has been working in a bank for four years and only recently a colleague insulted him as "nigger". Following her husband's initiative a conversation with the heads of departments, the managing directors, a female colleague who witnessed the jeer and the colleague in question has been arranged. They have been told to co-operate. The night before yesterday that colleague had threatened her husband without witnesses being present and told him that if he should contact the works committee something would happen to him. Mrs B is outraged and fears for her husband's safety. However, Mr B wants to clarify the situation in peace and not turn to court but solve the problem in an internal session. Mrs B says she will call again but does not do so. We assume the situation could be settled without external interference.

ZARA Mr M calls to report supposedly racist actions by the delicatessen department of a super market chain. Sales manager B is responsible for a special area in the delicatessen department. In all the other areas non-nationals are employed whereas not in Mr B's. Mr M says he has factual perceptions but cannot name them. The ZARA counsellor tells him that he needs hard and fast evidence to take steps.

ZARA After an accident at work Mr A is given his notice. He believes to be the only worker of Turkish origin (he is an Austrian citizen) and finds this suspicious. He thinks that that was the true reason why he was dismissed. Statements that back up Mr A's opinion are not available. We tell Mr A that for want of evidence he cannot dispute the reasons for his dismissal and that it is too late for an appeal.

Initiative muslim. A young woman from Austria works as a social worker in a municipal institution. More and more she dedicates her work to female migrants from the Islamic world. "As soon as I started to dress according to Islamic dress codes I was given my notice. When I explained that my command of the Turkish language together with my henceforth Islamic background would provide me with an excellent basis of trust with the clients I met with no response."


Initiative muslim. A young man from Egypt works in gastronomy. His colleagues give him the Nazi salute, ridicule him because of the Islamic food regulations and pursue massive mobbing. The responsible personnel manager gives him his notice because the Egypt waiter presumably disturbs the working atmosphere. He goes and looks for another job as he sees no chance for mediation and no way to enforce his rights.


Initiative muslim. A young gendarm whose parents come from the Iran and Austria decides to change his name. He stated that his Persian family name was an obstacle for his career-as he is constantly target of scornful remarks he also decides to change his first name for another one more common in Austria.

Initiative muslim. A young woman with Turkish parents has finished her training as a dentist assistant. When applying for a job she meets with the same response everywhere. While on the phone she is practically taken on at personal presentation the job is denied to her. Either the job is already and all of a sudden taken or there is no need any more. Some, few, of her potential employers have the decency to tell her the truth –we cannot expect the patients to put up with an assistant dressed according to the Islam, albeit this has nothing to do with the personal views. At last the young woman decides to add studies to her training in order to increase her qualification.

Initiative muslim. A cleaning company insists their personnel must not dress in an Islamic way. The initiative summarises: "These last examples stand for many similar experiences of young Islamic women looking for a job. The secretary of the Islamic community reports frequent calls from desperate women who want to know where they could possibly find a job. The job centre is aware of the problematic situation. A Muslim's headscarf is rated a challenge what they do not want to be seen as discriminatory but as reflecting reality. Employers feign their clients would not accept that. A few companies are enjoyable exceptions to the rule. We would like to add that after a few digs at the beginning the women are generally accepted. The women say that later on their clothes are not even perceived any more and that non-Islamic colleagues admit they now understand Muslim fellow citizens better because they have had the chance to take a closer look."

Initiative muslim. The owner of a confectionery is of Egyptian origin and is tormented by anonymous letters that insult him as "Foreigner and dirty Muslim". The door-lock to his shop is repeatedly clogged with glue what impedes him from entering his shop.

 Mr L M.D. has moved to Vienna last year and has opened a surgery. Since the very day he has moved in he is harassed. First there were only single incidents: one day the flowerpots had disappeared from the corridor. But a few months ago the abuses took on a scheme. All nameplates have been smeared and scratched. Whenever he had a new plate put up it has been disfigured the very same day. The text on the plates pointed at a racist, anti-Semitic motivation. Once in huge letters the culprits wrote "Saujud" across the plate. The damages reached an extent that constituted a matter of economic survival for Dr. L who was just about to build up a regular clientele. His few patients have been deterred by the coarse abuses. The police, called in by Dr. L had not taken any steps in the first place. When Dr L tried to install a visible camera the management of the house demanded to immediately remove it and took to court. Even when Dr L recorded the culprits with a hidden camera smearing his plate the police could not help him. When Dr L called in the Forum gegen Antisemitismus. He had already suffered six months of constant abuses. The culprits had taken to making his mail-box useless with the aid of glue and toothpaste. The Forum gegen Antisemitismus sent Mr L to a new lawyer who now jointly with Dr L tried to convince the police to become more active in his case. At the beginning of September the police caught two men red-handed. The two alleged culprits were middle-aged, educated and of high-income –that gives the lie to the myth that racism and anti-Semitism can only be found at the margins of society. Presumably because the culprits were not young skinheads the media has presented the case as a prank. The case is still pending.

 Austria's national soccer division has decided to make the first division (2nd highest division) red-and-white only by establishing a restrictive limit for non-nationals. "From the season 2000/2001 on only three players per club can be used who are not entitled to play for the Austrian national team" (quote from the official journal of the Austrian national soccer division, spring 2000, "The Austrian Solution", page 107.) The restriction does not only affect third-country citizens but EU-citizens also. This ruling is a clear infringement of the right for gainful employment and the freedom of domicile of employees within the European Union. (see also Bosman-verdict 1995).

Comments on home and work environment

Studies confirm that instances of discrimination on both the labour and real-estate markets are not isolated incidents or a matter of 'bad luck'. First and foremost, Austria still suffers from the 'Austrians-only syndrome', a form of systematic and structural discrimination. In classified ads for both flats and jobs, it is still common (and regrettably still legal) practice to add the rider "For Austrians only".

In addition to this direct systematic discrimination that excludes a large number of people from the very basics of their (economic) existence, other less explicit forms exist that cannot be so easily proven or documented: in all likelihood the 'Austrians-only' mind-set comes into play in job interviews and in the rejection of candidates. The lack of hard and fast data and the impossibility of gathering such data stem from the fact that only rarely can one prove that a person was rejected on grounds of his/her origin - and not on account of his/her 'qualifications'. By way of example Erwin Ebermann from the Institute for African Studies at the University of Vienna reports on the findings of one study in which 702 Viennese were asked as to 'their readiness to give highly qualified jobs to Africans and six other groups of migrants. 16.2 per cent were adamant in their refusal to consider Africans for top jobs. Compared to Japanese, one fourth of those interviewed would prefer to give a top job to a Japanese rather than an African, although both cultures are relatively unknown quantities. The following prejudices would appear to be closely linked to this rejection (correlation factor):

- (a) Africans are considered less trustworthy;
- (b) Only 26.1% consider Africans to be hardworking; and
- (c) 21.2% would consider Japanese more intelligent than Africans."

In the course of the study practical tests were carried out to establish whether the anti-African prejudices expressed in the questionnaires would become apparent in the recruitment process. "We thus submitted identical applications for 36 vacancies advertised in the newspapers, first using an African name and then using an Austrian name. Africans were invited to 13 job interviews and Austrians to 23. Written responses showed a similar pattern. In 15 cases, the Africans were graced with absolutely no response, Austrians were ignored in only six instances."

This goes to show that where Africans are concerned, the employers' attitudes and/or prejudices (see (a) – (c) above) count for more than better qualifications..

Moreover, Ebermann has written about the findings of an opinion poll that he conducted into Africans and the labour and real-estate markets in Vienna.

Public Space

ZARA Some time ago a black guest and his wife reported the "café 100%" by virtue of the EGVG for not serving them. The district authority imposes a fine on the café -its owner lodges an appeal. We accompany the couple that is summoned as witnesses to the hearing. It seems, the district authority has made a procedural error and the owner is thus going to win the trial. A team of Radio Ö3 hears from the incident and "investigates" with an African "lure" –the occurrence repeats. ZARA reports the café again in February 2001.

ZARA Mrs M takes part in a "diversity workshop" she has to experience several discrimination situations there. She tells us that an agent from the department dealing with aliens said that there do exist discriminated groups who enjoy to be treated badly and who would even benefit from that situation –the Jews, for instance, would like to suffer and be oppressed. "What is really frustrating is that there were no reactions to a statement like this and the man could take part in the workshop without being bothered." Later on they dealt with what the participants would wish for Austria's future. One participants expressed his wish for "more self-confidence and an increased national pride for the Austrians" When Mrs M said that she did not know what he had in mind with such wishes, he would not believe her that she was a native Austrian although she repeatedly told him so. Mrs M does not intend to take any steps, just wanted us to include the incident in our records.

ZARA Mrs B and two friends are on their way home from a rally; Mrs B wears a rolled-up banner under her arm. A bald young man in a crowd of young people walks up to them and shouts: "Fucking demonstrators – Jews out!" The three young (Jewish) people do not trust their ears and move along. Mrs B does not know what she could have done and is frustrated.

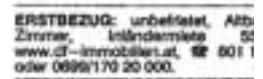
ZARA Mrs S writes us an e-mail about her experiences during the weekend. She sits in the tram with her African friend when an elderly lady and another black man get into the car. He wants to take a seat in the same row as the elderly lady when she starts to jeer. The man wants to know what is the matter, she resumes to jeer at him. Mrs S and her acquaintance become irritated. They trigger off a heavy scolding including statements like, 'we should go back to the jungle, assholes, silly goose, we need not be in Vienna and that she finds it disgusting that I hang

around with someone like that, and so on! She leaves the car swearing. No one but a gentleman makes a comment. When the woman has finally left two elderly ladies come who get all excited about that woman's behaviour.

ZARA Mrs C and her "non-Austrian" husband have children. Her eight-year old son and his friend are frequently insulted for their looks. Recently there was an incident at the bus station where her son's friend was racially abused and pushed, supposedly by a boy from the neighbourhood. When Mrs C's son saw what happened to his friend he set and helped him. As the other ones who were waiting saw him do so they hesitantly helped too. Mrs C wants to know if she should inform the police and whether there is such a thing as a counselling service for children. We advise her to rather concentrate on the children and support them. We make inquiries for a long time until we find out that there are very few services for supervising children who are confronted with racism.



ZARA Four youths abuse Mrs J, a young black Austrian, in the sub-way and insult her as "nigger". When she leaves the sub-way the young people follow her and walk behind her. They keep saying: "Nigger, get out of my country!" When Mrs J confronts one of the youths and asks him "Do you have any problems?" he answers: "Yes, your colour of skin that's my problem!" They go on abusing her and insulting her coarsely. Several passers-by turn around but no one intervenes. The young woman can leave the scene unhurt and reports to www.no-racism.net/MUND.



ZARA Mrs K calls us to tell us how when she was driving on the bike-lane she was jeered at by a stranger because of an anti-racist sticker on her wing. "Just take your stuff and leave together with the foreigners. People like you too have to be thrown out of our country!" Mrs K was so puzzled that she couldn't think of an answer.

ZARA Mr S from Uganda has been in Vienna for a few months. Everyday he sees a huge racist smearing and does not intend to pass over it silently. We ask a photographer to take a photo of the smearing to document it and contact the district authority and the billboard company GEWISTA in order to have it removed. However the smearing appears again and again. A few days later the newspaper "der Standard" writes:



"Blacks out": Racist smearing Vienna. "This has been going on for a month", explains Bertin Desiré Nzogang. For three days it has been prominently displayed on a wall in the Margetinstraße Street in the Viennese district of Simmering. "Negroes are criminals." The wall is part of the former barracks who now serve as a home for refugees, they are nicknamed "Macondo"; Nzogang who is an Austrian citizen lives here. He shows us photographs: "Blacks out!" we can read there and "Niggers are ugly!" as well as similar things, all of them seem to bear the same writing. Nzogang: "The Ministry of the Interior has the slogan removed, a few nights later another one appears. The African are scared of walking on the street." The police investigate. (schles) DER STANDARD 16/17/9/2000

The seventeen year old victim writes what he feels when confronted with a racist graffiti in: echo fall/winter 2001/30, <http://www.echo.non.at/>



ZARA Mrs P calls. An acquaintance, Mr T has been insulted as "Dago" and Neanderthal man by a taxi-driver. In response Mr T quotes: "If an Austrian is slaughtered, no German blood is shed?" The taxi driver gets scared, calls the police and reports Mr T to the police for threat. The police officer is very nice with Mr T and advises him to make a counter-report. Mrs P and Mr T make an appointment and come to see us. Mr T has written a mnemonic statement he shows us. He receives a comprehensive legal counselling. As there are no witnesses for the taxi-drivers abuses a counter-report is not very purposeful. On grounds of that the counsellor suggests to write a letter to the taxi-company. Mr T assents. The guild of tax-owners has promised to send an answer, we have not yet received it though.



ZARA Mrs. L has been stopped by a supermarket investigator who accused her of having stolen a scent bag. Mrs L tells us that it has been a free sample. The investigator provokes her, murmurs something about Haider and Hitler and finally says: "Now Haider will come and send you all home!" Mrs L is an Austrian citizen but she speaks with an

audible accent. She has the police call in –they take her statement. Some time later she receives a demand for compensation of 960 ATS from the detective agency XYZ to be paid within eight days. Although the officer who had taken her statement had advised her not to pay Mrs L paid the demand. Now she is upset about it and wants her money back. We write a letter of complaint to the detective agency but have not received an answer yet.



When passing by the big synagogue in Vienna a worker from the refuse collection says: "Hitler forgot you." The police is called in, the worker admits the statement but insists he has only been joking. The witnesses have made a report.



On their way to the synagogue two Jews are abused aggressively and repeatedly by a man sitting in a garden café near-by. When a police woman intervenes the culprit runs away. He is taken hold of later on, the affected make a report. The culprit is imposed an administrative fine.



January 2000: During the national division's cup 1999/2000 several Rapid fans chant "Judenschweine" (Fucking Jews) to insult the rivalling club of Austria Wien.



May 2000: The Viennese city magazine "Der Falter" (no. 20/2000, 9/17/2000) comments xenophobic, anti-Semitic and homophobe incidents during the Viennese Derby where the FK Austria Wien plays versus SK Rapid. "Dago-Club" shout the fans on one side, the other ones reply: "Shut up, Jews!". Even worse, "Green (club colour of Rapid) fags" and "Zyclon B for Austria-fans". When the Nigerian George Datoru has the ball, everyone goes "Uh-uh-uh!"



August 2000, semi-finals in the UI-Cup: Udinese Calcio versus Austria Wien. A Viennese fan attacks a black Austria-fan and barks at Franz Duras, member of the fanclub Austria 80 why he let the black come with them on the bus. In a FairPlay conversation with R. Krennhuber (see FairPlay magazine 2000/echo7/2000, page 10) Duras stressed that these problems predominantly occur during away matches because some fans seem to join the trip for the only end of fighting. Violence then has a racist motivation very often. Incidents like the one in Udine are passed on to the club. Duras thinks that imposing a ban from the stadium is the most probate measure to fight soccer violence. Still, he criticises those responsible in the football clubs for not being rigorous enough.



Viennese Derby no 222 Rapid versus Austria (8/13/2000) Rapid-fans on the west-tribune make monkey sounds when the striker George Datoru is substituted (FairPlay magazine 2000/echo 7/2000, page 10).




First match during the ÖFB cup -Hundsheim versus Wiener Sportclub (8/5/2000) some Hundsheim-fans thought it necessary to abuse the fans of the rivalling club as "Judenschweine". A member of the Sportclub fan-club Friedhofstribüne neither the police nor those responsible in the Hundsheim-club have reacted upon the anti-Semitic incident, despite complaints from the Sportclub-fans (source: letter of a member of Friedhofstribüne to FairPlay).



Reinhard Krennhuber (editor of the soccer-fanzine Ballesterer and BW-fan) reports incidents occurred during the match FC Blau-Weiß Linz versus Lendorf. In the match Lendorf versus FC BW Linz, regional league centre on 12 August 2000 massive insults from the audience from Carinthia (Lendorf) of the black BW player Valentine Duru have taken place. Anything from "Nigger, clean my shoes" to the Nazi salute could be witnessed. The insults came from the regular audience, because Lendorf (roughly 1.500 inhabitants, new-comer) has no fan-culture yet. I have not been there in person, a friend informed me, who, in order to take a photo had walked to the other block. First he just listened, then he tried to talk to the people. Some people admitted their comments. A man justified his abuses by saying that 'his' provincial governor would stand behind him in that case."



Hubert Nagel, president of SC Austria Lustenau reports an incident during the away match of the first division of SC Austria Lustenau. "Our Nigerian player Jide Olugbodi has been abused with "uh-uh-uh" shouts during the match in Untersiebenbrunn. A man who has been standing right behind me had joined in too. When I turned around to look at him he apologised. Still, many had taken part" (FairPlay magazine 2000/echo 7/2000, page 11).

 The column "sports culture" in the weekly magazine Volksstimme (no. 36, 9/7/2000) comments incidents during the match Austria-Iran in the Ernst-Happel stadium in Vienna: we hear about a group of young rightists who wave the banner of the German Reich and shout "Sieg Heill!" several times. Especially during the 2nd half the young right-wing extremists made use of the euphoric wave of La Ola for the Nazi salute. The fans tried to "greet" other Vienna-fans in other sectors. (A banner read Baric, when will the next dago come? In another sector have already been removed by a furious official before the beginning of the match).



 During the Vienna Derby in the Horr-stadium on 11 Nov 2000 the former AC Milan player and new middle-field director Dejan Savicevic has been hit by a missile and presented with xenophobic chants. In the 77th minute he kicks a corner from the left right in front of the Austria fan-sector. While he takes a run-up he can just about escape a full beer-cup thrown from the North-tribune (sector E). Following the corner-kick "Fucking Dago" chants come from the West-tribune. At the beginning of the match the following chant can be heard: "Dago-Rapid! Dago-Rapid! Gay Rapid! Gay Rapid!" FIFA referee Stuchlik did not react upon the incidents. We have not yet received reports from the Rapid-fans on the East-tribune. (source: personal witnessing of FairPlay).



Foto: Lisi Ponger

 During the return leg of the UEFA cup versus the Croatian club Osijek on 7 Nov 2000 in the Hanapi-stadium in Vienna chants of "We are no gay dagos", "Fucking dagos" and "Dago bastards" come repeatedly from the West-tribune (witnessed by M.P. FairPlay).

December 2000: Following the champions league match of SK Sturm Graz versus Manchester United on 6 Dec 2000, Sturm's president, Hannes Kartnig, in an interview with Hans Huber from the Austrian T.V. comments his clubs 0:2 defeat with the following words: "We have been playing against Manchester United and not against a nigger team." The interview has been seen and heard by 505.000 people all over Austria (compare the article on www.derStandard.at, 12/7/2000 "Manchester is not a 'nigger club'").

AHDA AHDA counsellor takes down a statement of an attack on an African client at the Westbahnhof Station. "In June 2000, I do not recall the exact date, I walk along the Gürtel Street from the Westbahnhof Station towards the South at around 11.00 pm. 50-100 m from the station I pass a group of 5-10 young men with shaved heads, boots, baggy pants, large shirts. They barge into me. I ask: "What is the matter?" And they call me "Nigger". They pull down my handbag from my shoulder and my sweater wrapped around my hips. They push me to the ground and beat me. One of them steps on my hand (3 days later a doctor takes care of that injury, a stone has been trapped in the wound). They keep beating me and pull me by the hair. I cry for help, but no one is there. I cannot tell how long they harassed me. They just leave me there, lying on the ground, crying. When I sit up a few minutes later a man asks me what has happened. I could not tell him, as I do not speak German. He leaves. A little later I walk home. My body hurts all over for several days. I did not tell the doctor I consulted from where I had the injury on my hand, he did not ask me either. "AHDA sent an anonymised fact of the state to the police.

AHDA Stevenson Anthony Maw, president and chairman of "Humanitäre Hilfe für Afrika" on 7/21/2000 is at the townhouse Park with his children when "(...) three men with shaved heads appear at the intersection at the Burgtheater. One of them wears boots, another one a bomber jacket and the third one a white shirt. One shouted: "We are the Ku-Klux-Klan! We are the new Nazis! We want no Negroes in Austria! Austria is a Nazi land! Negroes out! Negroes out! Heil Hitler!" (all that time he had his arm raised in the Nazi salute). Many people stopped and watched. One hit me with his fist on the left side of the head and I called the police right away with my mobile phone. The three ran away, towards the Burgtheater, I crossed the street with the traffic light on red. The police had told me to stay where I was but I followed the three men. A black man was standing by the Burgtheater and wanted to know what had happened. Then they attacked him too and threw him to the ground. He fell on his back and they kicked him against his head. They beat that black man for about four minutes. One of the three ran back

to me, resumed his jeers and beat me, I pushed his hand aside. He ran away. The other two ran towards the Bundeskanzleramt, across the Josef-Meinrad-Square and through the Löwelstrasse Street. The third one ran in the opposite direction and I followed him. At the Ballhausplatz Square I saw an officer and shouted for help. The skinhead ran back to the Metastasiogasse Street to the Minoritenkirche, through the Leopold-Figl Street. Two more skinheads were waiting there, one of them took a baseball club from his jacket and beat me on the back. I fell to the ground. When I got up, another one came and hit me on the left side of the jaw. Another one punched me in the ribs, what caused severe bruises, the third one stepped on my mobile phone that had fallen on the ground, then he pushed my child to the ground and stepped on the child. I tried to help the child get up and he beat it once again, while the other ones beat me. An Austrian came by and tried to help me and my child. (...) At the police station they called the ambulance. I was bleeding from the mouth, my white shirt was all stained with blood, the left knee was bleeding, the left side of the ribs were severely bruised, elbow and left hand were bleeding too, blood ran from under my fingernails from a blow with the baseball club. My nose was bleeding and my ears hurt from the fists that had hit them. Apart from that my jaws were swollen and hurt. My son's arms were injured and his stomach hurt (from the kick). What hurt me most was the injured rib. The ambulance took my children and me to the hospital, where bruises, swellings and bleeding abrasions were diagnosed. I did not see the other black man who has been beaten. I therefore do not know if he has been injured. (...) I cannot understand why nobody helped in front of the Burgtheater or at the Ballhausplatz Square, although many people were watching nobody intervened. Nobody tried to hold these people up until the police arrived, although many men were present. I shouted for help and asked to take care of my child, but no one helped. Only that one Austrian who helped me in the Leopold-Figl Street and he was all alone. " A report has been made for bodily harm and incitement. The proceedings are pending.

FairPlay reports: three members of the Austria Wien-fanclub "Die Unsterblichen" violently beat up Anthony Stevenson Maw, an Austrian citizen originally from the Sudan and his four year old son. (...) In the club journal "Austria Live" the "Austria fan-clubs condemn this incident with a clearly racist and national-socialist motivation. (Austria Live, August 00, page 13)

Initiative muslim. A passer-by spits at a woman in Islamic dress at the sub-way station Kagran. At first she believes that it was a slip. But the abuses which follow are clear: "Piss off all of you! You dirty bastards ought to go back to where you came from!!..." The woman I scared to inform her husband who is near-by, she fears he would make a public scene to defend his wife. She would feel ashamed of being in the focus of attention. She is too shocked herself to speak. She retreats quietly.

Initiative muslim. On her way back from the public library a woman dressed with a coat and a head-scarf is held up by a passer-by who threatens her coarsely: "You have to leave our Austria! Do you want to colonise us now? Hitler would have known what to do with you!" The woman is in company of her three children. The oldest son is especially shocked by the scene: "Mama, I prefer not to be an Austrian anymore if they are like that", he says.

Initiative muslim. A woman who can be identified as Muslim is sitting in the tram by the window, right next to her an Austrian man. When she wants to get out he keeps her from doing so. Upon her request to let her through he detains her physically and abuses her verbally. Only several stations later the woman can free herself, she goes to the police to make a report. She is in pain and mentally out of balance. The police refuse to take a statement or to take steps.

Initiative muslim. A Muslim woman from Egypt has four children from two to eight. She has to rely on public transport. She constantly hears people talking about her behind her back, especially if one of her children somehow behaves distinctively. As these unpleasant incidents repeat she decides to stay at home if there is no reason to go out and if she has to go, to leave the children at home. She is fed up with hearing that she only gave birth to her children for the money she receives from the state, that she and her husband lived on social welfare and that she looked disgusting.

Initiative muslim. Some Muslim women walk in the Lainzer zoo with their children. Someone addresses them loudly: "Now you even take away our woods."

Initiative muslim. A Hungarian Muslim migrant has a son who uses a private school bus service. The supervisor tells him: "Your mother looks old and ugly. Why doesn't she dress differently?" Then she asks him if he has already seen her naked and advises him to take a bath with her. A letter to the company should cast light upon the incident in order to move the supervisor to another route. The son is so scared of having to listen to these statements again that he refuses to go to school.

Initiative muslim. When looking for a parking space in a crowded shopping centre an Austrian is angry because a foreign family was quicker than he had been. He jumps at the man of Syrian origin and shouts: "This is not Persia. You can subjugate somebody else. You can do that to your wife, if you want to. Let her run around so disgustingly wrapped-up. But here you have to do what we want. Assimilate or piss off!"

Initiative muslim. When driving on a motorway a woman wearing a headscarf is impeded by the aggressive driving of another driver. After a pursuit-race both cars come to a stop. The other driver gets out of his car and yells coarsely at the woman in presence of her children. He leaves woman and children shocked.

Initiative muslim. Passengers standing in the tram's doorway stop an Austrian Muslim woman with a head-scarf from getting on. She protests and receives the reply: "We don't want you here. We have no place for you here!"

Initiative muslim. An Austrian in Islamic clothes rides the tram with her four-year-old daughter. Behind her sits a group of elderly Austrians who loudly talks about her. They criticise her looks and talk about her sexual life. They even go so far as to talk about her sexual preferences and make abundant use of words that need not be repeated in this context. A group of passengers who are standing, apparently after the end of work travelling home together laughs aloud and accompanies the conversation with unambiguous movements. The victim is deeply ashamed, the incident is even more embarrassing as her little daughter witnesses it and understands that her mother is being ridiculed. The woman leaves the car as quickly as possible. She tries to protest first but meets with no response.

Initiative muslim. "Süleymaniye Camii has been existing in the 10th district (Quellenstrasse Street 61/1) for many years by now and is frequented by many Muslims. I visited the Süleyimane mosque on 5 Oct 2000 and found the following at the entrance: rightist extremists have covered doors and walls with SS signs and swastikas. Hocan Hasan Aksoy told me that the smearing had happened about two weeks ago. He told me that the rightist activists had come twice. First with the black paint, then with the yellow paint. He presumes it has happened during the night. He usually stays in the mosque a little while after the evening prayer. He says that he is scared now of being alone in the mosque at night. (...) The police have been informed. Two officers had come to the mosque. After they had seen the smearing they said: "there is nothing we can do, paint it over. The costs will be born by the house management." The officers' reaction was not fully satisfying. They have had the feeling that the police wanted to hush up the scandal or did not take the incident seriously. Many Muslims visit the mosque on a regular basis. This is a meeting point for many people. The location is not the best. It is in the house's ground floor, there is only one entrance. If a fire was laid, terrible things could happen." (10/10/2000/Nazim Erdem, Vienna Integrational Fund, Favoriten).

Public Institutions and Authorities

ZARA Mr Z is frequently in psychiatric treatment. During his last treatment in August 2000 he is insulted as "Judensau" by a male nurse. Mr Z wants to call again, but does not do so. Therefore we take no steps.

ZARA Mr T from Zimbabwe has three kids, one of which, his twelve year old son has problems in school, especially with one teacher. We arrange an appointment and ask for an exact description of the incidents in order to assess whether the motivation for the child's treatment is racist or not. Mr T does not come to our appointment.


ZARA Mr A is desperate. His wife suffers from kleptomania and has been convicted for shop-lifting several times. The expert witness in the last proceedings decided against the two expert opinions from the hospital. Now she has been convicted to four months. The verdict has been postponed until her son's first birthday, further petitions for postponement made by her lawyer for a rash have not been assented to. Mrs A is not allowed to stay here for ten years although her husband and three children are Austrian citizens. Mr A wants to know if his wife really has to serve the sentence even if she is sick and if so if she can stick to her therapy. The doctor who treats her says that she does not have to serve the sentence. She declares her sick and unfit to be kept in prison. We ask Mr A to agree further steps with his wife's lawyer.


ZARA Mr D has served six months in prison (three months awaiting trial, three months awaiting expulsion) his asylum proceedings are pending and he has an official confirmation on a provisional residential permit. Mr D turns to us because he has been ill-treated during his sentence; necessary medication was denied to him. Now proceedings against the prison doctor, Dr L.D. is pending. We accompany Mr D to the witness hearing and to the remand judge. The proceedings are pending.


ZARA The caller tells us that her son who speaks German well is treated meanly by a teacher. A racist background cannot be stated, the caller knows no factual statements by the teacher either, but asks for advice. We advise her to talk to the teacher, the principal and the representatives of the city school senate or to change the class or school.


ZARA Mrs N is a student from Germany and lives in a catholic student home. Her friends and her are Muslims and originally from Turkey. They experience repeated discrimination in the home. The weekly magazine "Der Falter" publishes an article about it in no. 51/52/2000, page 21. We contact the home's management. They say that the situation could be solved with Mrs N and without external help. The accusations of "discrimination of foreigners" were not justified. They promise to clarify the situation. This never happened though and the issue escalates, the police escort Mrs N out of the home. We consider further steps.


ZARA Mrs F reports the following incident to us: her former husband is an Austrian citizen of Nigerian origin and was at home for a vacation. His passport gets stolen there and he turns to the Austrian embassy in Lagos where they the personnel turns him down without any explanations in an impolite way. Instead he had to ask Mrs F in Vienna for help. Mrs F decidedly intervened with the relevant ministries and authorities and finally informs the media. Mrs F tells us: " (...) information from the Lagos embassy: 'I don't talk to you, you are no party in this case.' Information from the Foreign Ministry, citizen hot-line: 'It takes ten minutes to issue a replacement passport.' Information from the Foreign Ministry, department for frontier traffic: 'We suffer from lack of personnel and really have no time at all. Does he have to come back? He knows the country, he is in good hands there! (...)' (schles), Der Standard, 5 Dec 2000). She has been reproached that several suspicions have been presented against him, among other things he was connected to the Operation Spring. Up to then Mr A has never been confronted with reproaches of any kind before. Only after long-lasting interventions Mr A was issued a temporary document. In Vienna he turned to the passport authority which kept putting him off. Mr A and Mrs F are highly concerned because all of a sudden Mr A sees himself confronted with reproaches he has never heard of and therefore cannot fight against it. A series of conversations takes place where we try to calm them both and tried to come to an agreement as to what would be the next steps. As we did not know the reproaches and the Ministry of Interiors restricted itself to ambiguous hints even when talking to the media, we wrote a petition for the information from the police records department concerning Mr A. After infinite interventions Mr A received his new passport.

 During the last months reports from clients piled up who had encountered problems at the registry office when seeking to be married. In principal marrying is open to persons seeking asylum without ID documents (if they bring their temporary residence permit, a valid registration form and a statutory declaration) whereas the rulings are handled in different, sometimes discriminating ways by the different registry offices. This sometimes is encompassed with stigmatising, discriminating behaviour on the part of the relevant agents/authorities: in a phone inquiry at the registry office by a ZARA counsellor on behalf of a person seeking asylum from Nigeria we have been imparted that on the grounds of his origin and status alone a pretended marriage was assumed. The agent's undertone was clearly marked by a belittling, discriminatory attitude towards the group of persons seeking asylum and hints to a tendency to qualify marriages between persons seeking asylum and Austrians as per se illegitimate and to make it more difficult with bureaucratic means.

 In 2000 in facilities of the Youth Office (MA 11) a distinguishing feature has been the colour of skin. After a police raid the Gesellenheim (home for apprentices) in the Zohmannngasse was no longer allowed to house black youths. In Dec 1999 black youths have been moved from the crisis centre "Am Augarten" to the "Oase" which at that time had had a considerably lower standard. In summer 2000 an instruction has been given that persons seeking asylum could no longer be hosted in MA 11 facilities, a measure that was justified through the discussions about competence between the Federal Government and the provinces. Many youths have become homeless and therefore drop out of the asylum proceedings. MA 11 does not meet its obligation facing youth refugees.

 The trial that followed the police raid in the Zohmannngasse five of the seven defendants have been declared of age by the judge -this measure has considerably increased the sentences. A previous discussion about the setting of the age has taken place. The possibilities of a medical identification of age has been evaluated as refugees very often do not have documents and their information about their own age is usually mistrusted by the Youth Office. Methods like x-raying the root of the hair or expert opinions based on the control of pubic or armpit hair or the teeth! have been elaborated frequently. An expert witness is Dr. Szilvassy, an anthropologist -who is responsible for the "Racial hall" in the Museum of Natural History which was only recently closed. In April 200 one of our African clients had to be examined by Dr. Szilvassy, following an order of an expert of the Independent Asylum Review Board. But our client refused the examination in accord with MA 11. The consensus conference "Medical Methods for Measuring the Age in an Administrative Context" has stated in March 2000 already that it is impossible to measure the age of a person with medical procedures. Now the experts of the Asylum Review Board "investigate" by appearance, at their own discretion that is.

 A Jewish driver's school pupil reported to us that her driving instructor had told her that he had an anti-Semitic attitude. The affected girl's father has immediately called the driver's school. The management there was very obliging and assured the worried father that such incidents were not accepted in the school and that it would never happen again. The Forum gegen Antisemitismus has asked other Jewish trainees if similar things had happened to them. Within a few days three other trainees reported anti-Semitic comments from their instructors. We therefore contacted the school and asked for a statement. The management again was co-operative and has questioned the instructors concerning the reproaches. Meanwhile the Forum gegen Antisemitismus works on guidelines for a non-discriminatory code for the driver's school. The school wants to adopt a mechanism to facilitate the transparent clearing up of racist, anti-Semitic and sexist discrimination.

 reports: we have made negative experiences in schools. Among others there has been an incident in a grammar school in Salzburg where a musical instructor handed out the copies of the lyrics of the "Revolt of Negroes in Cuba" without commenting it. The song contains passages like:

*(...)In the bushes in the trees hang human skeletons
And the Negroes, the little ones nag the bones
In the trees there hang bodies, below them Niggerwomen
And they are obsessed with the next human meal(...)*

Helping Hands intervened immediately at the School Inspection Council, but nobody wanted to be relevant in the first place. Only when we "threatened" with the media a relevant school's inspector could be found, who played the whole issue down but called the school and took care that this song would not be sung any more. Our conversation with the music instructor did not yield results either -because she admitted that it might have been rash of her, but for heaven's sake we wouldn't assume that she had racist ideas! As we thought that to be a meagre result we made a little project with a school class with the aim to talk to the pupils about racism, discrimination and prejudices.

AHDA Statement of AHDA concerning a letter from the Austrian ambassador Parisini to the UVS (28 Feb 2000) written on the 14 July 2000:

"AHDA, the association for Human Rights and Democracy in Africa endorses the demands of Asyl in Not to open disciplinary proceedings against ambassador Parisini. As an organisation who stands up for the rights of Africans seeking asylum we know what destiny of people who flee from Nigeria is, that the majority of citizens of this country, the Nigerians, (...) are very convincing actors in conveying deeply moving stories about violence they have suffered, acts of vengeance, etc. we could not yet establish, maybe because our director Mr Victor Ihueghian knows the situation in Nigeria very well and is aware of the fact that many of the 'moving stories' are all too true.

AHDA Mr Ihueghian, Nigerian citizen and director of the AHDA, Association for Human Rights and Democracy in Africa, is living in Austria since 1993. He is married to an Austrian since 1998. He put forward a petition for an unlimited residence permit on 18 July 2000. On 24 Oct 2000 he was issued a residence permit valid until his passport expires (15 July 2003). This contradicts the clear legal ruling. (§ 49, para 2, Alien's Act 1997).

The unlimited permit for residence has to be issued upon petition if the prerequisites for this status have been met as long as the foreigners have been married to an Austrian citizen for minimum two years and share the household based in Austria (...)

The limited residence permit in this case does not meet the legal conditions. As can be seen from the personal data Mr Ihueghian fulfils all requirements for an unlimited residence permit. In case traffic fines should have played a role in the decision there would only be two options to issue or not the unlimited residence permit. Upon request in September he was told that he met all the conditions for the issuing of the unlimited residence permit and that it therefore will very likely be granted. He received a summons for 24 Oct 2000 to produce several evidence (like the written confirmation of his salary, his wife's salary, ...). On 24 Oct 2000 nobody would speak of that any more – only upon Mr Ihueghian's firm insistence he was granted a residence permit. Questions as to why have been answered evasively. (...) After several interventions (letters to the Minister of the Interior and to the head of the police department dealing with aliens, calling in of a lawyer) Mr Ihueghian receives his unlimited residence permit.

Outline statutory provisions pertaining to combating racism

The summary below covers those (constitutional and non-constitutional [simple]) provisions in current Austrian legal practice pertaining directly to racial discrimination. It makes no claim to completeness.

Fundamental principles enshrined in European Community law

On 29 June 2000 the Council of the European Union (EU) adopted the 'Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin' [Directive 2000/43/EC] which entered into effect on 19 July 2000. The purpose of the Directive is to lay down a framework for combating discrimination on the grounds of racial or ethnic origin. At the same time Member States are urged not merely to act according to the minimum requirements laid down in the Directive, but to take all measures at the national level so as to provide for the optimal legal protection of the principle of equal treatment. Upon entering the European Union in 1995, Austria undertook to implement EU-law at the national level. By 19 July 2003 Member States shall adopt the laws, regulations and administrative provisions necessary to comply with the directive cited above which provides for the protection of private and family life, judicial protection against victimisation, empowerment of associations or legal entities to engage on behalf or in support of any victim, and the introduction of rules of evidence (burden of proof) more favourable to plaintiffs. Since, as indicated below, Austria disposes of only few legal instruments for combating discrimination, an honest application of the provisions stipulated in the directive would be desirable (see chapter 'Demands' below).

Fundamental constitutional principles

A number of provisions in the Austrian Federal Constitution contain the requirement that Austrian citizens be treated equally before the law (cf. Article 7, para. 1 of the Federal Constitution (B-VG/ Bundes-Verfassungsgesetz) and Article 2 of the Basic Law (StGG/Staatsgrundgesetz). Article 14 of the European Convention on Human Rights (ECHR) which enjoys constitutional standing prohibits discrimination. It explicitly excludes discrimination on the grounds of race, colour and national origin. The prohibition of discrimination, however, applies solely to rights prescribed in the Convention itself – in other words it applies solely to the most elementary human rights.

Furthermore, pursuant to the Federal Constitutional Law governing the implementation of 'the international agreement on the elimination of all forms of racial discrimination'(RassDisk-BVG) every form of racial discrimination is prohibited. The RassDisk-BVG, however, accords the individual no immediate legal redress, but commits the judiciary and the implementing authorities to refrain from making any distinctions solely on the grounds of race, descent or national and ethnic origin. The practice of the constitutional court has enhanced the RassDisk-BVG somewhat in that it has derived from that provision the principle of equal treatment of 'non-nationals among and between themselves'. At first sight the constitutional provisions would appear to be far-reaching, but on account of extensive restrictions they fail to offer comprehensive legal protection against discrimination.

Fundamental non-constitutional [simple] principles

At the non-constitutional level a striking feature is that those few specific instances that provide for the penalisation of discrimination are scattered far and wide over a number of different acts. As a result numerous provisions are almost generally unknown and thus hardly find application. Moreover, there is no comprehensive law devoted to this topic. On the contrary, the manner in which the few relevant provisions have been incorporated would seem to reflect the importance attached to them in Austrian jurisdiction.

Relevant provisions in administrative law

In some of the cases presented in this report, one of the possible courses of action cited was lodging a complaint pursuant to the Introductory Law to the General Administrative Procedures Act (EGVG). In itself, the EGVG cannot be deemed a 'high profile' law. It is a rather unsystematic ragbag listing provisions that obviously could not be accommodated elsewhere. That notwithstanding Article IX, para. 1 subpara 3 of the EGVG contains a provision to the effect that: ... *whosoever unjustifiably discriminates persons exclusively on grounds of their race, colour, national or ethnic origin, religion or disability or denies them access to places or hinders them from availing themselves of services that are intended for general public use, ... shall be subject to a fine of up to ATS 15,000.*

Taken at face value this regulation would seem to offer broad scope for adopting comprehensive measures against discrimination. None the less, for years on end that particular provision has been quite inconspicuous, dormant in the depths of the Introductory Law to the General Administrative Procedures Act (EGVG). Hardly any legal ruling casts reliable light on the content and purpose of Article IX, para. 1 subpara 3 of the EGVG. The first section of the law's definitional elements presents discrimination on the grounds mentioned as a general offence. The second section of its definitional elements refers to persons having been denied on those grounds access to public places (i.e. including such places as cafés, hotels and discotheques open to groups of people not more closely specified) and/or denied on the self same grounds services provided in such places which once again are intended for general public use (viz. being refused service in a café).

Victims or witnesses lodging complaints pursuant to Article IX, para. 1 subpara 3 of the EGVG are merely accorded the status of witnesses in the case itself and not being admitted as parties to the proceedings they enjoy no right to information as to the outcome. Together with the fact that the regulation sets a penal norm for the State whereas the victim is not compensated for the insult suffered, with no restitution being made, this is seen as an unsatisfactory state of affairs by those involved.

Closely linked to Article IX, para. 1 subpara 3 of the EGVG is § 87 of the Trade Licence Act which provides for the imposition of sanctions culminating in the revocation of trading licences in the event of traders displaying discriminatory behaviour. To date no cases have come to our notice where such sanctions were imposed for that reason.

As for the security police, the so-called directive for interventions by members of the public security service has been promulgated pursuant to §31 of the Security Policing Act. The directive stipulates that in the execution of their duties police officers and gendarmes have to pay particular attention to human dignity. § 5 of the directive reads: *In going about their duties, agents of the public security service have to refrain from all manner of activities that might give rise to the impression of prejudice or could be perceived as discrimination on grounds of gender, race or colour, national or ethnic origin, religious denomination, political opinion or sexual orientation.*

In those cases presented in the Racism Report involving the police, a number of references have been made to lodging an internal complaint on the basis of the above mentioned directive as a possible means of securing some form of legal redress. A complaint of this kind has to be addressed to the Independent Administration Review Board which then commissions the administrative supervisory authority concerned to investigate the matter and then inform those involved whether in fact an infringement of the guidelines took place or not (I hate the 'or not' as it is logically redundant, but you can keep it if you want). Should the complainant not be in agreement with the findings of the administrative supervisory authority, he or she may seek a decision of the Independent Administration Review Board which however merely limits itself to adjudging whether an infringement of the guidelines occurred or not.

With effect from 1 January 2000 provision has been made for entering into a 'frank discussion' with the agent(s) involved in the complaint instead of merely establishing whether an infringement had occurred. By this means the person involved has an opportunity to describe to the agent(s) the manner in which their behaviour was perceived and felt. Under certain circumstances a discussion along these lines can be more satisfying than merely establishing that the directives had been infringed. Regrettably, the decision whether these 'settlement talks' take place rests with administrative supervisory authority.

Relevant provisions in the Penal Code

a.) Aggravating factors

Legal rulings are characterised by elements constituting an offence and the legal consequence thereof (sanctions). Sanctions in the Penal Code (StGB) are formulated in terms of imprisonment and fines. The court has to determine the extent of the punishment in accordance with principles that are also laid down in the Penal Code. § 33 of the StGB cites reasons that are to be considered particularly reprehensible when determining the punishment. § 33 sub-para. 5 of the StGB considers it to have an aggravating factor when 'the culprit has acted out of racist, xenophobic or other singularly reprehensible motives'. The court thus has to investigate the motivation and as appropriate deem it an aggravating factor.

b.) Insults

In the event of being insulted in public or in the presence of several persons (two of whom should be distinct from the insulter and the insulted) by somebody (for example by swearing, showing disrespect by means of signs and gestu-

res, or such actions as spitting or threatening grievous bodily harm), the person insulted can demand that the culprit be punished pursuant to § 115 of the StGB. That paragraph defines an offence subject to private charge; i.e. the charges are preferred by the person(s) insulted and not by the public prosecutor (public attorney). This means that in the event of the insulter being acquitted the insulted party has to bear the legal costs.

Especially racist insults can be pursued pursuant to § 117 para. 3 of the StGB. The assumptions correspond to those pursuant to § 115 of the StGB, going beyond them in that the insult ensued on grounds of insulted person's affiliation with a specific group (...member of an established church or religious community, of a race, people, tribe or state...). This is deemed an 'enabling or empowerment offence', with the person insulted being able to assign informal written power of attorney to the public prosecutor, whereupon the latter is obliged to pursue the matter officially and the victim does not incur the risk of having to bear the legal costs. That notwithstanding, the public prosecutor does not have to initiate court proceedings in every instance, should he/she believe that the evidence is wanting. Should no inquiry be held, the victims are once more left to their own devices.

c.) Incitement

By virtue of § 283 of the StGB, a person is deemed culpable of incitement:

(1) who incites or instigates in a manner liable to jeopardise public order an inimical act against a church or religious community established in the country or against a group determined by their affiliation to such a church or religious community, or to a race, people, tribe or state, or

(2) who agitates against or insults in a manner defamatory to human dignity or endeavours to condemn one of the groups defined in para. (1).

The crime is liable to a term of imprisonment of up to two years.

The persons so protected comprise groups displaying features in common (individuals who have been insulted can only resort to the provision contained in §§ 115 and 117 of the StGB). Legal redress is not provided for in instances of incitement against 'foreigners' in general, since for want of the corresponding features the latter do not belong to one of the groups cited in § 283 of the StGB. Incitement against Romanians, Poles or Áfricans', however, would constitute an offence in principle, yet it would also have to incur instigation or incitement likely to disturb the peace (para. 1) and/or constitute an insult or condemnation defamatory to human dignity (para. 2). For the most part, the elements constituting the offence are not precisely stated, further to which they are defined very narrowly, so that neither legal practice nor theory provides an unambiguous indication of the point at which the facts of the case constitute an offence and qualify as incitement.

The provision pertaining to incitement also vies with the Prohibition Act drawn up to combat the resurgence of National Socialist activities.

Fundamental principles in civil and labour law

The sphere of civil law (the sphere in which private individuals conduct legal business with each other) is completely devoid of any directives that might offer legal redress against racial discrimination. On the one hand Austrian civil law hinges on the basic principle of private autonomy (simply stated; everybody is free to choose his or her own partner) while on the other hand basic rights apply only in relation to legislation and its enforcement (the issue of the impact of basic rights on third parties)..No effective legal instrument is to hand that could be applied to address the problems encountered in cases relating to the labour and real-estate markets, nor to the highly problematic classified ads for housing and jobs with their supplementary remarks about 'Austrians only' ["Nur Inländer"].

A prominent feature in the sphere of labour law is § 4, para. 4, sub-para. 3 of the Aliens Employment Act (AusIBG) pursuant to which it is prohibited to employ non-nationals at rates of remuneration and under conditions of work inferior to those stipulated for nationals.

Our demands

1. Acceptance of the fact that Austria, was, is and, it is hoped, shall remain an immigration country

Migration and racism are part of one and the same equation. Not in the sense that the number of migrants is proportionate to the degree of racism, but in the sense that fundamental attitudes towards immigration are reflected in the general mood towards individual immigrants which, in turn, can develop into racism. Both scientific and demographic evidence clearly point to Austria being an immigration country. The only thing missing are the political conclusions to be drawn therefrom.

2. Review and improvement of immigration policy

Legislation pertaining to aliens continues to be basically designed to assure the country the greatest degree of isolation where migrants are concerned. Migration is perceived as posing a risk rather than offering an opportunity. Instead of seizing that opportunity at the level of society as a whole, immigration policy is discussed solely in economic terms. In so doing, however, no moves are made to adopt a properly guided migration policy, in the pursuance of which migrants who are so desperately needed are welcomed with open arms. On the contrary and almost with a gnashing of teeth, a few migrants are granted entry into the country more or less on sufferance. Existing openings are all too frequently ignored. Reality shows us that between the EU-countries in particular, migrants are being competed for so that high social standards might be maintained. A few minor adjustments to current legislation would already help:

- Linking residence and work permits: people who live here should be permitted to work here
- Easier shift from the status of employee to that of self-employed and vice versa
- Provision of assistance in setting up businesses
- Greater flexibility in legislation governing employment.
- Simplification of procedures for the re-unification of families
- Making it easier for graduates of Austrian universities to extend their stay in Austria and enter the labour market. Despite the low number of students graduating from Austrian universities by international standards, foreign students (almost without exception) are obliged to leave the country upon completion of their studies. The State would do well to act more in its own interest: at least during vacations foreign students should be permitted to take jobs.

3. An honest integration concept

Integration is repeatedly used and abused as a slogan. As a slogan, however, it is useless. Integration describes a process whereby previously separate parts grow together to form a larger whole and belong together. In calling for a unilateral and as perfect as possible adaptation of a minority to the social majority, the concept of assimilation yields in purely quantitative terms a greater volume of what is 'presumably the same'. In the course of that process, however, much gets irretrievably lost since it entails abandoning everything in terms of such societal assets as experience, knowledge and culture that were not already specific to the majority.

A process of integration designed to yield 'value-added' should offer an opportunity to exploit that potential and despite that fact – or precisely on account of that fact – offer a sense of belonging. It is no mean task and demands a lot of everybody, primarily the migrants. At the same time, the social majority should also become involved in the process, if it is to succeed. To that end certain basic requirements have to be established.

As the first of many possible measures, we demand:

- Political co-determination for migrants, e.g. the right to vote and stand for election at the municipal level and in labour and other professional unions/associations
- An active desire for a multifaceted society
- Fuller recognition of training and professional experience gained abroad
- Automatic granting of citizenship to children born in Austria (with provision for dual citizenship)
- Staff recruitment procedures for senior posts in the public domain (such as the law enforcement services) targeted towards migrants

4. A comprehensive anti-discrimination package

The Racism Report reveals that in the many instances where discrimination has demonstrably occurred, legal provisions and countermeasures have proven to be inadequate, highly complicated in their application and cost-intensive – or simply quite unfeasible. Austrian jurisdiction does not do justice to the enormous volume and variety of factual discriminatory acts. In particular, the very fact the limited number of viable legal devices are for the most part seated in the Penal Code has also proven to be quite ineffective as borne out by experience in other countries. There is a need for:

- The expungement of all discriminatory rulings from current legislation insofar as they relate to so-called 'third-country nationals' and not merely to EU-citizens.
- An anti-discrimination law that is primarily founded in the Civil Code, providing at least for:
- The introduction of rules of evidence more favourable to plaintiffs (burden of proof)
- Compensation provisions that act as a genuine deterrent
- An effective ombudsman scheme
- Accordance of priority to out-of-court settlements
- Empowerment of associations or legal entities to engage in legal proceedings on behalf of victims
- Measures against psychological pressure tactics (mobbing) and defamation
- Complaint procedures that at least reduce the associated financial risk

5. Reworking of current legal regulations pertaining to anti-discrimination

5.1. 5.1 Demands in the sphere of administrative law

Security Policing Act/ law enforcement services in general

5.1.1 Victims who have suffered racial abuse at the hands of the police and wish to lodge a complaint with the Independent Administration Review Board run a considerable risk. For the most part their statements stand in opposition to the frequently conflicting statements delivered by the number of police officers involved. Thus, they can hardly expect anything more from the proceedings than a finding or judgement as to whether a guideline was infringed or not. Given the preponderance of identical statements by the police officers, the victim's version of events is usually treated with disbelief. In view of the fact that police officers swear an oath of office, their statements even under such circumstances are accorded a greater measure of reliability and credibility than those of the victim(s). All too often the self-same argument is used to brush aside any inconsistencies. Damages are strictly limited and have to be claimed via a separate procedure (public office liability procedure). That notwithstanding, those who take on all the discomfort associated with these proceedings should be taken seriously and offered a fair chance to present his/her case. We thus demand that:

- Since complaints pertaining to the infringement of guidelines and other measures serve to assert fundamental claims to human rights, their review should not entail costs. For those in financial need, full legal aid (including legal advice) should be provided for cases being submitted to the Independent Administration Review Board.
- Linkage of judgements in respect of complaints about infringements of guidelines and other measures to claims for compensation
- Conduct of proceedings before the Independent Administration Review Board as a human rights issue, with the State assuming liability for measures adopted by its agents/officials, irrespective of the individual responsibility incumbent upon the agents/officials. Such an approach would not only pave the way to the introduction of rules of evidence more favourable to the plaintiffs (burden of proof), but it would also make their introduction essential.

5.1.2 Police officers' ID numbers visibly displayed at all times

According to the Security Policing Act, any person involved in an official act has the right to information about the ID number of the officials/agents involved. Our experience, borne out by the flood of calls to ZARA and the cases cited in the Racism Report, shows that asserting that right is often very complicated and compliance is often refused outright. All too often insistence on that right leads to an escalation of the situation and in many instances the officials/agents interpret the exercise of that right as 'aggressive behaviour towards agents of a supervisory authority' (§ 82 Security Policing Act) or as 'resistance to executive power' (§ 269 of the Penal Code). However, in order to be able to lodge a complaint about incorrect treatment by a police officer, knowledge of the ID number of the officer(s) in question is needed.

We thus demand that in Austria – as is practice in the United States – police officers should visibly display their ID numbers on their uniforms.

5.1.3 We demand that civil service recruitment practice should draw on discriminated minorities so as to be more in keeping with a multicultural and open society.

5.1.4 A police officer's job is psychologically draining and stressful. They often have to intervene and mediate in situations marked by clashes of opinion where all other mechanisms have failed. We thus demand that officers/agents receive better training in applied and applicable dispute settlement techniques and be provided with regular psychological counselling (supervision) – and not merely once the effects of their strenuous occupation become apparent.

Introductory Law to the General Administrative Procedures Act (EGVG)

In cases pursuant to Article IX EGVG (see section on fundamental principles) we demand a move away from a claim to punishment on the part of the State to compensation for damages for the victims of such discriminatory acts according to the principle of diversion vested in trial procedures (apology, monetary or other compensation) as well as appreciable measures of punishment for serial offenders.

Given the extent of the settlement arrangements provided for, having the ruling seated in the Introductory Law to the General Administrative Procedures Act (EGVG) would hardly seem to reflect the importance of the regulation (see section on outline statutory provisions). We thus demand that it be incorporated in the Penal Code. On the one hand this would certainly lend greater significance to this pivotal ruling and on the other hand it would mean that ab initio an independent court with all the possibilities that entails would be entrusted with coming to a decision.

5.2 Demands in the sphere of the Penal Code

5.2.1 Strengthening § 283 of the StGB

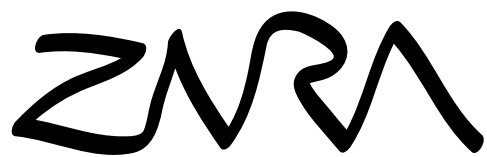
Defamatory publications about and incitement of hate towards certain segments of the population is one of the most despicable forms of racism. Experience to date with § 283 StGB and a review of court practice have shown that interpretation of this particular paragraph has been particularly narrow. We thus demand a strengthening of the provisions contained in § 283 to the effect that incitement does not have to correspond to complicated factual circumstances, but it should provide for penalties for every form of defamation of the group of persons so identified. A particular demand is that incitement against migrants, 'foreigners', 'strangers', etc. as such should fall within the general purview of the legal norm set in this paragraph (at present this is not covered for want of subsumption under one of the groups cited in § 283 para. 1 StGB - see section on outline statutory provisions).

§ 283 StGB is tucked away in the twentieth section of the Penal Code under the heading 'Punishable acts disturbing the public peace'. Its location would seem to be misjudged, since the item to be protected is not so much the public peace alone, but protection should rather be afforded to those persons and groups of persons who are the target of incitement.

5.2.2. Penal system:

ZARA receives repeated calls or letters from people serving prison terms who complain about racist treatment in such institutions. These incidents have not been recorded in the Racism Report: on the one hand out of fear of the informants having to bear the consequences and on the other for want of adequate means of investigation. Pursuant to the Prisons Act, complaints about racial or other forms of discrimination on the part of the prison wardens have to be submitted to the prison governor and then only within a very narrow time-frame. This form of complaint can bear very negative consequences for the complainant. We have received repeated reports that complainants, particularly blacks, are provoked and taunted with 'bimbo', 'nigger' and similar jeers. If they try to defend themselves against beatings, they invariably find themselves cast in the role of the assailants and subject to being penalised for inflicting 'grievous bodily harm'(§ 83 StGB) or 'assailing an officer'(§ 270 StGB).

We demand that prisons be placed under impartial, external control. This could follow the pattern already established with the Advisory Board on Human Rights, with the realm of responsibility encompassing those (police) custodial establishments subordinate to the Minister of the Interior.



Zivilcourage und Anti-Rassismus-Arbeit

ZARA - Counseling for Victims
and Witnesses of Racism

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