



European network against racism

ENAR Shadow Report 2007

ENAR SHADOW REPORT 2007

Racism in Austria

Dr. Di-Tutu Bukasa

"Die Bunten" - Forum for Dignity, Justice and
Democracy

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Table of contents

1. Table of contents	3
2. Executive summary	4
3. Introduction	6
4. Communities vulnerable to racism	7
5. Manifestations of racism and religious discrimination	12
5.1. Employment	12
5.2. Housing	13
5.3. Education	14
5.4. Health.....	17
5.5. Policing and racial profiling.....	18
5.6. Racist violence and crime.....	20
5.7. Access to goods and services in the public and private sector.....	21
5.8. Media, including the internet.....	22
6. Political and legal context	23
6.1 Anti-discrimination	23
6.2 Migration and integration	25
6.3. Criminal justice	27
6.3.1 Racism as a crime	28
6.3.2 Counter-terrorism	29
6.3.3 Racial profiling	29
6.4 Social inclusion.....	29
7. National recommendations	32
7.1 General	32
7.2 Anti-discrimination	33
7.2.1. Spread knowledge about racist normality:	33
7.2.2. Self-empowerment within migrant organisations:.....	33
7.2.3. Antidiscrimination in our own social contexts:	33
7.2.4. Developing and promoting alternative concepts of society:.....	33
7.2.5. forming alliances:.....	34
7.2.6. framing conflict:	34
7.3. Migration and integration	34
7.4. Criminal justice	35
7.4.1. Racism as a crime	35
7.4.2. Counter terrorism.....	35
7.4.3. Racial profiling	35
7.5. Social inclusion.....	35
8. Conclusion	36
9. Bibliography	37
10. Annex 1: List of abbreviations and terminology	39

2. Executive summary

The following paper documents racism and discrimination in Austria in the year 2007 with the objective to discuss three main issues:

- Even in a democratic and neutral country like Austria, fundamental human rights as well as the principles of equal treatment are not equally established for everyone. Ethnic origin, skin colour, names or accents are all still causes of discrimination and racism. The report takes into consideration the various experiences of NGOs dealing with everyday and institutionalized racism.
- The fascist historical past of Austria still plays a major role in the country's political landscape: The FPÖ (Freedom Party of Austria) and the BZÖ (Alliance for the Future of Austria) but also the big political parties such as the ÖVP (Austrian People's Party) and the SPÖ (Social Democratic Party of Austria) play with public fear in order to strengthen people's national identity and nationalist feelings, but not their European identity. This lies behind the conflict between governing parties, opposition parties and human rights NGOs.
- The dynamics of these problems allow a certain kind of manifestation of racist and discriminatory attitudes. NGOs have developed practices to face racism and discrimination in different ways, according to their own goals and activities. But racism and discrimination are not only a reality in the precarious life of the so-called "aliens" (Fremde), foreigners, asylum seekers, etc. They are also a reality for a very well integrated group, namely, the so-called "second generation", which speaks German, but, nevertheless, faces racism and discrimination of an even more extreme nature. Discrimination and racism against these *Austrians* opens a new perspective on racism and discrimination and should therefore initiate a new debate on the qualities of human rights in order to write a new chapter in the development of democracy.

An interpretation of politicians' behaviour and attitudes in the context of internal conflicts would furnish ample evidence that racism is always related to the three factors mentioned above: Racism and discrimination are linked to policies which exploit problems concerning "aliens". But their attitudes always seem to be well-founded – which is not surprising as it is part of a politician's job to create this impression. This phenomenon is conceived as institutionalized racism, as expressed in legal policy and democratic laws and rules ... The implementation of the *Austrian Aliens Law Package* (Fremdenrechtspaket), with its racist and discriminatory elements, reflects the deep gulf that divides society. There is a dualism between post-fascism and xenophobia on one hand and the efforts of democratization of institutions on the other hand.

- **Case studies**

This report includes information from Austrian NGOs (selected according to their own activities and goals throughout 2007), in order to give the NGOs an opportunity to make an evaluation of that year. In this context, we expect NGOs to build a networking common document, which may lead them through cooperation with national and international organizations to an alternative in important questions of *civil society*.

We also present a number of cases exemplifying racism and discrimination. In addition, we would like to direct your attention to ZARA, the Austrian NGO specialized in documenting cases.

- **Conclusions and recommendations**

The statement that "Austria is not a country of immigration" appears strange, considering that the Austrian population consists of a considerable number of immigrants and minorities which constitute a major part of Austrian society. There is a need in this country – just like in any other European country – to build acceptance for diversity. The main problem in Austria is not "migration as such" but Austrian migration policy and the negative image of all migration issues conveyed by decision makers, political parties and the media. As a consequence, the Austrian population is systematically influenced in a negative way, especially regarding immigrants, refugees and asylum seekers. It is a political rather than a psychological phenomenon that people in need (rather than the economically and ideologically powerful) are considered to be a threat by a society that lacks solidarity.

This leads to the following recommendations:

- Austria needs immigration to develop the value of democracy.
- Austria needs a more effective networking of NGOs and CSOs (civil society organisations) which enables them to participate in the decision making process at national and European level.
- An Anti-discrimination Law has to be established.
- The so-called Austrian *Aliens Law Package* should be abolished.

3. Introduction

In Austria, 2007 was a year characterised by the struggle against the *Aliens Law Package*, which was adopted in 2005 and implemented in 2006. This law, which was introduced by the former Minister of the Interior, Liese Prokop, caused a lot of human rights violations, such as the practice of detention pending deportation (Schubhaft), deportation and the complication of the asylum procedure (Erschwerung der Zulassungsverfahren). Minister Günther Platter, Prokop's successor, initiated the *Platform for Integration and Security* ("Integrationsplattform"), which led to a lot of debates among politicians and NGOs. 2007 also saw extraordinary insults and denunciations directed against "aliens" in general by the Freedom Party of Austria, (FPÖ), its leader H.C. Strache and Jörg Haider's Alliance for the Future of Austria (BZÖ) as well as a shift of opinion within the governing ÖVP on the topic of Islam.

The focus of this report is summarized in the following five points:

1. The statements of the people concerned (NGO representatives) have shown that racism and discrimination in Austria is exclusively directed against immigrants - asylum seekers, refugees, foreigners and Austrian citizens of other cultures and their descendants.
2. There is an ambivalent relationship between Austria and Eastern Europe. On one hand, the opening of Eastern borders has induced decision-makers to use exaggerated mechanisms of protection. On the other hand, for many people in Austria the living standard increased due to the opening of borders and Austria's membership to the European Union. While the numerical size of the Austrian middle class has increased and the purchasing power has climbed by 2% to 122 billion Euro, 67% of the Austrian population fear a reduction of their standard of living. Consequently, foreigners and asylum seekers who enter the country are not always welcomed by the population.
3. The first two problems create a multiplying effect, namely, that asylum seekers do not have access to employment. Their life is dominated by restrictions and therefore illegality.
4. The institutionalized policy of racism and discrimination has resulted in certain minority groups' resorting to drugs and other illegal activities in order to survive.
5. Access to employment is crucial for successful integration.

4. Communities vulnerable to racism

Since 1945, Austria has developed into one of the principal transit countries for refugees, mostly from Eastern Europe. Between 1945 and 1990 about 650 000 people travelled through Austria in order to reach another European country. Refugee and asylum policy has always been a symbolic component of Austria's identity¹. However, in recent years the number of "newcomers" in Austria has declined; so much so that on 1st January 2007 there were only 826 013 (9.95%) citizens from foreign countries in Austria. 275 884 of these foreign citizens came either from an EU or EEA country, 550 129 came from third countries (Drittstaatsangehörige) and have the permission to work in Austria. The majority of foreign citizens come from former Yugoslavia (297 141) and the Republic of Turkey (108 000). German citizens meanwhile form the second largest foreign group in Austria, with 113 668 persons.

Roma and Sinti Communities

The majority of Roma (including Sinti as well as other groups) living in Austria today came with the influx of immigrant workers from South-Eastern Europe, from Serbia, the Vojvodina, Macedonia, and Turkey during the 1960s and 1970s and have since then found a new home in Austria. There are no exact figures about how many Roma and Sinti are actually living in Austria today. According to cultural organisations and representatives of this minority, there are between 10 000 and 40 000. Other sources speak of 20 000-25 000 people. In 1993, the Austrian Parliament officially recognised the Austrian Roma as the sixth ethnic minority². The main reasons for their discrimination revolve around unsolved prejudices and the persistent lack of fundamental rights, says Siegfried Schrittwieser, President of the Regional Assembly of Styria.

At "Die Bunten", 830 members of the Forum for Dignity, Justice and Democracy³ (which amounts to 93% of the total membership) are Roma. Their main preoccupation is the distribution of the magazine. "Die Bunten" have come to the following conclusions: Most Austrian people are prejudiced against Roma because of their appearance, their behaviour, because of the fact that they often appear in large groups, and because of problems like begging. "Die Bunten" analysed this question in a sociological and psychological context and found out that the situation for the so-called "aliens" (Fremde) has not changed much since the '30s: Through their nomadic life and other customs, like their way of

¹ Bauer, T., Werner, Österreichische Gesellschaft für Politikberatung und Politikentwicklung-OGPP, 2008, 'Zuwanderung nach Österreich', Vienna, p. 4

² Together with the Slovenes of Carinthia and Styria, the Croats of Burgenland, the Hungarians of Burgenland and Vienna and the Czechs and the Slovaks living in Vienna.

³ Die Bunten: This NGO was founded in 2001 to address problems of racism and discrimination in Austria. The chief aim of "Die Bunten" is to deal with the problems of human and fundamental rights. To achieve its aims this organization has created a newspaper called "Die Bunte Zeitung" (journal for diversity – media for dignity, justice and democracy). The aim of "Die Bunte Zeitung" is not only to inform about the phenomena of migration, diversities and integration from the point of view of minority groups, but also to analyse their implications and to emphasize societal change. This newspaper is the first popular newspaper of its kind, being distributed all over Austria (not only in Vienna). The association "Die Bunten" is in close contact with several scientific institutes.

exchanging goods and of communicating through music, living conditions of Roma can be seen as an indicator for the degree of European integration, for the importance of values and human rights. "Die Bunten" organization has pointed out that any evaluation of a democratic society has to assess the living conditions of its minorities. The Roma in European countries represent the latent conflict between sedentary culture and nomads (Sesshafte/sesshafte Kultur vs. Nomaden/Migrationszivilisation), thus challenging the value of social stability. Reactions by Austrians towards these nomads reveal nationalism (homogenous self-protection) in the name of security which is in fact an emotional habit.

The second part of the "Die Bunten" analysis relates to the film *Bare Droma*⁴ and an interview with its director Norbert Prettenthaler. According to research carried out for the movie, which took four years before being finalised, the main problem of the Roma in Austria, and all over Europe, lies in the fact that access to the job market is nearly impossible. At most, they are employed unofficially for two or three days, under the worst conditions and without social security. But the majority of the Roma people (in Graz for instance, nearly 80%), are compelled to beg to earn their living. They earn between 10-20 Euros per day.

Prettenthaler emphasizes that Roma children have to face serious problems when begging, such as the fact that they cannot attend school. Roma education levels are very low. It was reported in 2007 that the number of Roma children who dropped out of school increased, due to poverty, care for younger children, lack of language skills and the frequent involvement of children in "income generating activities".

Professor Rudolf Sarközi, Chairman of the Cultural Association of Austrian Roma, states that political representatives must reduce marginalisation by eliminating racist prejudices and ensuring better and equal access to education and to social, health, and housing services in the next years. But the Roma themselves will also have to develop new ways of cooperation with the majority population in Austria in order to improve their living conditions.

Foreigners, Asylum seekers, "aliens"

Statistik Austria⁵: **Population in Austria on the 01.01.2007 according to their nationality**

Nationality	01.01.2007	01.01.2008	Changes
Total	8 298 923	8 331 930	33 007
Austria	7 472 910	7 477 178	4 268
born in foreign countries	826 013	854 752	28 739
EU-26*	275 884	301 692	28 739
Germany	113 668	124 088	10 420
Third countries	550 129	553 060	2 931

⁴ KiG! Kultur in Graz, Prettenthaler, Norbert, „Bare Droma“, <http://kig.mur.at.kwml.net>, March 2008.

⁵ Statistik Austria, Statistik des Bevölkerungsstandes, http://www.statistik.at/web_de/presse/031034, Mai 2007.

Europe beyond the EU	442 010	439 627	- 2 383
former Yugoslavia (without Slovenia)	297 141	292 169	- 4 972
Turkey	108 808	109 716	908
Africa	20 897	21.486	589
America	16 898	17 748	850
Asia	54 855	58 361	3 506
Oceania	1 310	1 360	50
stateless	14 159	14 478	319

*EU-26: member countries without Austria

Africans

The African population faces severe and multiple forms of discrimination in Austria. Young Nigerians in particular face significant problems, and are hardly ever granted asylum if they apply for it.

In 2007, the "Asylkoordination"⁶ notified:

394 asylum requests have been made by people from Nigeria . There were 534 asylum arbitrations (including cases from 2006), 514 of them were negative .	761 asylum requests have been made by people from Afghanistan . There were 648 decisions, 151 of them were negative .
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Asylum seekers easily get into a vicious circle, caused by the restrictive legislation which does not allow them to work in Austria as long as their asylum status is not settled positively. The situation often leads young men into drug dealing and young women into prostitution. If any contraventions occur during their asylum procedure, the person will not be allowed to stay in the country. The situation is deteriorated by prejudice against African people propagated by political leaders and public opinion, boosted by crime reports in newspapers.

- Young Africans cannot obtain housing by renting an apartment, because every landlord knows that they are financially unstable and will sooner or later be unable to pay the rent.

- No asylum seeking African can get married to an Austrian. This is forbidden by law. This means that if you are an asylum seeker and you want to get married to an Austrian woman (or to a man) you are obliged to apply for a visa in your home country. This procedure can take years. This is a general statement by the project "*Ehe ohne Grenzen*"⁷. All of this shows that not only asylum seekers suffer from discrimination but also partners and children of bi-cultural marriages.

⁶ Asylkoordination Österreich, *Erladigung der Asylbehörden nach Herkunftsland 2007*, <http://www.asyl.at>, 2008.

⁷ Ehe ohne Grenzen, <http://eheohnegrenzen.sosmitmensch.at/>

Muslims

In Austria, nearly 74% of the population are Catholics, 4.7% are Protestants and 4.2% are Muslims. Although there are nearly as many Muslims as Protestants in Austria, public opinion does not accept free practice of Islam in public out of fear that the number of Muslims will increase. In fact, the year 2007 saw the most shocking statements ever made against Islam in Austria, such as "Mohammed was a child abuser"- as claimed by the Austrian politician Susanne Winter (FPOE). It seems that the aversion to Islam in a number of Austrians has been deliberately turned into real Islamophobia, explainable through Austrian history (Turkish Sieges of Vienna in 1529 and 1683) and cultural differences.

Jewish Community

According to the Ministry of Foreign Affairs, there are 13 authorized churches and religious communities in Austria, the Jewish Community being one of them. Thus, the community with its 7 500 members has several rights, such as free practice of religion, administration of internal affairs of its members or the right to open schools as well as the right of giving religion classes at public schools. Discrimination of Jewish people is ambivalent: on the one hand, there are annual commemorations of nearly all political parties referring to Austria's role in the Holocaust and in the Second World War, on the other hand admission of responsibility and payments to victims still cause rejection among fragments of the population.

Guest workers/seasonal workers

Although the so-called "first generation of guest workers" (erste Generation von Gastarbeitern) have already reached retirement age and the number of elderly foreigners has risen in Austria, it was noted that many young men and women came to Austria during the recent immigration fluxes from Germany and the new EU member states. Thus, migrants from the EU Member States are significantly younger than foreign residents in Austria.

Population from foreign countries in Austria by age in 2007 ⁸

TOTAL: 8 2989 23	826 013 don't have the Austrian citizenship and 7 472 910 are Austrians				
population	Men	Women	> 19	20-64	65 <
foreign origin	425203 (51.4%)	400 810 (48.9%)	176 465 (21.3%)	604 000 (73.1%)	45 548 (5.5%)
Austrians in %	48.3%	51.7%	21.6%	60.2%	18.1%

⁸ Schallaböck, Ursula and Fassmann Heinz, *Bedeutung des Wohnens für Integrationsprozesse*, Bundesministerium für Inneres Abt.I/5, "gemeinsam kommen wir zusammen" Expertenbeiträge zur Integration, p. 97

Austrians of the "second generation"

An assessment of the situation of the "second generation" indicates a vast gap between the human rights standards and the omnipresence of discrimination and racism in Austria. During Günther Platter's "Integrationsplattform" in 2007, the Minister of the Interior clearly stated that young people, from the second and third generation especially, have difficulties in finding their place in society. Offers for participation don't seem to be interesting for them and, as a consequence, they are victims of marginalisation. 'But this doesn't help those young people in the long run and we (the decision makers) will not accept that.' The reality is different: Social, economical and cultural structures facilitate the establishment of second-class citizens, the second generation. Unlike their parents, they know the "rules of the game" in Austria from the day of they are born. Everyday discrimination and the fact that they get less encouragement and less opportunities at school and in their job careers are part of those rules.

5. Manifestations of racism and religious discrimination

This section provides an overview of the situation of racism and discrimination in Austria in the fields of "Employment", "Housing", "Education", "Health", "Policing and racial profiling", "Racist violence and crime", "Access to goods and services in the public and private sector" and "Media, including the internet".

Currently there are 1.4 million people with migrant background living and working in Austria. 824 000 of these people don't have an Austrian passport. 'Integration is essentially the opposite of assimilation and as such it also includes the redefinition of our own culture', says Dr. Kurt Flecker, Deputy Head of the Regional Government of Styria. Manifestations of racism and religious discrimination always combat against educational and progressive measures and strategies. The knowledge of their dynamics is therefore very important for governing parties, non-governmental organizations and voters.

5.1. Employment

Case 1: The effectiveness of politicians regarding the discrimination of Muslims in Austria also influences the population, especially in the employment sector:

Ms Ö. was born in Turkey and lives in Carinthia. After successfully concluding her medical studies, she applied for a position at a general practitioner's surgery in June 2006. The GP's wife, a medical doctor herself, was also present at the job interview. When it turned out in the course of the conversation that Ms Ö. was Muslim, the doctor's wife said that she could not possibly accept her; she could not tolerate Muslim women in Austria because of the fact that women were suppressed in Islam. Ms Ö. tried to argue against that. The following day, the GP left a message on her answering machine, telling her that he could not give her the job. Ms Ö. turned to ZARA. After extensive counselling, ZARA drafted an application to the Equal Treatment Commission (ETC) on behalf of Ms Ö., calling for a finding of discrimination within the meaning of the Equal Treatment Act.

What happened in 2007:

More than eight months after the application, the hearing of Ms Ö. before the ETC took place. Four months after, i.e. a year after the application, Ms Ö. received the ruling of the ETC. The ETC did not find that she had been discriminated against, on the following grounds: The doctor's wife is not part of his "business", therefore the conversation between Ms Ö. and the wife did not qualify as part of the job interview but as a private conversation. Furthermore, the candidate that was hired was better qualified "without any doubt". The latter assessment was made by the Commission although the members of the deciding Senate had never seen Ms Ö.'s application papers and never asked for them,

either. A summary is available at:
[://www.frauen.bka.gv.at/DocView.axd?CobId=24556](http://www.frauen.bka.gv.at/DocView.axd?CobId=24556) .

This finding highlights the evident problems inherent to ETC procedure: The very long-winded proceedings, the problem of burden of proof and the collection of evidence, and the lack of a possibility to appeal against a ruling. This as well as other ETC rulings caused ZARA to bring a complaint before the Austrian Ombudsman Board together with the Litigation Association of NGOs against Discrimination. More information is available at:
<http://www.klagsverband.at/archives/92>.

"SOS Mitmensch"

Fieldwork in the area of integration and human rights as well as interviews with the organization "SOS Mitmensch" have revealed that access to education and employment is crucial for the integration of refugees.

Mr. Philipp Sonderegger, spokesman of "SOS Mitmensch", emphasises that "SOS Mitmensch" is not a social welfare organisation but a pressure group which gets directly involved in public disputes dealing with human rights issues: asylum, refugees, gender and equality. The organization is also concerned with problems connected with racism.

"SOS Mitmensch" feels that in a society like Austria, everyone should have financial security, according to the resources and opportunities which this country disposes of. The organization currently focuses on the distribution of wealth and human rights. There are groups in the population who are underrepresented. One of the important aspects of "SOS Mitmensch's" work is to establish a link between economic interests, social welfare and human rights. At present, there is no link between the distribution of wealth and human rights. As the established parties are not likely to take up these issues, Mr. Sonderegger believes that civil society organizations will have to do so.

There are two components in pursuing the aims of "SOS Mitmensch: Firstly, to express the right of free movement for everyone, so that discussions on this issue can start and that eventually existing borders would be opened to everyone. Secondly, one has to get politically organized. This is often hampered by organizational and structural problems. The important point is to link human rights with the perspective of getting employment.

5.2. Housing

According to the persons responsible, racism and discrimination in the housing sector has to do with the fact that parts of the housing market are inaccessible to immigrants.

The current situation for asylum seekers, who are not allowed to rent an apartment, impairs their living conditions. This leads to dishonesty on the one hand, because people are forced to lie, or to resort to illegal practices on the other hand.

Case 1 : According to different cases of young people who want to improve their life in Austria it is usual and well known, that asylum seekers and people who originally come from the southern hemisphere don't get an apartment to rent. For those people who lived in Austria for several years and are still waiting for the answer of their asylum request, the only way to find an apartment is to get involved with an Austrian woman or man. In most cases, this woman/man will rent the apartment in her/his name. We see many similar cases.

We also have gratifying experiences like the following: A young woman, who was abandoned by her mother, resorted to drugs, and went several times to court as a witness to testify on the selling of drugs in the city. After meeting Mr J., she decided to change her life. She is now taking courses at the AMS, did an internship at "Die Bunte Zeitung" while Mr J. distributed newspapers, so that they can survive. Mr J. not only became her "legal guardian", he will also receive a permit for working, so that he will be able to get a job and have an apartment.

"Integrationshaus"

The "Integrationshaus" is a very complex institution: Since 1995, it provides housing and care for asylum seekers, acknowledged refugees and for persons with subsidiary protection (language and computer courses, health care, labour market, etc.). It also has a multi-cultural nursery school which promotes multi-lingual education and modules which prepare children for the labour market by means of educative measures. These schools provide social and medical counselling for children of migrants and try to build a basis for their future in Austria.

Nearly 60 % of all refugees come from Europe and the Russian federation. The present inhabitants are mainly Chechenians. Thus, many Chechenian families live in the house, others are from Kosovo or Georgia. The second largest group are people from African countries, mainly from Nigeria and the Democratic Republic of Congo. Nevertheless, a holistic care (ganzheitliche Betreuung) cannot be provided to refugees right from the beginning.

5.3. Education

Research on the situation of "guest workers" and their children showed that their social status in this country is generally bad. This can be explained by the fact that today's Austrian school and labour market is ethnically divided. If politicians don't react to these facts, the development of an "ethnic lower class" will be the consequence.

The current population of immigrants in Austria can be classified into three groups:

- The first group is the "middle class". Most of its members are refugees from Poland, Hungary or former Czechoslovakia. They are educated and have a high "human capital" (Humankapital). Therefore, they are "accepted and tolerated"⁹ by the majority of the population.
- The second group consists mainly of men and women from former Yugoslavia or Turkey who came to Austria due to the "guest workers" policy. These people have a low "human capital" and they are "not welcome".
- There is a third group of people, who rise very quickly; their social capital is a compensation for the lack of education. They come from Eastern European countries, the USA or Germany.

If we analyse the distribution of pupils with foreign origin between different types of schools in Austria, it becomes evident that pupils whose parents come from former Yugoslavia and Turkey are represented far above average in so-called Sonderschulen (special needs schools) and are represented far below average in institutions for higher education, such as universities or technical colleges. As education and employment are related, the under representation of children from i.e. Turkish immigrants in academic schools has implications on Austria's labour market: 63% of Austrian citizens between 15 and 35 years with a Turkish family background are workers (Arbeiter), 13% are skilled workers (Facharbeiter). Compared with other European countries, there are not only socioeconomic or cultural, but also historical reasons (lower class of migrants during the Habsburgs monarchy) responsible for this situation in Austria.

The situation can be summarized as follows:

- The most important explanation of the situation is the correlation between a selective school system and a homogeneous labour market.
- The educational system produces ethnic groups that are condemned to work in the lower positions on the labour market.
- The self-image of the members of these groups corresponds with their education and job careers. Furthermore, there is no positive and effective political elite as role model for these young women and men.
- An absence of diversity in the pupils' life plans is noticeable.

Case 1: First, we have to emphasize that compared to other EU countries, Austria never implemented the so-called ethics education (Ethikunterricht). Edith Riether is the secretary general of the initiative "Weltethos" (global ethics) in schools. She created this initiative which was followed by a discussion with Dr. Heide Schmidt in parliament in 1992. Dr. Schmidt suggested ethics lessons as an alternative to other subjects, especially religion lessons.

⁹ ibid.

Mrs. Riether developed a project on global ethics referring to the well-known paper by Professor Hans Küng. It was based on the assumption that it is necessary for children to learn certain principles such as "Everyone should be treated as a human being" or "Do unto others as you would have them do to you". They should also become acquainted with concepts like reverence for life, justice, fairness, truth, honesty, respect and love. She added the principle of democratic dignity. This all together would prevent extremism, racism, anti-Semitism, prejudice, etc. In 2007, Edith Riether presented her project of mandatory global ethics lessons in school to the former Minister of Education, Elisabeth Gehrler, but there was no response. She collected 3 000 signatures from people who supported this project, with prominent men and women among them. The petition was forwarded to the Minister for Education, Arts and Culture, Dr. Claudia Schmied, in May 2007, who received it, but did not commit herself in any way.

We mention this case in order to demonstrate that ethics is important for schools, for politicians and decision makers. It is a means of fighting crime, racism and discrimination.

Case 2: The 15-year-old Albanian girl Arigona Zogaj, originally from Kosovo, was facing deportation from Austria in 2007. This caused a national outcry. In a press release, the chairman of The Greens, Professor Alexander Van der Bellen, called the Arigona case an act of resistance against the authorities of the adopted country. The girl had been in hiding for several weeks after the police deported her father and four siblings to Kosovo, threatening to forcefully remove Ms. Zogaj herself as well as her mother. Zogaj was well integrated in Austria and she was going to school normally. Only after receiving guarantees, Arigona Zogaj returned from hiding. However, until now, her family had been refused permission to re-enter Austria and Ms. Zogaj's own situation still remains undecided. Mr. Van der Bellen, analysing the reasons for the behaviour of the Austrian administration and the Ministry of the Interior, pointed out that for years an extreme right wing party had dominated the debate on immigration issues, with Social Democrats and Conservatives giving in to its demands for stricter asylum and immigration laws.

"Integrationshaus"

Based on the hypothesis that education is a good method to prevent racism and discrimination, we interviewed representatives of the "Integrationshaus" (integration house) which tries to integrate young asylum seekers who expect to get a positive answer to their asylum appeal. They provide courses to them, e.g. German language courses and computer courses, and carry out educational projects, like "MIGRATRRAIN", "DYNAMO" or "Mama lernt Deutsch".¹⁰

¹⁰For further information see <http://www.integrationshaus.at/>.

5.4. Health

In Vienna, approximately 1000 medical doctors with migration background have their own surgery¹¹. Due to the restrictive admission requirements for physicians from non-EEA states, only 1% of the physicians in hospitals have a migration background. In the fields of care and nursing there are about 30% migrants employed, mainly from former Yugoslavia, Turkey, Poland, India, Philippines, Slovakia and Tunisia.

The risk of migrants to slip into poverty is twice as high as for citizens of Austrian origin. Hence, it is "normal" for migrants to be threatened by unemployment, poverty and other crises. This situation causes instability of health. Migrants are often affected by stress through traumatic experiences in their homelands, they have to deal with deportation threats, discrimination, threats of violence and dislike from the authorities¹².

Migrants as patients are often regarded as "difficult" by physicians and caregivers. There is a fine line between analysing and characterizing symptoms of migrants and connecting diseases with cultural factors ("Kulturalisierung von Krankheiten")¹³.

In 2007, Austria had to deal with tuberculosis (TBC) cases. The FPOE, taking advantage of this real danger, conjured up a frightening picture by connecting asylum seekers and foreigners in general with diseases like TBC.

Case 1: The case of Dr. Dagmar Belakowitsch-Jenewein (FPOE) is based on an article which shows the dynamics of institutionalized racism, i.e. how racism and discrimination in the heads of decision makers influences public opinion.

A press release of the FPOE in June 2007 referred to a study of the Institute for Economic Research (Wirtschaftsforschungsinstitut) carried out by Julia Bock-Schappelwein in 2004 which proved a negative immigrants-social welfare-balance. The FPOE spokeswoman for health affairs, Dr. Dagmar Belakowitsch-Jenewein, pointed out that the heterogeneous family structure between immigrants and Austrian citizens, the life of refugees and asylum seekers, of periodical season workers, mostly from EU/EEA countries, ruin the social security system. According to the FPOE spokeswoman, it is evident that foreigners take more from the social pot than they put in it. Therefore, foreigners living in Austria should have their own health insurance (Krankenkasse) and primary health care. Mrs. Belakowitsch-Jenewein went so far as to point out that nearly 10% of all organ recipients are Muslim immigrants while none of them are organ donors, etc. etc.

¹¹ Gesundheit in Wien, MA 17 und Ärztekammer für Wien, *Handbuch für nicht-Deutschsprachige Patienten und KlientInnen*, <http://www.wieb.gv.at/gesundheit.htm>, 2008.

¹² Glanzer, Mag. Edith, 4. Österreichischer Präventionstag, <http://www.fgoe.org/veranstaltungen/fgoe-konferenzen-und-tagungen/archiv/praeventionstagung/abstract-glanzer.pdf>, 2008.

¹³ Ibid.

The effects of such statements can easily be imagined.

"Caritas"

The "Caritas" organization also deals with problems of health, housing, refugees, asylum seekers, handicapped people and cultural programs for immigrants.

According to "Caritas" economic interests and human rights should be linked in order to provide better opportunities to those people who want to spend their lives in Austria. Human rights apply to everyone regardless of his or her status. The "Caritas" advocates a positive campaigning about migration.

Racism and discrimination are caused by fear of unemployment. They are a result of political campaigning. On a European level, politicians have grasped how important it is to live in diversity and the quality of discussion is much better than in our country. Mr. Binnenstein-Bachstein from "Caritas" says that racism and discrimination are constructed by politicians.

5.5. Policing and racial profiling

In January, .2007, Statistik Austria counted 38 479¹⁴ persons in Austria with an African migration background.

In 2007, in the Josefstadt prison in the 8th district of Vienna (Justizanstalt Josefstadt)¹⁵ there were 1 200 prisoners, among them 175 (15%) of African origin. Most came from Nigeria (102 persons). Of 120 persons that were interviewed, 18 persons came from Gambia, 10 from Guinea Bissau, and 9 from Liberia. The average age was 25.6 years. 77 of them were Christians, 21 were Muslims, 6 prisoners were women, the rest men. Most of them had been in Austria less than a year, half of them had English language skills on an intermediate level. The reasons for their asylum requests were religious and ethnical persecution, political reasons, injuries sustained during riots or demonstrations and torture by the police or the military in their countries of origin.

In Austria Africans are hardly ever guilty of robbery, rape, murder or violence. 90% are imprisoned for drug dealing. For many Africans drug dealing is one of the few realistic ways to make money in order to survive. Horrible experiences of violence in their home countries and a high victimization rate compared to the average Austrian or EU/EEA citizen let the feeling of unfairness increase to a level where the people concerned speak about racism.

Besides African asylum seekers, who are always overrepresented in stories of drugs, crime, poverty and prostitution, there is a second group that has been repeatedly attacked, e.g. by H.C. Strache's FPOE and the mass media, namely

¹⁴ Inou, Simon, *Rund 38.500 Personen in Österreich weisen einen afrikanischen Migrationshintergrund auf*, http://www.afrikanet.info/index.php?option=com_content&task=view&id=642&Itemid=2, May 2007.

¹⁵ Platzer, Dr. Michael, and Stummer-Kolonovits, Dr. Judith, and Kuhn, Hofrat Dr. Christian, Institut für Strafrecht und Kriminologie der Universität Wien und dem Bundesministerium für Justiz, *Afrikanische Häftlinge in der Justizanstalt Josefstadt: Kriminelle oder Opfer?* <http://www.univie.ac.at/kriminologie/PK%20Aussendungsversion.pdf>, August 2006.

the Muslims in Austria. Alfred Gusenbauer, the current Federal Chancellor, declared himself proud of the good relationship Austria has with all religious communities. But in 2007, he expressed deep concerns about this relationship, because not only the "usual suspects"¹⁶ but also the Conservative Party OeVP attacked the Islamic community in the media.

Case 1: The Bakary-Jassey case was documented in the ENAR Shadow Report of 2006. The officials wanted to deport the young man to his home country. His resistance to the deportation was noticed by the pilot, who refused to let him into the airplane. Thus, the police was obliged to go back with him. On the way, he was beaten up in a life-threatening way. The former Minister of the Interior didn't apologize in an adequate way for this brutal abuse of the police. The case came to justice in 2007. But the three policemen were just transferred to another function. This was not what many people had expected from a democratic country and it can be considered as an abuse perpetrated by the police as well as by the judiciary¹⁷.

Islamic Community "Islamische Glaubensgemeinschaft in Österreich"

According to the spokeswoman of the initiative of Muslim Austrians, Amina Baghajati, the community has been recognized by the state since 1912. In 1979, it became an *institution of public law* (Körperschaft öffentlichen Rechts) and as such has a unique status in Europe, being the official representative of all Muslims living in Austria. The organization has about 420 000 members in Austria according to the Ministry of the Interior. The organization's aim is to work for its members' satisfaction in dialogue with society and the authorities, to focus on any issues having to do with religion and religious practice. The number of Muslims has increased in the past few years, not so much due to immigration but to a high birthrate.

Islamic lessons at school exist since 1982 and the community of Islamic believers provides teachers and is responsible for the material presented. In recent years, a lot of attention has been given to education. As a result, the *Islamic religious pedagogic academy* (IRPA) has been established.

Religious communities in Austria are very close to each other concerning ethical aspects, i. e. social justice and non-discrimination. A publication was issued five years ago by the *Ecumenical Council of Churches* (Ökumenischer Rat der Kirchen). In 2007, in an effort for a peaceful social environment and a struggle for counter discrimination, an opening between the Islamic and *Jewish cultural community* (Israelitische Kultusgemeinde) took place and the integration document (Integrationspapier) was signed. According to this document, questions of asylum, immigration and integration are of vital importance. As a

¹⁶ Koller, A., *Bundeskanzler Gusenbauer in der "Pressestunde"*, http://www.bka.gv.at/site/cob_24728/5369/default.aspx, June 2007.

¹⁷ Inou, Simon and Acheleke, Beatrice, *ENAR Shadow Report 2006*, page 17, October 2007.

consequence, the Ministry of the Interior held a conference on integration and issues such as family reunion (Familienzusammenführung).

The discourse and/or dialogue regarding social justice does not work well as Islam is regarded as an "enemy religion" and as a separate culture which endangers the interests of the large majority of the Austrian population. According to Mrs. Baghajati there are two reasons for this misunderstanding. One is a fundamental change following the 9/11 attacks. Since then, the western world in general has developed an attitude of distrust towards Islam. But in Austria, this concept is much older. The Turkish sieges (in 1529 and 1683) figure very strongly in people's minds and children are told about them at school, although it has been proved that they were part of an expansionist policy (Hegemonialpolitik) and not of a religious war. Also, the role of political figures in Austria is an important one. Mr. Strache (FPOE), for example, posed in front of Prince Eugene's portrait, thus presenting himself as the "saviour" of Austria from the Turks. In discussions about Turkey's membership to the EU, people often talk of "a third Turkish siege".

Integration, and in connection with that, the importance of defining an Austrian identity, is another crucial issue. When a feeling of unity and common values is to be created, the danger lies in the pointing out of "differences" between "Austrians" and "non-Austrians", which might create new barriers.

The most significant social controversy in 2007 was the discussion about building a mosque, as documented by the media. There were accusations that the Minaret, as a sign of dominance, would be a serious challenge to non-Muslims. A mosque is a symbol of permanence and a sign that Muslims are part of Austrian society and that they are here to stay. Thus, it may seem even more threatening to the majority society than the wearing of the veil, which has similarly provoked public debate and controversy.

5.6. Racist violence and crime

ZARA, the platform against racism, stated in its "Racism Report 2007"¹⁸ that 831 cases of racism were reported to the police. 58% of them happened in public places, such as railway carriages, 12% in private homes, restaurants or clubs, 11% at work. In 6% of the cases police was involved, other authorities were involved in 5% of the cases reported. In 68% of the cases there was a witness, 56% of the ZARA clients were women, 40% were men, 2% were anonymous and another 2% of all cases were reported by organizations. Although less violations and racist graffiti were reported, ZARA points out that especially children were affected by racism and discrimination in 2007.

¹⁸ZARA – Zivilcourage und Antirassismusbearbeitung, Rassismus Report 2007 (Racism Report), <http://www.zara.or.at/materialien/rassismus-report/Rassismus-Report%202007.pdf>, October 2007.

The actual dimension of racism in Austria is hardly quantifiable on the basis of these statistics. In France, for instance, 979 cases of racism were reported in 2005, whereas in England 57 902 cases were reported. ZARA explains that this does not mean that England is the most racist country in the world, but that effective laws and monitoring instruments against racism and discrimination are applied there.

Case 1: The 28-year-old Mr O. decided to go home after a night out at a discotheque (Volksgarten, Vienna). Outside the discotheque three men started to insult him simply because he was African. As he started arguing with them, one man jumped at him and punched him into the face. Mr O. hit back and the man fell to the ground, whereupon the two other men started beating Mr. O. up Mr O. started running, with the three men running after him. He then fell down together with one man who pushed a knife into his stomach. The injured Mr O. was found and brought to hospital and survived. No serious official investigation to find the three men was carried out.¹⁹

Case 2: Mr On., a young man from Nigeria, was arrested by the police near a railway station in Vienna (Westbahnhof). The police took him to prison, where he received injections from a medical doctor. He was accused of selling drugs and being involved in a case of a young Austrian who had died from a drug overdose. Without any further explanation, Mr On. was taken to a hospital in Vienna where he stayed for seven months. When he came out, the authorities stated, that 'he was found in his home and taken to hospital, nearly dying, because he had taken a large amount of drugs'. A later version of this statement said that the ambulance had found him lying on the ground on Währinger Gürtel and had taken him to hospital. His health has been impaired ever since, so that he can neither speak normally nor carry out usual day-to-day tasks. Mr On. assumes that he was used as a "guinea pig" for medical tests²⁰.

Similar cases are reported 4-5 times a year to "Die Bunten".

5.7. Access to goods and services in the public and private sector

The practice of advertising rooms for rent with the addition "for Austrians only/ not for foreigners" is not as widespread as it used to be before the amendment of the Equal treatment laws in 2004. Still it is a matter of common knowledge that some groups of immigrants have difficulties to rent flats in Austria. Especially young Africans suffer from this kind of discrimination (see above chapter IV. Communities vulnerable to racism/ Africans).

¹⁹ Report from "Die Bunten – Forum for Dignity, Justice and Democracy", <http://www.buntezeitung.at>

²⁰ *ibid.*

5.8. Media, including the internet

Apart from the mass media in Austria that commonly do not mind putting right-wing politicians like H.C. Strache and Jörg Haider in the limelight, there are media like "Die Bunte Zeitung - Medium for Dignity, Justice and Democracy", which fight against everyday racism and discrimination. That newspaper was founded in 2001 because many cases concerning immigrants were not covered by the mainstream media and thus went unnoticed by the public. Immigrants did not feel adequately represented in public media. Nowadays, the "Die Bunte Zeitung" is the only boulevard paper that is distributed all over Austria. Because of systematically applied administrative cleansing methods "Die Bunte Zeitung" is confronted with a lot of problems which aim at stopping the publication of this magazine. At first, "Die Bunte Zeitung" was distributed by African, especially Nigerian, asylum seekers. But as they always received negative answers to their requests for asylum, they were criminalized by detention pending deportation (Schubhaft) or they left and went to other countries. This situation opened the door for Roma and Sinti distributors. But these distributors were not welcome either. This newspaper cannot be distributed in the same place as other local boulevard newspapers like "Augustin".

Due to continuous observation of the internet and helpful websites where racist texts can be reported, like <http://www.stopline.at/>, racist texts are seldom found. The situation regarding texts on Islam is different. Amina Baghajati, spokesperson from the Initiative of Muslim Austrians, reported that the Austrian discussion in the internet mainly focuses on alleged dangers to the identity of Austrians. It seems unbelievable that some people are concerned that in fifty years' time the chopping off of hands and heads will be a matter of course in Vienna. The fact that such statements are to be found in internet forums in large numbers shows the importance of a qualitative dialogue.

Case 1: In November. 2007 the BZOE (Bündnis Zukunft Österreich) presented the blatantly xenophobic campaign "Sauberes Graz" ("Clean Graz"), which was supported by slogans such as "Wir säubern Graz" ("We are cleaning Graz!")²¹, Using aggressive language, the campaign highlights asylum abuse, the rising crime rate and organized begging. It announces the BZOE's intention to make Graz a "clean" and safe place..

Case 2: ZARA²² also takes notice of websites and blogs with racist contents, f.e. „adolf88", or racist incidents in the media, such as the ORF 2 programme "Narrisch Guat", where racist or discriminatory jokes are usual.

²¹ To be seen on: <http://www.sauberesgraz.at>.

²²ZARA – Zivilcourage und Antirassismusarbeit, Rassismus Report 2007 (Racism Report), <http://www.zara.or.at/materialien/rassismus-report/Rassismus-Report%202007.pdf>, October 2007.

6. Political and legal context

6.1 Anti-discrimination

In the Austrian discussion the benefits of migration are rarely highlighted²³.

Austria must adhere to the Geneva Convention (Genfer Flüchtlingskonvention). Whoever is looking for shelter in Austria has the right to a fair procedure. Integration policy must be guided by the principles of social inclusion and legal security. The trend towards "Europe as a fortress" (Festung Europa) is considered to be the wrong way of policy. Economic and social development demands immigration, structural measures for increasing the employment rate of women and elderly people, additional qualifications for unemployed persons and intensified integration of migrants into the labour market.

The two-year-old Ombud for Equal Treatment (OET)²⁴ gives a good insight on the anti-discrimination measures in Austria, referring to EU-Directives.

The OET has no advisory competence regarding national measures and policies of the Austrian ministries, but it is part of *Equinet*, the union of all European bodies for the promotion of equal treatment. *Equinet* has its headquarters in Brussels; its Directrice attends European parliamentary sessions and reunions of the Council of Europe, and thus exerts an indirect influence on European legislation. Through the channel of *Equinet*, local organizations can make their experiences known to European legislative bodies. From this aspect, the OET can be viewed as impacting on national policies.

The OET is located at the Ministry for Women, Media and Public Services within the Austrian Federal Chancellery and is independent. Its main activity is to inform and advise persons who feel discriminated against and to initiate mediation talks between conflicting parties in order to help individuals in attaining a compromise solution of conflicts without having to resort to litigation. To this end, the organization is entitled to conduct independent interrogations.

From the numbers of persons having received advice in 2007, one can conclude that many individuals know about the OET as well as about the laws of equal treatment and anti-discrimination and are courageous enough to speak about their experiences and ready to act in order to address injustices.

The OET has noted that a significant number of clients are German citizens. This is a sign for the discrepancy existing between the general EU guidelines of equal treatment and specific national employment policies applying to different economic sectors. Germans seek the organization's advice as now, due to a little

²³ Die Grünen, Antrag an den Bundeskongress der Grünen, *Migration als Chance – Recht statt Gnade*, http://www.gruene.at/uploads/media/BUKO_Antrag_Migration_beschlossen071124.pdf, November 2007.

²⁴ The report is based on an interview with two lawyers working for the Ombud for Equal Treatment (OET), Mag.a Monika Groser and Mag.a Ulrike Salinger.

linguistic difference and their status as individuals looking for employment, they are subject to discriminatory treatment. Previously they were welcomed as paying tourists and were perceived as economically strong.

The OET is the only organization that has found that there are discriminations within organizations. A person may wear a uniform, but that does not protect him/her from being discriminated against from racist motives.

Most of the persons seeking the organization's advice in questions of anti-racism are Austrian citizens. However, the fact that a person possesses Austrian citizenship is not really decisive for equal treatment. Even if a person is born in Austria, but his/her name may be enough for him/her to be classified as a foreigner. A person of Turkish origin living in second or third generation in Austria and possessing Austrian citizenship, for example, may still be discriminated against.

The conclusion is that social and sociological harmonization is an issue of major importance not only with regard to legislation, but also for changing conceptions in people's minds.

Another point of view concerning Anti-discrimination comes from an NGO, the *Society for Threatened People* (Gesellschaft für bedrohte Völker)²⁵.

The NGO wants to establish a political forum, together with politicians, with the intention to link civil society with the decision makers by working together for specific goals. The organization wants to emphasize a new deal regarding human rights. Its aim is not only to criticise, but also to achieve results and to further the vital interests of the people within the framework of Austrian political reality. The NGO is convinced that the struggle for human rights has not changed the state of mind of the people at all and has failed to arouse the interest of politicians. The implementation of the Fundamental Rights Agency for Europe here in Vienna is the most significant aspect for the NGO. The collapse of the International Helsinki Federation showed that networking must be improved.

The new Eastern European members of the European Union and the new candidates for membership, Croatia and Turkey, constitute a challenge. Democratization of institutions and mutual respect between different cultures is necessary. One of the most important aspects for the *Society for Threatened People* ("Gesellschaft für bedrohte Völker") in Europe is that fundamental rights are conceived to be addressed only to citizens and not to all human beings. Even

²⁵ The article is based on an interview with Mustafa Akgün. Mr. Akgün is the founder of the Helsinki Committee in Austria and member of the Boltzmann Institute for Human Rights, where he is leading a project on human rights issues. The task of the *Society for Threatened People* ("Gesellschaft für bedrohte Völker") is the process of consensus. They also want to implement a strong cooperation with organizations having different goals. They cooperate in special with the Boltzmann Institute to elaborate a new hypothesis on human and fundamental rights.

people who are Austrian citizens are treated as inferiors because of their colour, etc. These discriminations are not only habitual but also institutionalized. Mustafa Akgün from the *Society for Threatened People* cites the example of Carinthia whose governor Jörg Haider refused to recognize international law regarding the Slovenian minority in Carinthia. Mr. Mustafa sees discrimination and racism in the context of harmonisation of the interests of ethnic groups within an enlarged European Union.

6.2 Migration and integration

In the Austrian political discussion, immigration is still perceived as a threatening phenomenon which must be limited to a very small amount of people. Therefore, new immigrants are not welcomed.

Unlike other political parties, The Greens in Austria (Die Grünen) speak about an unfair quota system for employed people (Ungerechtes Quotensystem für Erwerbstätige) because quotas do not consider the qualifications of a person, but only the time when the application was made. Even family members can only follow according to a quota rate. This is contrary to human rights because it is harmful to family life. The *Aliens Law Package* and the *Settlement Regulation* (Niederlassungsverordnung) of 2006 meant new cutbacks for family reunion. It is doubtful whether legislation relating to immigration which considers only economic factors is justified. Season workers, for instance, are also facing discrimination. From 2000 to 2005 their number increased from 5 500 to 15 000. Many of these people have been living in Austria for over ten years, but they are not entitled to unemployment benefit, retirement fee, etc.

Labour migration (Arbeitsmigration) fails to bring qualified workers, so-called key employees ("Schlüsselkräfte"), to Austria because the proceedings are complicated and long.

There was a significant decrease in new citizenships. The situation in 2007 shows that there are only a few thousand people without legal permission for settlement in Austria.

Finally, scientists, free journalists and artists are also affected by the restrictive *Aliens Law Package*, due to the fact that they have to apply for a new residence permit every year. Unlimited stay is not granted.

"AFRA" - International Center for Black Women Perspectives

is an organization set up, run and led by black women of different origin belonging to minority groups. "AFRA's" main activities are in the field of public relations. Using the tools of public relations, the organization aims at changing people's image of black women and, first and foremost, at sensitizing the public

to black women's issues. Currently the image of black women is mostly negative throughout - their role should be adequately presented to the public.

"AFRA's" chairwoman is Beatrice Acheleke. The project "Mimpol" promotes black women's political participation by means of an intercultural dialogue between politicians and immigrants.

The organization also works on a European level: In 2007, it held the Black Women's Congress with 160 black women from all EU countries and Switzerland attending. In consequence, the "Vienna Declaration" spelling out black women's demands on a European level was passed. Also, the "Black European Women's Council" was formed and will be officially launched in September 2008 in the European Parliament.

"AFRA" points out that the image of African people is negative not only as presented through the media, but also in political, social and economic life. This has several negative effects: Black persons are perceived as incompetent, aggressive, just good enough to be suppressed; this applies especially to black women. "AFRA's" general goal is to get black women to abandon the role of the sacrificing woman who needs help and guidance, to bring the image of black women up to date, presenting them as pro-active and responsible individuals.

According to "AFRA" this image of black people is rooted in the past when white people went to Africa as missionaries. One of "AFRA's" goals is to change the image of black people and to promote a new consciousness in all the segments of the population, from the political class to the ordinary person in the street. "AFRA" is also concerned with its members' self-presentation as self-confident, open-minded, active women who make contributions to society and do not wish to be pushed into a corner.

"AFRA" points out that currently the main problem of African people in Austria is not the alleged poverty of the African continent but rather the way the resources which that continent disposes of are managed. It is the consequences of the mismanagement of resources that "AFRA" calls racism or discrimination. In view of the limited resources at "AFRA's" disposal for their activities, the organizations focus on women's issues. This does not, however, mean that "AFRA" excludes African men. "AFRA" sees no sense in defaming men, whether they be black or white. Instead, the organization works to strengthen women's position.²⁶

For the year 2007, with regard to racism and discrimination, it is of basic importance that foreigners are still a discriminated minority. The discrepancy between the majority society and the minorities still exist, and minority segments of the population are still denied access to public utilities and services. The so-called law for foreigners (Fremdengesetz) remains the major instrument of discrimination. 2007 was proclaimed to be the European year of equal treatment;

²⁶ For further information see <http://www.blackwomencenter.org/>.

however, this proved to be no more than an empty phrase. Without a scientific approach and a political programme which may lead to a legal framework, any efforts aimed at equal treatment have remained ephemeral.²⁷

6.3. Criminal justice

Concerns regarding the use of detention pending deportation (Schubhaft) have increased since its implementation.

In Austria there are 16 prisons where people are detained pending deportation. Every day, about 1 000 people are detained pending deportation, most of them in Vienna. The conditions in these prisons vary: In some of them the prisoners are locked up in cells for up to 23 hours. Unlike ordinary prisoners, persons who are detained pending deportation don't follow any occupation. Television, games and the like are impossible in most cases.

People that don't have a residence permit in Austria (anymore) can be detained pending deportation. Since 01.01.2006 asylum seekers can be sent to prison right after their arrival in Austria and be kept there for up to 10 months.

In 2006, the number of asylum seekers detained pending deportation was four times as high as the year before. Every third person detained pending deportation was an asylum seeker. This means that 2 700 of 8 694 persons detained pending deportation in Austria were asylum seekers.

"ICAP" – International Center for African Perspectives

The following case concerns a member of "ICAP" - International Center for African Perspectives who was convicted on the basis of rumours and had to stay in prison for three months. The article is based on an interview with Mr. Nagis (member of the ICAP).

The main reason for mentioning this case in the Shadow Report is the fact that this is not a singular case. There are many other young Africans who are imprisoned without exactly knowing what they are being accused of. A study dealing with these problems was initiated by the Institute for Penal Law (University of Vienna, Professor Fuchs) one year ago.

Mr. Nagis was accused of having committed a rape after visiting a discotheque. The "ICAP" studied this case and found that Mr. Nagis was imprisoned for two months, and that even after the results of the investigation had proved him

²⁷ It is necessary to emphasize that "AFRA's" chairwoman, Ms. Beatrice Acheleke, wrote the ENAR Shadow Report 2006, together with Simon Inou (journalist). She concluded that the state of affairs of 2006 has remained unchanged in 2007. Therefore she organized the Black European Women's Congress which was to implement a new deal of change on the European level.

innocent he had to stay in prison for another month before he was finally released.

This case is related to a case of rape St. Pölten. The details of that case cannot be reported here because the person who committed the rape has not been found until today. But this should not prevent us from mentioning this case as an example of many other similar ones. I want to make it clear that there is a specific policy which is applied to Africans. The main goal of this policy is to keep out asylum seekers and to concentrate on the problems caused by the Enlargement of the European Union instead.

Coming back to Mr. Nagis: The authorities could not find sufficient evidence to prove him guilty. The fact that he was finally released was partly due to the intervention of the Ambassador of Nigeria. These experience plunged Mr. Nagis into deep depression, destabilized his social and financial situation and made him lose all self-confidence. The same happens to many other young people as well.

6.3.1 Racism as a crime

On 12 December 2007, the Council of Europe's Commissioner for Human Rights, Thomas Hammarberg (Strasbourg), stressed the importance of increased human rights awareness within the Austrian police and urged the government to establish an independent mechanism for investigating allegations of police ill-treatment²⁸.

21 January 2007 – The dead body of Essa Touray was found in the Danube. Touray had jumped into the river during a police control in a discotheque. Essa Touray came from Gambia.

On 15 July 2003, Seibane Wague was murdered during an "official act" .The perpetrators were never charged with murder. On the 15 March 2007, a court of appeal confirmed the mild sentence against the policeman involved and partly attenuated it.

These incidents show that racism is far from being treated as a crime within the police. This is setting an example to the general public in Austria for whom racism is rather an excuse for criminal offences than an aggravating circumstance. There is no criminal law directed especially against racism. The criminal law in general is rather toothless when it comes to racist crimes.

²⁸ Eine Initiative des Forum Asyl, Flucht ist kein Verbrechen, http://www.fluchtistkeinverbrechen.at/https/kap_2_8.htm

6.3.2 Counter-terrorism

It seems that there is no need in Austria to legitimise racist acts under the discourse of counter-terrorism. Indirectly, of course, the discriminations against Muslims have this discourse as a symbolic background.

6.3.3 Racial profiling

Effects of an implicit racial profiling are seen when it comes to African asylum seekers, especially those from Nigeria, who originally distributed the *Bunte Zeitung* on the streets. Over the recent years, this group was driven out of the country. They were criminalized, often they were detained (*Schubhaft*). Finally, they left and went to other countries.

6.4 Social inclusion

We demand that the authorities should abolish the so-called *Aliens Law Package*, as it is requested by many NGOs. Austrian authorities must realize that multilingualism in the population helps us to know more about ourselves.

Networking and lobbying in networks is part of the strategy of NGOs and CSOs. Organizations such as "Caritas", "Volkshilfe", "Diakonie", "Rotes Kreuz", "Asylkoordination", work together in activities like the campaign "Escape is not a crime" (*Flucht ist kein Verbrechen*) in 2007, where the public was informed about the situation of asylum seekers. Over 10 000 signatures were collected and presented to parliament together with a petition.

"Asylkoordination"

The platform "Asylkoordination" deals with networking, lobbying, documentation, scientific research and education for refugees, monitoring, interpretation and application of EU research on legal questions. In 2007, "Asylkoordination" dealt with crucial problems such as access to the labour market for asylum seekers. The time limits for applying for asylum and the question of collective legalisation was also a highlight of the organizations' activities. All that leads "Asylkoordination" to focus on a collective legalisation for asylum seekers who have been in Austria for a long time. An evaluation of these cases is also an aim of "Asylkoordination". "Asylkoordination" also focussed on the problem of custody pending deportation (*Schubhaft*) in 2007. In cooperation with other organizations "Asylkoordination" tried to abolish the system of custody pending deportation.

The organization also addressed the question of bi-national marriages, especially cases where a person is obliged to leave the country and get a visa in his/her home country. Another problem was that the Austrian administration changed the level of income for couples from 300-400 Euro to 1 000 Euro. That means that couples must have a regular income of more than 1 000 Euro to get a permission

to stay together in Austria.²⁹ Scientific research focussed on political participation. Asylum seekers should not only be the object of the discussion but also its subject. Asylum seekers can also participate in the country's politics. The organization tried to find ways of active and passive participation in the country's development for refugees and persons who have been granted asylum.

"Asyl in Not"

The "Asylkoordination" is an umbrella association which coordinates the work of most organizations doing asylum work in order to make sure that they speak with one voice. One of the member organisations is "Asyl in Not". "Asyl in Not" is engaged with legal counselling. In contrast to other organizations working for purely caritative motives, such as Caritas, for example, "Asyl in Not" combines legal and social needs of individuals with the political struggle against the restrictive asylum policy of the government.

In 2007, the organization was dedicated to abolish the asylum legislation which was adopted in January 2006, when Ms. Liese Prokop served as minister of interior, and which has meant severe worsening conditions and human rights violations for asylum seekers: With this law, a refugee will almost certainly and instantly be sent to camps of detention immediately upon arrival in Austria. And, also due to the Dublin regulation, the access to asylum procedures has become even more restrictive.

This was the subject matter of the organization's work in 2007: Appealing to the constitutional court, "Asyl in Not" reversed the detention rulings which had been passed for nearly every single applicant of asylum by the independent administrative senate (UVS - Unabhaengiger Verwaltungssenat), in Traiskirchen. Moreover, the organization has realized that severely traumatized refugees had been admitted to asylum procedures and not be resent to the countries through which they entered Austria. "Asyl in Not" documents that since 2008 the practice of putting refugees into detention upon arrival has been stopped. The legislation has not yet been amended, though.

These achievements were made possible through political campaigning together with lawyers. "Asyl in Not's" web site, "<http://www.asylinnot.at/>", illustrates cases in detail - here, one can find reports of traumatized and retraumatized refugees; besides, the site is also an instrument for lobbying.

"Asyl in Not's" premise is that injustice and evil doings can be spelled out and does not refrain from giving names of persons involved. In contrast to the mainstream bourgeois thinking of the political centre, former Minister of Interior Prokop, for example, is held responsible for immense violations of human rights. Referring to specific cases of refugees' detention and inquisition the chairman of

²⁹ Background information to be read in Die Bunte Zeitung Nr. 3 2008, Interview Di-Tutu Bukasa and Anny Knapp and Herbert Langthaler, "*Bleiberecht – nächste Offensive*".

"Asyl in Not", Michael Genner, called Ms. Prokop "minister of torture and deportation".

Concerning the judicial branch, "Asyl in Not" severely critiques that it is under heavy influence of the executive apparatus, and that the times of Metternich and the monarchy, the administration of the nationalsocialists during the Second World War and Austro-fascism have heavily imprinted the judiciary as well as the executive. The reform of the criminal law, according to the chairman of "Asyl in Not", has not been able to delete the poison that remained in minds, but rather it has taken hold of the new members of the executive, considering rulings of the past few years, e. g. Omofuma, Seibane.

The goal of "Asyl in Not" for 2008 is the abolishing of the asylum legislation and contributing to the toppling the next minister of interior (Mr. Platter gave his demission meanwhile). "Asyl in Not" also recognizes the importance of linking up with international forces acting in similar ways in their fight for equal rights for all people living in the fortress Europe. To build up an international network is a rather difficult and cumbersome task; however Mr. Genner is convinced that in Austria, as a small country, things can be moved and changed relatively easy, as precedence.

7. National recommendations

7.1 General

In times of globalisation and EU-enlargement, recommendations cannot be purely "national" any more. Recommendations against racism have to go beyond the limits of the nation state, not only appealing to its elites and decision makers with the scope to change structures in the nation state only. "Rethinking" is the subject heading of these "national" recommendations. This rethinking process has to be started and multiplied by CSOs, providing sustainable interventions in social structures.

- Rethink / accept Austria as an immigration country: Austria is an immigration country de facto. Not accepting this fact will result in political schizophrenia.
- End the permanent institutionalized exclusion of approx. 10 % of the population by allowing multiple citizenship and by legalising irregular migrants.
- Give democratic rights to all permanent inhabitants to avoid politics of resentment and scapegoating. The logic of national democracy, of having a big group of long term inhabitants without democratic participation even in the municipalities, creates an opportunity structure: to focus resentment on this group without democratic rights. This opportunity was first used in the end of the 1980s by the uprising FPOE under Jörg Haider and proved to be a successful political strategy that pulled voters massively to the right. The centrist parties followed the stream of voters, reinforcing the general trend towards racist resentments. 20 years later it is mainstream normality to scapegoat and criminalize foreigners, who are defined as such by racist criteria, not by their passport.
- Overcome the ideology of ius sanguinis in Austria and of nations in general, especially when nation states become less able to renationalise their inhabitants due to globalisation, the acceleration of technical and media developments, the merging of markets, creating a class of inhabitants who are permanently excluded.
- Criticise securitization as a threat for social cohesion. Decisions made on a global scale by international agencies as well as private actors sometimes overrule the powers within the nation-states. In face of such challenges, the Austrian government like others tends to react with oppressive security measures. In the name of national security, principles of democracy and human rights are compromised even as border and bio-politics negatively impact the cohesion of diverse populations in the nation-states and lead to inter-group conflicts.

- We need a quantum leap in social equality. However, our analysis of societal developments shows that there are stronger tendencies towards inequality. For the last 20 years we have seen an uprise of racism in Austria that apparently has not yet reached its peak, as we can see from the results of the latest elections in Austria.

Keeping in mind this structural background, we recommend that antiracist organizations in civil society use the following strategies building power relations on a national and transnational level in order to be able to effectively challenge and change racist structures.

7.2 Anti-discrimination

There are six strategies against racism for civil society organizations that are meant to reinforce each other:

7.2.1. Spread knowledge about racist normality:

Racist structures in society are not caused by the right wing but are a normality within a society that became asymmetric through history. Raising awareness does not mean that we should focus on extremists, but means that we should make discrimination visible especially in those parts of society that perceives racism as bad. This can be done by focussing on the center of society by promoting discourses and spreading knowledge about different kinds of discrimination, and reflecting their history.

7.2.2. Self-empowerment within migrant organisations:

Power is never given but can only be taken. Acts of emancipation have to come from discriminated groups organising themselves, creating own relations of power, raising awareness about means to counter racism, eventually together with allies in the majority.

7.2.3. Antidiscrimination in our own social contexts:

Asymmetric relations of power are installed in our society and also predetermine our own social surroundings. Against these asymmetries it is not easy to enact equality targets even in our own structures. We recommend making our own social contexts a role model for others, and exploring possibilities of antiracist change in the working environment.

7.2.4. Developing and promoting alternative concepts of society:

The world is changing rapidly and societies need solutions for new challenges. One of the main aims of our political work is therefore to reopen the debate on alternative concepts of other "contrats sociales" that promote social cohesion instead of exclusion. National democracies should transform towards open

democracies with global levels of participation, putting global decision making under democratic control.

7.2.5. forming alliances:

The major difference between a network and an alliance is that alliances have a common adversary. Networks of NGOs, CSOs or free media tend to be toothless unless their power is focussed on one conflict that can be won with given resources. Alliances should include all organisations that are willing to confront certain opponents. A typical problem of civil society organisations in Austria is the tendency to seek the power of an alliance in its broadness and ally with organisations that do not go along when it comes to open confrontation, incorporating the possibility of divide and rule.

7.2.6. framing conflict:

Our political daily news is made up of conflicts. Conflicts attract spectators. These spectators - not our political opponents - are the target groups of our public relations. Effective political strategies consist in framing conflicts, positioning them in order to gain support by people watching the conflict and taking sides. A typical problem of antiracist politics in Austria is the tendency to go against the right wing party, leaving the mainstream on the side of antiracism and racist normality unchallenged. If the line of conflict is set on the right side of the political spectrum, this creates positive effects for the right wing mainly because their themes are disputed. Instead, public conflicts should be positioned on the left side of the spectrum, i.e. taking problems of equality as the core of the discussion, as was the case with the discussion about "Bleiberecht" (right to stay). E.g. the conflict of 15 year old Arigona Zogaj vs. the Austrian ministry of interior: The long term resident family Zogaj was menaced with deportation to Kosovo. Arigona did not accept that and ran away from home, going to the underground, causing a big outcry by mainstream media and solidarity in her home town in upper Austria.

7.3. Migration and integration

We recommend that Austria accepts its geopolitical position and its recent history as an immigration country. To abstain from privileging those who fit into the myth of a unified bio-cultural entity - the nation - giving birth rights to their participants like monarchies used to give to aristocrats, would be the basis for any further moves towards real integration of migrants, f.e. free access to the labour market. Restricting the labour market is a racist protectionism that results in illegalisation and stratification of groups in society. We also recommend investing in education of migrants in order to stop dequalification processes early and putting qualifications acquired elsewhere into good use. Detention for deportation (Schubhaft) must be abolished, because it is a breach of human rights. The right to free movement has to be accepted as a human right.

7.4. Criminal justice

7.4.1. Racism as a crime

As shown above, racism in Austria today is more of an accepted excuse for crime than an aggravating circumstance. To change this reality requires some intervention from outside. Maybe a new EU directive that obliges Austria to denounce racism as a criminal offence would be a promising move.

7.4.2. Counter terrorism

(not relevant in Austria)

7.4.3. Racial profiling

Statistics about arrests, police violence and convictions show that not only the police but all institutions that enact criminal law show a strong racist bias. Although many individuals in these institutions do not want to be racist, the societal 'other' is associated with criminality. We recommend that CSOs offer criticism as well as reflection on this problem, i.e. by holding seminars and workshops for multipliers in these institutions.

7.5. Social inclusion

Most prominent powers in Austria seem to work on social exclusion mainly. Even if the parties of the political centre (including social democrats) talk about social inclusion of migrants, they do it with a racist connotation, like in the slogan: "Integration vor Neuzuzug" saying that those migrants who already live in Austria should be integrated before having new ones coming, understating that a big part of migrants living in Austria are a problem still, and new ones coming would be an additional problem. Social inclusion is most prominently promoted by migrants themselves, taking their place in Austria, thereby creating a normative power of facts.

8. Conclusion

With reference to the current political situation in Austria we have to admit that antiracist associations and networks are not managed well enough to use the scarce opportunities to change racist structures. Other than a few exceptions, the Austrian CSOs and NGOs do not challenge the centres of administrative power of the institutions effectively. In order to tackle complex questions of social development Austria's national institutions need modernizing and democratization with regard to their communication with civil society. According to Habermas values that concern humans, justice (Gerechtigkeit), human rights (Menschenrechte) and conceptions to achieve equality should not be developed by a single national narrow minded group or in the way of a particular culture. Instead, all moral and legal principles should be made accessible for public discourse and examination. In Austria there seems to be no tradition to discuss and fight for human rights. In this respect all progress that happened after WW2 was enforced from outside. It is significant that the most important codification of civil rights in Austria (before adopting the European convention on human rights) is from 1867. There is no human rights development coming genuinely from Austria. That is why it seems necessary for CSOs based in Austria to make some kind of detour, using transnational power relations to be able to effectively change racist structures in Austria.

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10. Annex 1: List of abbreviations and terminology

Abbreviations

AMS	Arbeitsmarktservice – Austrian labour office
BZOE	Bündnis Zukunft Österreich – Alliance for the Future of Austria
CSO	Civil Society Organization
e. g.	exempli gratia – for example
f. e.	for example
FPOE	Freiheitliche Partei Österreich – Freedom Party of Austria
i. e.	id est – in other words
OEVP	Österreichische Volkspartei – Austrian People’s Party
ORF	Österreichischer Rundfunk - the Austrian national public service broadcaster
QUANGO	Quasi Non Governmental Organization
SPOE	Sozialdemokratische Partei Österreichs – Austrian Social Democratic Party
OET	Ombud for Equal Treatment

Terminology

Aliens –
Non-Europeans

Integrationspapier – The „Integrationspapier" (Paper on integration) was presented by the Minister of the Interior, Günther Platter (OEVP) (page 17)

Law relating to foreigners (Fremdengesetz) – Rights and duties of foreigners in Austria according to the law (page 24)



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ENAR Shadow Report 2007