



Civil society monitoring report
on implementation of the national Roma
integration strategies
in Austria

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

Prepared by:
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LIST OF ABBREVIATIONS

ECRI	European Commission against Racism and Intolerance
FPÖ	<i>Freiheitliche Partei Österreichs</i> (Austrian Freedom Party)
NAP	National Action Plan
NCP	National Roma Contact Point
NEOS	<i>Das Neue Österreich und Liberales Forum</i> (Liberal Party)
NGO	Non-Governmental Organisation
NRIS	National Roma Integration Strategy
ÖVP	<i>Österreichische Volkspartei</i> (Austrian Peoples Party)
SPÖ	<i>Sozialdemokratische Partei Österreichs</i> (Austrian Social Democrats)
StGB	<i>Strafgesetzbuch</i> (Criminal Code)
WWII	Second World War
ZARA	<i>Zivilcourage und Anti-Rassismus-Arbeit</i> (Anti-racism NGO)

EXECUTIVE SUMMARY

In Austria, Roma are recognised as a national minority since 1993. This status is limited to the so-called autochthonous Roma and Sinti, which have been living in the country from the 15th century onwards (in particular Burgenland-Roma, Sinti, Lovara). Other Roma communities, who migrated to Austria since the 1960s, do not enjoy this status. Roma organisations agree in their estimation that the latter represent the vast majority of Roma in Austria today. However, the National Roma Integration Strategy (NRIS) does consider all Roma living in Austria. The consideration of all Roma living in Austria has to be seen as a very positive measure as it allows to use funding to address the needs of both migrant and autochthonous Roma.

There is no reliable data available on the size of Roma in Austria. Still, according to estimates by the Council of Europe the number of Roma is believed to be between 20,000 and 50,000,¹ while some estimations by representatives of non-governmental organisations go up to 150,000. All those estimates lack an empirical basis. There is little research and statistical data available about the situation of Roma in Austria.

Governance and overall policy framework

The National Roma Integration Strategy (NRIS) is mainly guided by the National Contact Point (NCP) in the Federal Chancellery. The NCP does outreach and awareness raising through the dialogue platform, which increases contacts between the national level authorities and civil society. However, this process does not ensure mainstreaming of Roma issues within other relevant policy sectors. At the local level there is little awareness about the NRIS and little awareness about the responsibility for local level implementation.

The policy on Roma integration in Austria evolved and was extended in the last years, as well as in efforts from federal authorities, as seen also in the number of acting organisations and the availability of public funding dedicated to Roma integration. However, there is much more to be done to improve the situation of Roma in Austria significantly. There is a strong focus on the field of employment in the strategy, while the other areas do have lower priority. More attention has to be dedicated to the efforts to improve the situation in the field of education. Significantly, funding for the ethnic groups did not increase in the last 20 years. The main funding programme under the NRIS is limited to the area of employment, while in other areas of the EU framework there is little or no specific funding for Roma. Mainstream funding programmes do not explicitly target Roma nor do they refer to the NRIS.

Although some research was conducted, there is still a lack of knowledge and data on the situation of Roma in Austria. The policy on Roma integration is therefore mostly not evidence-based and it is hardly possible to measure progress if there is no data.

Anti-discrimination

The EU legislation on discrimination is implemented in the national law in Austria. Despite this, the anti-discrimination legislation in Austria still has some shortcomings. There are numerous provisions on both federal and state level and different provisions for different grounds of discrimination. This makes the legal situation confusing and poses an obstacle to accessibility of rights for victims of discrimination. Further, it leads to different levels of protection dependent on the grounds of discrimination.

The penalties which have to be paid in cases of discrimination are far too low to fulfil their role as a deterrent. Likewise, compensations which can be claimed by victims are very low and therefore do not serve as an incentive to file legal complaints against discrimination.

¹ Council of Europe (2012): Estimates on Roma population in European countries.

The Austrian Litigation Organisation, an NGO supporting victims of discrimination before courts, is weakened in its work because funding was cut in 2018.

Addressing antigypsyism

The NRIS identified the fight against antigypsyism as a strategic objective and in this way antigypsyism was officially recognised by the government for the first time in 2017. Still, there are only a few measures planned to combat this form of racism in the coming years and so far there is very little funding available for the civil society to do so. Even though the government recognized antigypsyism, there is still a lack of recognition and awareness in the country. Research and documentation on the phenomenon, as well as educational options to challenge antigypsyism are some of the activities to be developed, as they are currently insufficient at times completely missing.

The commemoration of the genocide in WWII and the knowledge about discrimination in the past is an important part of combating antigypsyism in the present. In Austria, the commemoration of the Roma-genocide still does not have an adequate place in remembrance. There is no central monument to remember the victims in the capital and some villages still form an opposition to the demand of Roma organisations to establish small symbols of commemoration.

INTRODUCTION

Roma population in Austria is as heterogeneous as in most Western European countries. The various groups are of different socio-historical backgrounds and arise from four waves of migration. The initial migration to Austria took place in the 15th or early 16th century. In the mid-19th the second migration wave started with the abolition of serfdom and slavery in Wallachia and Moldavia. Since the 1950s mainly Roma from the former Yugoslavia have moved from South-East Europe to the Western European countries, including Austria.² In the last 15 years due to the EU enlargement process, Roma from Eastern Europe, mainly from Bulgaria, Romania and Slovakia moved to Austria. In this report, the measures for all the different Roma groups are considered (irrespective of their residence or citizenship status).

With the recognition of Roma as a national minority in 1993, the autochthonous Roma in Austria (Burgenland-Roma, Sinti, Lovara) could enjoy the rights established in the Ethnic Group Act.³ In accordance with the law, the funding for national minorities focuses on providing support to associations representing the interests of Roma, language and cultural activities, as well as on programs that promote education for Roma children.

The adoption of the EU Framework for Roma inclusion in 2011 led to the designation of a national contact point at the Austrian Federal Chancellery's Constitutional Service and to the adoption of a national Roma strategy targeting the inclusion of Roma. The strategy is dedicated to improve the situation of Roma by addressing education, employment, fight against antigypsyism, empowerment of women and youth, empowerment of Roma civil society and enhancing participation.

This study assesses the implementation of the national Roma strategy looking particularly at governance and the overall policy framework, anti-discrimination and addressing antigypsyism and measures implemented by local and national authorities or civil society within the timeframe 2011-2018.

For this analysis, information from different research studies on migrants by the Vienna Chamber of Labour and from the ROMBAS research study on the situation of education of Roma in Austria has been collected. Further, the report builds on government documents and mostly on the experience of the staff of Romano Centro. Consultation with other Austrian Roma NGOs was offered, but with a low participation rate. 19 representatives from different Roma or Roma-related organisations were invited, and only two of them answered and shared their view.

² "The Austrian Roma", Romani Project, accessed November 21, 2017,

³ *Federal Act on the legal status of the ethnic groups in Austria (Ethnic Groups Act – VoGrG) 1976.* Version of January 1, 2014.

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Representing the interests of Roma in the parliament

Currently, there is no Roma representative among the 183 members of the National Council, nor has there ever been a Roma parliamentarian (at least, no one who openly said that he or she was Roma). In the past, the Green Party and the Social Democrats were two of the most active parties in representing the interests of Roma, i.e. in the 1990s when the recognition of Roma as an “ethnic group” according to the Ethnic Group Act was discussed (see p. 9). In the 2017 elections, the Green Party lost many of its votes and is currently no longer represented in the parliament. A new party, the *Liste Pilz*, entered the parliament, but it is not yet clear if this new small party will stand for the interests of Roma. Another quite new small party, the “new Austria” (NEOS – *Das Neue Österreich und Liberales Forum*) was not involved in the Roma issues so far. The Austrian Peoples Party (ÖVP) was not active in the Roma-related issues at the national level, but at the state level there are often anti-Roma politics fuelled by antigypsy rhetoric from the representatives of this party. The Austrian Freedom Party (FPÖ), generally, expresses a racist presence from their members on all levels, on various occasions.⁴ Antigypsyism is spread from this side on a small scale, besides Islamophobia, anti-refugee rhetoric and antisemitism.

There is no research on the participation of Romani citizens in local, regional or national elections. Unlike in other European countries, there is no evidence or suspicion that the votes of the Roma are bought or that they are urged or supported to vote for a certain party. Due to the lack of data and knowledge, it is not possible to compare if Roma exercise their right to vote equally to the rest of the population.

Most of the Roma living in Austria (or their parents) originally come from another country. Due to the growing restrictions to acquire Austrian citizenship (i.e. high level of German language and sufficient income has to be proved), many Roma and other migrants do not have a chance to become Austrian citizens and therefore are not allowed to vote, even if they were born in Austria and/or pay taxes for many years.

Austrian politicians are often less sensitive to antigypsyist prejudices and statements than they are when it comes to other forms of racism, i.e. antisemitism. There is no party in the parliament who has an open antigypsy agenda, because the topic is too small and not important enough in Austria. Members of the FPÖ occasionally spread antigypsyist prejudices. Roma people are pronounced as a threat for the Austrian population or the welfare state, i.e. in the right-extremist journal *Zur Zeit*, which is issued by former MEP Andreas Mölzer.⁵ Johann Gudenus was elected in the national parliament in 2017. Before this he had been already a politician in the Viennese City parliament and in this function, he issued a press release in January 2014. The press release followed a racist media campaign by a yellow press newspaper. The journalists made up a story about the bosses of a so-called begging mafia living in palaces in Romania and exploiting beggars in the streets of Austrian cities. Based on those racist fake news, Gudenus called for a general begging ban (which is unconstitutional in Austria). He also stated that the beggars would bring infectious diseases to Vienna.⁶

⁴ Several cases are listed in Mauthausen Komitee Österreich, *Die FPÖ und der Rechtsextremismus. Einzelfälle und Serientäter*, 2018.

⁵ Romano Centro, *Antigypsyism in Austria* (2013), 7-8; *Antigypsyism in Austria* (2015), 11-12.

⁶ FPÖ Wien, “FP-Gudenus zum Sicherheitschaos in Wien: Landessicherheitsgesetz verschärfen!” (Press release, OTS0097, 31 January 2014) Accessed January 31, 2018 ; Romano Centro, *Antigypsyism in Austria* (2015). 13-14.

At the national level, antigypsy incidents involving politicians do not happen very often. At the local and regional levels, the situation is different, especially in political debates about handling poverty-stricken EU citizens. Defamatory antigypsyist statements are used in order to justify that no support is being offered and that eviction measures, like clearing informal sleeping spots or begging bans, are being implemented.⁷ At the regional level, representatives from other political parties than the FPÖ, especially from the ÖVP, are even more involved/active/vocal in these racist discourses. In 2014, the election campaign of this party in the city of Salzburg used the racist topic of “organised begging gangs” to describe impoverished homeless Romanian families.⁸ The governor of the province of Vorarlberg, Markus Wallner, stated in December 2015 that none of the Roma groups in Vorarlberg “are interested in learning the language, no one is interested in real integration, no one is really interested to participate with regard to work”. Once more Roma people were being depicted as unwilling to integrate and as having an aversion to work.⁹ In some cases, the Social Democrats spread racist prejudice as well.¹⁰

Some Roma individuals were running as candidates in elections in the last 20 years. Rudolf Sarközi (1944-2016) was a member of the district council in the 19th district of Vienna from 2001 to 2010 for the Social Democrats. Martin Horvath, who is a member in the Advisory Board for the Ethnic Group of the Roma, is a member of the Green party. He was already a candidate, but has not been elected in a political function so far. In Vienna, Zlatko Baric was a candidate for the Social Democrats for the election to the National Council in October 2017, he founded a Roma-department of the Social democrats in his district. Manuela Horvath, a Roma woman from Oberwart, was elected in the city council of Oberwart in October 2017 for the ÖVP. In the same municipal elections, the Chair of the Advisory Board, Emmerich Gärtner-Horvath ran for the Social Democrats but was not elected in a political function.

Mainstreaming Roma inclusion across ministries and other national level public authorities

In 1993, Roma gained official recognition as a national minority group. In Austria, the old-fashioned German term *Volksgruppe*, which means “ethnic group”, is still used. The definition in the Ethnic Group Act reads as follows: “Ethnic groups in terms of this Federal Act are such groups of Austrian citizens living in parts of the federal territory and having a language other than German as mother tongue and having traditions of their own.”¹¹ The definition of such ethnic group in the law does not contain any further description, so it is quite open and therefore it is not possible to make a clear distinction between who belongs to the autochthonous Roma and who does not. But, taking into account the historical development of the law, it is clear that the authors had those groups in mind which were living in Austria right after the World War II and not those groups or persons who migrated to Austria later.

There are six officially recognised ethnic groups in Austria: the Burgenland Croats, the Slovenes, the Hungarians, the Czechs, the Slovaks and the Roma.¹² The Roma were the last ones to gain this status after being denied recognition for many years. Like every

⁷ Romano Centro, *Antigypsyism in Austria*. (2017), 10.

⁸ Council of Europe, *ECRI Report on Austria* (2015), 20; Romano Centro, *Antigypsyism in Austria*. (2015), 13.

⁹ See case Nr. 11 in Romano Centro, *Antigypsyism in Austria*. (2017), 10.

¹⁰ See case Nr. 10 in Romano Centro, *Antigypsyism in Austria*. (2017), 10.

¹¹ Federal Act on the legal status of the ethnic groups in Austria (Ethnic Groups Act), Section 1, § 2

¹² Federal Chancellery, “Ethnic Groups.” Accessed 21 November 2017.

other Austrian ethnic group, the autochthonous Roma are represented through an Ethnic Group Advisory Board.

The main function of the Ethnic Group Advisory Boards is to consult the federal government and the federal ministers in issues regarding the respective ethnic group. Thereby they have to protect the overall cultural, social and economic interests of their group, especially when it comes to the enactment of new legal provisions or the general planning in the field of funding concerning the ethnic group. The Advisory Boards are also allowed to make suggestions to improve the situation of an ethnic group. If asked to, the Advisory Boards also serve to consult the nine state governments.¹³

The Ethnic Group Advisory Board for Roma was constituted in February 2018 for a new period of four years. It consists of eight members, each with voting rights; four of them have to be representatives nominated by civil society organisations representing autochthonous Roma; out of these four civil society representatives, one is to be elected as the chair and one as the vice-chair of the council. In the new council there will be the following representatives: Emmerich Gärtner-Horvath (*Verein Roma Service*), Andreas Sarközi (*Kulturverein Österreichischer Roma*), Martin Horvath (*Verein Karika*) and Mirjam Karoly (*Romano Centro*). Other members of the Advisory Board can be members of a general representative body who have an affiliation to the respective ethnic group or are members of such ethnic group. In the upcoming period those will be Georg Rosner, mayor of the city of Oberwart (nominated by ÖVP – Austrian Peoples Party) and Karl Heinz Gruber, city council member in Oberwart (nominated by SPÖ – Austrian Social Democrats). Religious communities also have a right to nominate candidates. The Catholic Church nominated two candidates for the coming period: Manuela Horvath, a Roma woman working for the Roma pastoral care in Burgenland and Helmut Schüller, a priest, who is involved in Roma issues and pastoral care for many years. The members of the Ethnic Group Advisory Board are appointed by the Federal Government after nomination. The political parties represented in the national council are also entitled to send a person to the Advisory Board, who is allowed to join the consultations but does not have the right to vote. The Advisory Board for Roma meets once or twice a year. In practice, its main task is to decide on the allocation of funding for Roma.

Following the EU-framework on National Strategies for the Inclusion of Roma, a National Contact Point was established within the Federal Chancellery and since 2012 there is a dialogue with the civil society in the so-called Roma Dialogue Platform. In 2016 there was a consultation process where the civil society was invited to comment on the extended Roma strategy online. Specifically, an ESF-funded programme for Roma Empowerment in the labour market brought a significant extension to Roma-targeted projects. However, this quite large programme in the field of employment is the main progress of the NRIS. In other fields, such as education, health and housing, there is no or low progress. The areas of health and housing were removed from the NRIS in 2016 without justification, while in education there is a commitment to the existing projects. Especially in education there is evidence that the educational level of Roma is very low and civil society calls for more Roma-targeted support. Despite this, the NRIS is not very ambitious in this field. The NRIS is not well integrated in other relevant fields of policy and reaches out to the level of the states and municipality to a limited extent.

The responsibility for the six Ethnic Groups and the National Contact Point for the Roma integration strategy are located within the Federal Chancellery. Up to 2017 the department belonged to the Legal and Constitutional Service and since the beginning of 2018 the department is under the Minister for the European Union, Arts, Media and Culture. The department consists of six employees.¹⁴ According to the information from the

¹³ Federal Act on the legal status of the ethnic groups in Austria (Ethnic Groups Act), Section 2, § 3.

¹⁴ Bundeskanzleramt, *Provisorische Geschäftseinteilung des Bundeskanzleramtes vom 8.1.2018*, 5.

department, the resources for the NRIS have been doubled from a half to one full time position in total.¹⁵

Up to 2017, the Ethnic Group Advisory Board for Roma was not involved in the NRIS process, as there were different responsibilities for the two agendas within the Federal Chancellery and with very low exchange. Since the responsibilities for the ethnic groups and the NRIS are currently in the same department, it is expected that there will be more exchange and that the Ethnic Group Advisory Board plays a more active role in the NRIS process.

Mainstreaming Roma inclusion across local authorities

At the level of the nine states, there is no mainstreaming of Roma inclusion. On a small scale, there is funding for some Roma-related projects that is given out of the budgets of the state governments.¹⁶ Occasionally, the representatives of the state administrations and cities attend the dialogue platform organised by the National Contact Point (see p. 12f.). Specifically, on the dialogue platform on poverty-migration organized in 2017, 11 representatives from five cities and three federal states were present; despite this apparent interest at the level of rhetoric and going against the demands from the Roma civil society, the topic of poverty-migration was not given much importance in the NRIS. In the last two dialogue events organized in 2017 on the topics of Roma commemoration (one representative from Vienna)¹⁷ and youth (two representatives from Vienna, one from the Austrian Association of Cities and Towns, one from Burgenland)¹⁸ attended. Thus, there was a very low participation from this side.¹⁹

Promoting empowerment and participation of Roma

In Austria, there are various Roma NGOs with different activities and representing different groups of Roma. The three oldest organisations are *Verein Roma* in Oberwart (founded in 1989), *Kulturverein Österreichischer Roma* and *Romano Centro* in Vienna (both founded in 1991). These organisations were founded by Roma and Non-Roma. Unfortunately, *Verein Roma* in Oberwart ceased to exist in 2016. In Burgenland, there are two more Roma organisations: *Verein Roma Service* (2003) and *Verein Karika* (2013). In Upper Austria, *Verein Ketani* was founded in 1998, but it also stopped operating in 2016. In 2013 *Verein Phurdo* was founded in Salzburg and is active since then.

In Vienna there are numerous small organisations: *Verein Lovara* (2011) represents the Lovara Roma, most of the other NGOs represent Roma from the Balkans: *Verein Vida Pavlovic*, *Österreichischer Roma Verband*, *Thernipe Wien* or *Romani Bah*. All of these organisations are led by Roma, some of them also involve non-Roma staff. These organisations are independent, although for their activities they are highly dependent on funding from national bodies, such as ministries or from state governments. The Austrian Roma-organisations are very small. Some of them do not have paid staff at all and work voluntary, in some there are only very few people who are employed and run the whole

¹⁵ Susanne Pfanner, National Contact Point, Interviewed by author, 2 February 2018.

¹⁶ For example, the NGO Verein Karika in Oberwart receives funding from the state government of Burgenland.

¹⁷ See the documentation of the 19th dialogue platform on June 2, 2017, accessed 28 May 2018: <https://www.bundeskanzleramt.gv.at/-/19-dialogplattform-2-juni-2017>.

¹⁸ See the documentation of the 20th dialogue platform on November 24, 2017, accessed 28 May 2018: <https://www.bundeskanzleramt.gv.at/-/20-dialogplattform-24-november-20-1>.

¹⁹ The information on participation is available for the last three events of the dialogue platform: Bundeskanzleramt, "Roma Dialogplattform," accessed 2 February 2018, <https://www.bundeskanzleramt.gv.at/dialogplattform-roma-strategie>.

organisation. *Romano Centro* in Vienna is the largest NGO, with around 7 full-time-equivalent positions.

While all of these organisations consider discrimination as an important issue, only a few of them have a strong focus on anti-racism and fighting antigypsyism. This may have a reason in the fact that funding for anti-racist activities is hardly available in Austria and that many of the organisations had or still have a strong focus on promoting Romani culture.

Empowerment is an explicit agenda in the NRIS. In addition, the biggest funding programme for Roma-related measures is titled as the call for "Roma empowerment in the labour market". The NRIS emphasizes the objective of strengthening the "organised Roma-civil-society". The objectives are to broaden qualifications and work more professionally and to support civil society groups concerning their identity and the work for their cause. This shall be reached through a "training course for key employees for Roma-Empowerment", as well as through measures in the field of media, fundraising, monitoring, administration of EU-projects or anti-discrimination.²⁰ According to information from the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection, this course will not take place before 2019.²¹ The National Contact Point already organised a workshop on the anti-discrimination legislation for Roma-organisations and is planning to continue this every year. It is considered that there will be funding for empowerment activities, but this is not elaborated up to now.²² At this stage it is therefore far too early to assess whether the empowerment measures foreseen in the NRIS will show successful outcomes.

Participation

Already in the beginning of the implementation of the EU framework on National Roma Integration Strategies in 2011, the Federal Chancellery invited representatives of Roma organisations together with representatives of federal ministries, representatives of the states, cities and interested persons to discuss the EU framework on NRIS. Since the National Contact Point was established in the Federal Chancellery in 2012, the so-called "*Dialogplattform*" for Roma integration is used as a tool for communication between civil society and the administration since then. The purpose is to network between the federal government, the state governments and the municipalities, to exchange and collect information and to develop strategies, measures and projects.²³ Until May 2018, 21 meetings took place. The single events were always dedicated to a topic.²⁴

In 2016 there was an online consultation on the NRIS. There were two possibilities to contribute. The first was through an open online survey with the following questions:

- In which area of Roma inclusion is the most urgent need for action?
- What are the benefits derived from the dialogue platform for Roma organised by the Federal Chancellery?

²⁰ Bundeskanzleramt, "Roma-Strategie," (2017), 18f.

²¹ Roland Hanak, E-mail to author, 1 February 2018.

²² Susanne Pfanner, National Contact Point, Interviewed by author, 2 February 2018.

²³ Bundeskanzleramt, Protokoll der 1. Dialogplattform zur Integration der Roma bis 2020, 27 June 2012, p. 8.

²⁴ An overview and documents to all events can be found here: Bundeskanzleramt, "Roma Dialogplattform." Accessed 2 February 2018, <https://www.bundeskanzleramt.gv.at/dialogplattform-roma-strategie>.

For which 234 answers were received. The topics of education (66 per cent), employment (53 per cent), combatting discrimination (39 per cent) and combatting antigypsyism (39 per cent) were seen as the most urgent by the participants.²⁵

The second participation tool was related to the content of NRIS. The National Contact Point issued a renewed NRIS on the website and the civil society was invited to comment on the strategy via online comments on the webpage within two months.

Even though the online consultation was an innovative tool to enhance participation, the engagement of the Roma civil society was still low: only eight different individuals/groups/organisations commented on the strategy, a total number of 85 comments were posted, out of which half were mostly posted by Romano Centro. Among these comments, the organisations also expressed criticism regarding this form of participation. Romano Centro for example criticized the belated organization of this consultation, arguing that the participation happened after four years of thematic discussions in the dialogue platforms, and that the decision on the topics to be included in the strategy was taken without consultation.²⁶ *Volkshilfe Österreich* explained that the consultation via online tool excludes many interested Roma from participation, because German is not their first language and access to internet is limited.²⁷ There was no possibility to express one's opinion about the strategy in any other way, the only option being to present the views in written comments visible on this webpage to everybody.²⁸

Roma youth were invited to join the No Hate Speech Committee²⁹ and to participate in the *Forum Jugendstrategie* – an informal setting for exchange on youth topics between the administration and representatives of youth organisations.³⁰ Romano Centro is a member in the Austrian National Youth Council, which is the official and legally established representative body of children and youth in Austria.³¹

Besides this, in Austria there are no measures to ensure the participation of Roma in politics, arts or culture or any other areas.

Guarantees for the effectiveness of programmes with the largest budgets

According to the National Contact Point in Austria, grants are awarded according to the principle of result-based funding. Within the framework of funding control, it is examined whether these principles of impact orientation were justified within the project implementation.³²

In Austria, there are two funding programmes that explicitly target Roma: the funding for Ethnic Groups (Federal Chancellery) and the ESF-funding for Roma-Empowerment in the labour market (Federal Ministry of Labour, Social Affairs and Consumer Protection).

²⁵ Bundeskanzleramt, Ergebnisse der Online-Umfrage der Nationalen Roma-Kontaktstelle.

²⁶ Bundeskanzleramt, "Roma Dialog Plattform: Überblick der Kommentare zur Roma-Strategie und Rückmeldungen der Nationalen Roma Kontaktstelle"(2017), Romano Centro, comment Nr. 61.

²⁷ *Ibid*, Volkshilfe Österreich, comment Nr. 58.

²⁸ Unfortunately, the webpage www.romadialogplattform.gv.at had been deleted by the end of 2017 and the consultation process is therefore no longer available. The NRIS is of course available, as well the comments are preserved in a list. But the strategy and the comments are not visible anymore at one site, therefore it is difficult to find out to which part of the strategy the comments refer.

²⁹ The committee consists of several different civil society organisations and federal and state authorities, <https://www.nohatespeech.at/>

³⁰ "Forum Jugendstrategie," Bundesministerium für Familie und Jugend, accessed 13 February 2018, <https://www.bmfj.gv.at/jugend/jugendstrategie/forum-jugendstrategie.html>.

³¹ "Bundesjugendvertretung (Austrian National Youth Council), accessed 2 February 2018, <https://www.bjv.at/>

³² Susanne Pfanner, National Contact Point, interviewed by author, 18 January 2018.

Besides these two large programmes, there are numerous possibilities for Roma-NGOs to receive small funds for projects at the national level as well as at the level of the states or the cities.

Funding for Ethnic Groups

The above mentioned six recognized ethnic groups receive funding to uphold their organisational structures and to implement projects. In 2014 and 2015, Roma received around 11 per cent of the total budget for all the six ethnic groups. The total budget for all the ethnic groups is around 3.8 million EUR every year since 2009. From 1995 to 2008 the annual amount was around 3.7 million EUR.³³ Therefore, it can be stated that in the last 20 years there is no significant adaptation to higher costs. Consequently, every year this funding enables less of the desired outcomes. Roma, as an ethnic group, received 410,160 EUR in total in 2015.³⁴ Nine different organisations received funding. According to the Ethnic Group Act this financial support is dedicated to "activities and projects serving the preservation and safeguarding of the existence of the ethnic groups, their traditions as well as their characteristics and rights", as well as intercultural projects which serve the cooperation of ethnic groups.³⁵

The projects implemented through this programme have a strong focus on education, media (newspapers/journals about Roma in different Romani dialects and German) as well as cultural activities.³⁶ Explicit targeting of women, children and youth is not requested, but as there is a focus on education, many children and youth are among the beneficiaries.

The financial accountability is very strong, the organisations have to prove and justify all their expenses annually. But, the evaluation and monitoring of results is reduced to the question whether planned activities took place or not. There is no external evaluation on the quality and effectiveness of the activities and programmes. The target group of this funding instrument is the ethnic Group of Roma according to the Ethnic Groups Act, which means that only the so-called autochthonous Roma and Sinti could benefit. Therefore, the majority of Roma living in Austria, who migrated from former Yugoslavia and other European countries since the 1960s are not directly targeted.

ESF-funding on "Roma-Empowerment in the Labour market"

In 2015 the Federal Ministry of Labour, Social Affairs and Consumer Protection issued a call on "Roma-Empowerment in the Labour Market". The total budget of the funding programme is 3.5 million EUR for 42 months (November 2015 to April 2019). Organisations were invited to apply for projects up to a maximum amount of 123,000 EUR a year or 432,250 Euro for the whole period. 50 per cent of the funding programme comes from the European Social Fund and the other 50 per cent from the national budget.

The call contained two different instruments: within instrument A, organisations were invited to apply for funding to develop and implement counselling and qualification measures; instrument B was an invitation to develop a curriculum for the qualification of key employees in the field of Roma empowerment. The later was limited with a total amount of 40,000 EUR. This programme was developed partially with consultation of the civil society within the dialogue platform.

The programme nearly tripled the available budget for Roma integration projects. Roma civil society organisations were – due to the above mentioned small structures – concerned about the capacity of the Roma-organisations to manage EU-funds from the beginning and

³³ Bundeskanzleramt, *Bericht über die Volksgruppenförderung des Bundeskanzleramtes 2008 – 2010*, 67f.

³⁴ Bundeskanzleramt, *Bericht zur Volksgruppenförderung 2015*, 10.

³⁵ Federal Act on the legal status of the ethnic groups in Austria (Ethnic Groups Act), § 8.

³⁶ Bundeskanzleramt, *Bericht zur Volksgruppenförderung 2015*, 16f.

called for support. In the end, only three Roma-organisations started a project on their own. The other projects were won by larger, well-established organizations, such as Caritas, *Volkshilfe* or by large private companies active in the social sector who are implementing their projects in partnership with small Roma-organisations to ensure Roma-participation. Roma-participation was a key criteria in the selection process.

For the three Roma-NGOs, but surprisingly to a certain extent also for the larger organisations, the administration of those funds turned out to be very complicated. The main reason is that there was a lack of experience with this type of funding and that there were no clear guidelines on reporting from the beginning. One project, which was led by a Roma-NGO, was terminated after 16 months because of problems in the administration. The NGO and the ministry conjointly decided on this.

Financial accountability in this programme is very strong, the organisations have to prove their expenses every three months. The Austrian Federal Agency for Accountancy is responsible for the financial control, the quality and effectiveness of the projects is examined by the Federal Ministry of Labour and Social Affairs with support by an external social research company. Organisations have to report on the activities and progress of the project every three months.

The target group of those projects are all Roma in Austria, regardless of their status as an ethnic group or not. In the call it was stated that gender-balance access to the programmes had to be ensured.³⁷ The projects shall address Roma explicitly, but not exclusively, which means that non-Roma persons are not excluded from the projects. In the call for the projects there was no specific reference to women, children or youth. As the programme is focusing on the labour market, children are not in the target group.

In August 2018, a second call was published by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection for the period of May 2019 to December 2022. The total budget is 4 million EUR, the maximum amount for one project is limited to 440,000 EUR.³⁸

The availability of significantly more funds has to be seen in a very positive light in general. However, the ESF-funded programme only covers employment. In the other fields of health, housing and especially in education, Roma-targeted funding is still non-existent or did not grow significantly through the NRIS process. The low educational level of Roma in Austria is a quite well-known problem, and the only area where there is evidence that the situation is worse than for other migrants, minorities or the majority. Almost all Roma-organisations emphasize the importance of this topic, while many of them are active in this field. Despite this, the situation in this regard did not change a lot through the implementation of the NRIS. Funding for existing programmes grew slightly, but from a low level. The existing programmes could therefore neither be expanded much in quantity, nor in quality; for example, a training course for Roma-mediators in schools and an extension from four to ten employees in this programme was not feasible due to a lack of funding.³⁹ There are no Roma-targeted programmes in the field of health or housing.

Mainstream funding programmes

Other relevant programmes such as the *Nationale Integrationsförderung* (National Funds for Integration) do not contain a reference to Roma or the NRIS and there is only one

³⁷ Bundesministerium für Arbeit, Soziales und Konsumentenschutz, *Roma-Empowerment für den Arbeitsmarkt. Erster Aufruf zur Einreichung von Projektanträgen zur Aktivierung und Stabilisierung von Roma und Sinti durch Beratung, Ausbildung, Training, Antidiskriminierungsmaßnahmen bzw. Disseminationsaktivitäten.*

³⁸ Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz, *Roma-Empowerment am Arbeitsmarkt 2019 – 2022.* The call was discussed in the 21st Roma dialogue platform on 11 April 2018.

³⁹ This was proposed by Romano Centro for many years until there was a definite refusal to support this by the relevant ministries in 2014.

Roma-specific project funded out of this important programme.⁴⁰ In 2018, funding from this programme to Romano Centro for the Roma-School-Mediators project was cut by 15 per cent.

The different federal ministries as well as the Federal Chancellery often brought forward the argument that mainstream measures for the integration of socially disadvantaged persons are open for Roma and do reach them. On the other side, Roma organisations have doubts about this. Up to now there is no evidence on this question and there is no mechanism in place to ensure that Roma are reached by those mainstream programmes and the projects which are funded by them.

There are numerous small-scale funding sources from different federal ministries, state governments or foundations that are used by Roma-organisations to finance their programmes and activities. For example, a counselling project for women is supported by the national funds for women or Roma-mediators and a project for individual coaching of Romani pupils are funded by the Federal Ministry for Education.

Availability of reliable data on the situation of Roma

There is very few available data on the situation of the Roma in Austria. Data on ethnic minorities is not collected in Austria in the overall census due to historical reasons.⁴¹ Therefore, there is no knowledge about the number of Roma and Sinti in Austria.

In the field of employment and education there is data available about migrated/migrant Roma in Vienna.⁴² Likewise in education, there was a participatory study on the educational situation of Roma in Austria which was led by the NGO Initiative *Minderheiten* in cooperation with the Roma-NGOs *Roma Service* and *Romano Centro*.⁴³

Policies and measures addressing specific needs of Roma women, children and youth

Roma organisations in Austria have successfully claimed that the topics of women and youth have to be included in the NRIS during the online consultation process in autumn 2016.⁴⁴ The two areas were then included in the strategy in 2017, although not to the full extent as requested by civil society. In the field of youth, the civil society claimed that there is a need for a Roma-specific youth work. This important point was not included in the strategy by the National Contact Point.⁴⁵ In the field of women, the NRIS aims to secure that prevention activities for youth and counselling for Romani women are offered and that mainstream counselling institutions build a network with Roma-organisations.⁴⁶

⁴⁰ Under the keyword "Roma" only one project can be found in the database:
<https://www.bmeia.gv.at/integration/datenbank-integrationsprojekte/>

⁴¹ Austrian Federal Chancellery, *Roma in Austria. An EU Framework for National Roma Integration Strategies up to 2020. Political and legal measures* (2011), 6.

⁴² Susi Schmatz and Petra Wetzl, *MigrantInnen in Wien. Zur Beschäftigungs- und Lebenssituation von Roma/Romnja und Kurden/KurdInnen mit Migrationshintergrund* (Wien, AK Wien, 2015).

⁴³ Mikael Luciak, *ROMBAS: Zur Bildungssituation von Roma und Sinti in Österreich* (Wien: Initiative Minderheiten, 2014).

⁴⁴ Bundeskanzleramt, "Roma Dialog Plattform: Überblick der Kommentare zur Roma-Strategie und Rückmeldungen der Nationalen Roma Kontaktstelle," (2017), Romano Centro, Comment Nr. 64.

⁴⁵ Bundeskanzleramt, "Roma-Strategie," (2017), 19f.

⁴⁶ Bundeskanzleramt, "Roma-Strategie," (2017), 17f.

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

The Racial Equality Directive (2000/43/EG) was implemented through the Federal Law on Equal Treatment (*Gleichbehandlungsgesetz – GIBG*)⁴⁷ and a number of other laws in 2004. The law protects against discrimination in the employment world based on gender, ethnic affiliation, religion or ideology, age or sexual orientation. Unequal treatment based on gender or ethnic affiliation is prohibited in access to and supply of goods and services, education and social protection. The law therefore states different levels of protection for the different grounds of discrimination because there is a wider protection for gender and ethnic affiliation than i.e. sexual orientation. (e.g. housing space, various recreational facilities, etc.). The Ombudsperson for Equal Treatment (*Gleichbehandlungsanwaltschaft*) is responsible for counselling and supporting victims of discrimination. Further, it can commission studies on the topic of discrimination or compile them itself. Incidents can be submitted to the Equal Treatment Commission for review. This Commission is a quasi-judicial body that can issue non-binding decisions that can be used by the victim before court and should be taken into account there, but can be also overruled in practice.⁴⁸ The Equal Treatment Act in principle is calling for compensation and sanction in case of discrimination.

The implementation of the Racial Equality Directive still has some shortcomings with regards to the rights of victims of discrimination.

Following Article 7 (2) of the Directive, there is a provision in the Equal Treatment Act which allows the Austrian Litigation Association to support victims of discrimination and to intervene in a case as a third party. Despite this provision, the association does not have a right to act independently without a plaintiff who asks for its support. The Austrian Litigation Association is a small NGO with around 50 member organisations. In June 2018, the Federal Ministry for Women, Family and Youth cut the funding for 2018 from 50,000 EUR (2017) to 25,000 EUR, which means that the association has 15 per cent less resources and is therefore heavily weakened in its work.⁴⁹

The burden of proof does not switch over to the respondent completely as foreseen in the Directive. According to the law, the respondent has to prove that “it is more likely that a different motive – documented by facts established by the respondent – was the crucial factor in the case or that there has been a legal ground of justification (in cases of indirect discrimination)”.

It is questionable if the quite low penalties foreseen in the Equal Treatment Act fulfil the Directive’s requirements of being “effective, proportionate and dissuasive”. For example, discriminatory advertisements for jobs or housing are punished with maximum penalty of 360 EUR.⁵⁰

Besides the Equal Treatment Act there are numerous other provisions which implement the Racial Equality Directive in different fields of responsibility. For example, the nine states have their own laws on antidiscrimination which apply where the respective state is responsible. This makes it complicated to find out which law applies and which counselling unit is in charge. If somebody is discriminated when applying for an apartment, the law of

⁴⁷ Bundesgesetz über die Gleichbehandlung (Gleichbehandlungsgesetz - GIBG), BGBl. I Nr. 66/2004.

⁴⁸ Schindlauer, Dieter. Report on measures to combat discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report 2011, Austria, 2012, p. 90 f.

⁴⁹ See Austria Litigation Association, Open Letter, 4 June 2018. <https://www.klagsverband.at/archives/13242>

⁵⁰ For a detailed analysis of the implementation of the Racial Equality Directive see Schindlauer, Dieter. Report on measures to combat discrimination. Directives 2000/43/EC and 2000/78/EC. Country Report 2011, Austria, 2012.

one of the nine states applies when the apartment is public and owned or funded by the province whether the Equal Treatment Act applies when it is a private one. The discriminated person can ask support from the Ombudsperson for Equal Treatment in the latter case, while in the first one an institution run by the respective state is in charge of supporting the victims.

According to the information received from employees from the office of the Ombudsperson for Equal Treatment there are between three and four cases concerning Roma every year. They stressed that this already means an increase compared to the past. They think that the information activities conducted together with Roma organisations brought an increased number of cases. The statistics from the Ombudsperson for Equal Treatment as well as from the Equal Treatment Commission only contain information on the discrimination on the ground on ethnic affiliation and do not further specify to which group the persons belong. Therefore, there is no data on how many cases of affected Roma were before the commission or on how many Roma turned to the Ombudsperson for counselling.⁵¹

In a decision on 2005, the Equal Treatment Commission took a decision concerning Roma. In August 2005, the manager of a camping site in East Tyrol put up a sign at the reception desk reading, *Kein Platz für Zigeuner* (No Room for Gypsies). The Commission drew up a report to this incident and came to the conclusion that the sign was discriminatory. The commission also concluded that the term "*Zigeuner*" ("Gipsy") is discriminatory in the sense of the Equal Treatment Act.⁵² This classification of the term as being discriminatory was and still is an important step for combating the use of this insulting term, which is fortunately disappearing more and more.

NGOs play an important role in raising awareness regarding the potential of the anti-discrimination law.

It is very important to spread information on the Equal Treatment Act and other legal provisions which can be used in cases of discrimination and racism. There are various obstacles to file complaints on the ground of these legal provisions. In case of Roma there is very little legal knowledge within the Roma organisations and those organisations are limited in the geographical outreach to certain regions. With the Report on Antigypsyism in Austria,⁵³ Romano Centro in cooperation with other anti-racist NGOs contribute to raise awareness among the Roma community, introducing them to their rights and showing what could be done or what was done by others.

Although Austria signed Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms on a general prohibition of discrimination, this protocol was never ratified and therefore didn't enter into force in Austria.⁵⁴

Educational and residential segregation

The Austrian school system is highly selective. Statistically, children have a low chance to reach a higher level of education than their parents. One of the strongest factors for success in school is not a child's talent or diligence but who his parents are. Roma migrated from Serbia, Macedonia or EU-member states like Romania, Bulgaria or Slovakia, often have a very low level of education due to discrimination and school segregation in their respective country. Although in Austria parents and children are not systematically discriminated directly, the children have very low chances to succeed in school because their parents cannot fulfil their obligations to teach them at home. It is important to

⁵¹ E-Mail from Eva Lang to author, 1 March 2018.

⁵² Romano Centro, *Antigypsyism in Austria* (2013), 4.

⁵³ Romano Centro, *Antigypsyism in Austria* (2013); *Antigypsyism in Austria* (2015); *Antigypsyism in Austria* (2017), www.romano-centro.org.

⁵⁴ Council of Europe, "Treaty list for a specific state," accessed 2 February 2018, https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/country/AUS?p_auth=EBfBNS9Z.

understand that primary school in Austria is still half-day, so there is a huge responsibility for the parents to learn and support children with homework. Full-day schools have to be paid and children whose parents have jobs have priority access. Therefore, the most disadvantaged with the lowest educational level are often left aside by the system and parents are expected to support their children at home. For many reasons, Roma often belong to this group of the most disadvantaged people and that is why the educational level among Roma is low.

The educational level of Roma in Vienna is significantly lower than the average level of migrants. The field of education is one of the few where evidence on the worse situation of Roma exists. There are two studies on the employment situation of migrants in Vienna which were published by the Workers Chamber. Both of them separately examined the situation of two minorities: the Roma and the Kurdish. The researchers also investigated the educational levels. The result was striking: while 8% was the share of people with the lowest qualifications in the group of non-migrants, 22% was in the groups of migrants and 58 per cent in the group of Roma. The group of Kurdish people were also much better off with a share of 20 per cent.⁵⁵

Direct discriminatory treatment of children by teachers is rarely reported, although it exists. There is for sure a problem with discriminatory behaviour against Roma pupils by other children and a lack of intervention by the teachers in many occasions.⁵⁶

Among teachers, antigypsy prejudice is as widespread as in the whole society. Many of them think that there is something like a Roma-culture which is in principle against attending school. If children don't come to school, some do not make enough efforts to find out why, as they think that this is in the order of things. Romano Centro's longstanding experience in the field of education shows that many teachers only recognise Roma pupils as Roma if there are serious problems with them. They expect that there are problems with all Roma and therefore their expectations regarding the school achievement of Roma children is very low many times.

Residential segregation

In Austria there is only one segregated Roma settlement outside the town of Oberwart in Burgenland. According to Manuela Horvath from the pastoral care for Roma, 45 people live there currently. Although the settlement is a result of institutional discrimination in the post-war era,⁵⁷ there is no indication if the people living in this settlement want to live in the town instead of the settlement.

Forced evictions

In the past years, the number of Roma migrants from other European countries increased due to poverty and the lack of perspectives, which is partly the consequence of economic hardships at home, but mainly the result of institutional antigypsyism and centuries of discrimination in their countries of origin. The hope of having an income and a better life brings many Roma from Romania and Bulgaria to Western Europe where they are often perceived as beggars. Politicians and the media reinforced this image of poor, begging Roma and stigmatized them as criminals.

On 9 November 2015 a group of 120 people living in a self-made camp of tents and barracks were forcibly evicted by the authorities in the state of Vorarlberg. Adequate alternative accommodation was not offered in most cases to those people made homeless.

⁵⁵ Susi Schmatz and Petra Wetzel, *Migrantinnen in Wien. Zur Beschäftigungs- und Lebenssituation von Roma/Romnja und Kurden/KurdInnen mit Migrationshintergrund* (Wien, AK Wien, 2015), 4.

⁵⁶ Sauer and Adjanovic found out that Roma are the ones who are most affected by interethnic violence in Vienna, Edma Ajanovic and Birgit Sauer, "Schools as "Protected Space"? Good Practices but Lack of Resources: the Case of Austria," 114, 115.

⁵⁷ The history of the settlement was described by Stefan Horvath, *Atsinganos. Die Oberwarter Roma und ihre Siedlungen* (Oberwart: edition lex liszt, 2013).

What was offered instead was a free ride back to their country of origin.⁵⁸ This reaction of the state government is not considered to be conducive to integration or even acceptable from a social perspective. Green politicians called that initiative a “politics of forcible displacement”. Only a few days later, on November 12, a camping regulation was passed by the municipal council. This new restriction was made in order to inhibit other camps to arise inside the city of Dornbirn.⁵⁹

Discriminatory behaviour by police, misconduct by prosecutors or courts

Several cases of discriminatory behaviour by police or the judiciary have been reported to different NGOs and are also described in the reports on Antigypsyism in Austria published by Romano Centro. In most cases the police officers were not sanctioned for refusing to help or for their hate speech against Roma people.

In 2013 the senior citizen association *Seniorenbund* in Upper Austria published a text in its calendar in which it warned its readers about the “grandson-nephew trick”, a confidence game. The alleged perpetrators of the confidence game were mentioned at the beginning of the text and identified as “mainly Roma and Sinti”. The whole ethnic group was then portrayed as being generally dangerous: “This ethnic group is particularly unscrupulous and exploits its victims to the point of financial ruin.” After this text became known to the public, the *Seniorenbund* apologized and explained that the text had been written by the police. Romano Centro reported the facts of the case to the public prosecutor’s office in Linz. Investigations were started on the suspicion of incitement, but soon dropped on the grounds that the policeman who had written the text has merely relied on his own experiences and has fulfilled his duty to warn the public. This reasoning offered by the public prosecutor confirmed the racist statements of the police officer. *Romano Centro* then demanded that the investigation be re-opened. The public prosecutor, however, saw no need for further investigations. *Romano Centro* was asked to respond and again argued for a continuation of the investigation. The court lastly decided that the request to continue investigations had been filed too late. No further legal steps were possible.⁶⁰

In March 2015 a Roma woman, who makes her living begging was asked by two police officers to accompany them to the police station. After complying to the request, the woman had to experience a degrading treatment. She felt sick, but the police accused her of just pretending, and after she vomited she was insulted by the police numerous times as a “tramp”. She was told to go back to Romania and she was forced to clean up her vomit. With the support of a lawyer, she filed a complaint for measures to be taken against such treatment. Although the State Administrative Court did not believe her statement about the insults, they determined that having to clean up her own vomit at the police station constitutes a “particular humiliation” and degrading treatment according to Art. 2 of the European Convention on Human Rights (Prohibition of torture and degrading treatment).⁶¹

In 2016 and 2017 two cases of ethnic profiling became public. The state police in Vorarlberg issued a press release at 27 July 2016 with descriptions of two suspects, one with the discriminatory attribute “Roma-type”. This attribute did not bring any added value to the description of the person. Therefore, *Romano Centro* complained to the police, which did not express any understanding for the criticism.

⁵⁸ Jutta Berger, “Dornbirn ließ Zeltlager der Roma Familien räumen,” *Der Standard*, 9 November 2015, accessed 2 February 2018, <http://derstandard.at/2000025369107/Dornbirn-liess-Zeltlager-der-Roma-Familien-raeumen>.

⁵⁹ “Campingverordnung für Dornbirn,” Dornbirn online - Campingverordnung für Dornbirn, accessed 2 February 2018, <https://www.dornbirn.at/rathaus-politik/aktuell/nachrichtenarchiv/detail/news/detail/News/campingverordnung-fuer-dornbirn/>.

⁶⁰ Romano Centro, *Antigypsyism in Austria* (2013), 16.

⁶¹ Romano Centro, *Antigypsyism in Austria* (2015), 21.

The *Burgenland* State Police sent out a press release after two trick thefts on 24 February 2017. The description of the four offenders contained various physical characteristics and in addition, the annotation “probably (Roma/Sinti ethnicity)”. This categorisation was completely arbitrary and did not contribute to a better identification. *Romano Centro* and the Chairperson of the Ethnic Group Advisory Board for Roma sent a complaint letter to the State Police. The State Police Director apologized subsequently for the incident and organized a special meeting with the district commanders and the public relations officers where he stated that such description is unacceptable.⁶²

Although *Romano Centro* called for programs to raise awareness on antigypsyism and fight prejudice among police officers on several occasions,⁶³ there is no information that such trainings have been conducted. There is no evidence so far that awareness raising on antigypsyism happens in the process of formation or in the further training of the police.

⁶² *Romano Centro, Antigypsyism in Austria (2017), 17.*

⁶³ For example, in the reports on Antigypsyism in Austria in 2013, 2015 and 2017 as well as in the comments to the NRIS.

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

Unlike other EU countries, e.g. Germany, Austria does not have a National Action Plan (NAP) on Racism. Combating racism therefore does not have a high priority on the political agenda and is only included among other points in the NAP on Integration, where some references to combating racism are made. There is no reference to antigypsyism or discrimination of Roma in this NAP.⁶⁴ The new government which came into power in December 2017 issued a programme for the period up to 2022. Racism is not even mentioned in this programme, while only one sentence mentions that the government will be active against discrimination.⁶⁵

The NCP included the topic of combating antigypsyism already in the draft NRIS, which was at the time open for consultation in Autumn 2016. After the consultation the chapter was extended. The NRIS with the chapter on Antigypsyism was adopted in the council of ministers on 28 June 2017. The Austrian government thereby recognized antigypsyism for the first time as a specific form of racism. But despite this decision, it has to be stated that antigypsyism does not have a broad recognition on the political level.

The NRIS includes the following objectives in this regard:

- More information and awareness raising for the majority population,
- More information and awareness raising for media representatives,
- Awareness raising among civil servants and public administration,
- More professional public relations activities by Roma-organisations,
- Empowerment of Roma Youth to access jobs in the media.

Among others, the following activities are planned within the NRIS:

- Publication of a report on antigypsyism,
- Elaboration of recommendations to combat antigypsyism,
- Expert group on the representation of Roma in the media and elaboration of recommendations ,
- Organising a conference on antigypsyism bringing together civil society and academia,
- Workshop to raise awareness on antigypsyism for employees in the public administration,
- Trainings for teachers and provision of educational material on Roma and antigypsyism,
- Organising information event for cities which are affected by poverty migration.⁶⁶

The reports on antigypsyism were already published by *Romano Centro* in 2013,⁶⁷ 2015,⁶⁸ and 2017.⁶⁹ Since these reports are planned as a measure to combat antigypsyism in the NRIS, there is sufficient funding to produce and publicize the report provided by the Federal Chancellery.

⁶⁴ Bundesministerium für Europa, Integration und Äußeres, *Bericht zum Nationalen Aktionsplan Integration*, (2010).

⁶⁵ Regierungsprogramm 2017-2022 der Neuen Volkspartei und Freiheitliche Partei Österreichs, *Zusammen. Für unser Österreich. Regierungsprogramm 2017-2022*.

⁶⁶ Bundeskanzleramt, "Roma-Strategie," (2017), 14-17.

⁶⁷ <http://www.romano-centro.org/downloads/AntiziganismusEnglisch.pdf>

⁶⁸ http://www.romano-centro.org/downloads/Antigypsyism_in_Austria_2015.pdf

⁶⁹ <http://www.romano-centro.org/images/antigypsyism%20in%20austria%202015-2017.pdf>

According to the information from the head of the NCP, Susanne Pfanner, the following activities have been planned:

- The NCP established an expert group on the representation of Roma in the media. A researcher from the University of Vienna was asked to conduct a survey on the representation of Roma in the media, which is expected for publication in 2018. In addition, students of journalism are writing their bachelor thesis on different topics connected to Roma in the media.
- An expert group on antigypsyism will be created in 2018/2019 with the aim to elaborate recommendations to combat antigypsyism. A conference on antigypsyism to present those recommendations and to bring together different important actors, such as civil society or academia, will be organised by the National Contact Point in 2019.⁷⁰

Institutional responses to tackle Antigypsyism

Besides the activities planned in the NRIS there are no structures established to analyse and prevent antigypsyism. On the level of the states or on the local level there are no efforts made so far to tackle antigypsyism, although there it would be of great importance, because of antigypsy hate speech against EU citizens who partially earn their income with begging. The "Declaration of mayors and elected local and regional representatives of the Council of Europe Member States against anti-Gypsyism" was so far signed only by the state governments from Carinthia and Salzburg.⁷¹

The Ombud for Equal Treatment (*Gleichbehandlungsanwaltschaft*) is a public body situated under the Federal Chancellery. Its area of competence is all type of discriminations under the Equal Treatment Act. Its main tasks are to provide advice, information and support to persons affected; to obtain comments and information from the employer's side; to negotiate out-of-court settlements; to initiate proceedings before the Equal Treatment Commission on request of the person discriminated against; to prepare comments and recommendations on specific equal treatment issues; to provide information and to exchange experience in the framework of workshops, lectures, training programmes, panel discussions, etc.⁷² The Ombudsperson for Equal Treatment had a proactive role in addressing the discrimination of Roma in the last years. In cooperation with Roma NGOs information workshops were organised for Roma and the staff of Roma organisations on various occasions and in different locations. The office is also supporting the publication of the report on antigypsyism through documentation of cases of discrimination motivated by antigypsyism.

Recognition of the Roma genocide

The historical persecution of Roma, Sinti and others who were stigmatized as "Gypsies" still has its negative effects on the current situation. To understand and address the situation of Roma in the present, it is therefore important to know and recognise what happened in the past. During WWII between 80 and 90 per cent of Roma, Sinti and Yeniche people then living in Austria were killed. Out of 12,000 people who were classified as "Zigeuner" ("Gypsies") only around 1,500 survived the genocide. The survivors had to fight for recognition for a long time, for way too long to receive compensation as they died before having access to reparations. Nowadays, the Roma genocide is still minor in the commemoration of the Nazi crimes, but it is progressively becoming more visible. Already since 1990 there is an annual commemoration event at the site of the former concentration camp in Lackenbach, where high representatives of the state, such as the president of the

⁷⁰ Susanne Pfanner, National Contact Point, interviewed by author, 18 January 2018.

⁷¹ Council of Europe, "The Declaration against anti-Gypsyism," A first resume, accessed 2 February 2018. <https://mycloud.coe.int/index.php/s/EqrlI8K21axfBwo>

⁷² Ombud for Equal Treatment (Gleichbehandlungsanwaltschaft Österreich), "Tasks of the Ombud for Equal Treatment" accessed 2 February 2018, <http://www.gleichbehandlungsanwaltschaft.at/site/7566/default.aspx>

republic, federal ministers or the president of the national parliament participate and give public speeches.

So far, there is no official recognition of 2 August as a memorial day for the genocide of the Roma. This day only became important as a memorial day in Austria in the last few years. Before there were no events on 2 August in Austria and, representatives of Roma organisations as well as survivors and their families commemorated in Auschwitz.

In the capital Vienna, there is still no memorial remembering the Roma genocide, as well as in many other villages, where Roma were deported from, there is still resistance against commemoration activities such as the installation of small memorials.

The NRIS does address the topic of recognition and commemoration of the genocide in the chapter on empowering Roma-civil society. The NRIS states that there should be efforts to create adequate memorial sites for the commemoration of the Roma genocide.⁷³

Diversity in public administration and political positions

There are positive action measures to foster diversity, i.e. the police in Vienna had a campaign to motivate migrants to join the police in 2017. Roma were not explicitly targeted in this campaign. In general, there are no measures to enhance Roma representation in the public administration.

Funding

Generally, funding allocated to fight racism is not available in large scale in Austria. This may have its reason in the absence of a clear provision on combating racism in NAP. While there are no programmes explicitly funding activities to combat antigypsyism, there are political parties or media outlets that spread antigypsy prejudice and racism which receive public funding. So far, it is not known if public funding was cut for the reason of spreading racist views. One example in this regard is the weekly newspaper *Zur Zeit*, publicly funded in 2016 with nearly 50,000 EUR, which is regularly spreading anti-Semitic, anti-muslim or antigypsy content.⁷⁴

Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

In Austria, there are several legal provisions against hate speech, hate violence or hate crime. The prohibition on inciting hatred is defined in § 283 of the Criminal Code (StGB). The prison sentence is up to two years for anyone who calls for acts of violence, in a way that is accessible to many people, against a group of people defined by:

- a church or religious community or another "race" according to the existing or lacking criteria, skin colour, language, religion or world view, nationality, descent or national or ethnic heritage, gender, physical or mental disability, age or sexual orientation or against a member of such a group expressly because of affiliation in this group or incites hatred against them, or
- with the intent of injuring their human dignity, insults one of the described groups in a way that makes this group despicable in public opinion or disparage them, or who
- approves of, denies, grossly belittles or justifies crimes of genocide as defined in legal text, if the action is directed at one of the groups named above or against a

⁷³ Bundeskanzleramt, "Roma-Strategie," (2017), 19.

⁷⁴ Kommunikationsbehörde Austria, *Ergebnis der Vertriebsförderung für Wochenzeitungen gemäß dem Abschnitt II PressFG 2004 im Jahr 2016*, accessed 2 February 2018, https://www.rtr.at/de/ppf/VertPFW2016/Ergebnis_der_Vertriebsfoerderung_f%C3%BCr_Wochenzeitungen_im_Jahr_2016.pdf

member of such a group and is done in such a way that qualifies as inciting violence or hatred against the group or the member.

If an act of this kind is committed in such a way that it is accessible to the broader public, the term of imprisonment increases to up to three years. If the effect of an act of this kind is that other people exercise violence against one of the described groups or a member of one of these groups, the term of imprisonment increases to up to five years, whereby a minimum sentence of six months is stipulated. Anyone who disseminates materials of ideas or theories that endorses, promotes or incites hate or violence against one of the groups named above or against a member of such a group, aside from the criminal acts already mentioned, or makes publicly accessible in any other way, whereby it becomes accessible to the broader public, is punishable with imprisonment of up to one year or with a monetary fine. Inciting hatred is also punishable on a smaller scale. Thus, a "public provocation" is about ten people or more, and "many people" is understood as being about 30 people, whereby making it accessible to a "broad public" entails a higher penalty. With "simple insults" it is still necessary that the offender's intentions are to harm another person's human dignity, which means the denial of the humanity of the member of the attacked group, or that their right to life as an equal citizen is being denied, or that they are depicted as inferior or as a worthless part of the overall population.

If the hate-inciting person's actions are a source for other people actually exercising violence against a member of a protected group, the punishment increases to up to five years imprisonment. After all, now not only is the independent drafting of hate-inciting propaganda punishable, but also the further dissemination of such content, e.g. on the internet. It remains to be seen what the effects of this provision, which came into force in 2016 amendments, will now be in practice.⁷⁵

ECRI welcomed the amendment of this provision in general, but stressed that the provision is still not fully in line with § 18a of General Policy Recommendation No. 7 on National Legislation against Racism and Racial Discrimination, as incitement to discrimination or to hatred against a specific person is not made a criminal offence. ECRI therefore recommends to close this gap.⁷⁶

In 2015 and 2016 the number of cases of incitement and also the number of convictions increased significantly. This is due to the growing phenomenon of online hate speech.⁷⁷ There were also cases of incitement against Roma, which led to convictions. For example, there was a man who sent e-mails with inciting and racist content to several public offices and different media. He was convicted to seven months of conditional imprisonment from the Vienna Regional Criminal Court for inciting hatred.⁷⁸ But there are also examples where the law and the law enforcement authorities do not offer sufficient protection, for example the above-mentioned case of the insulting text in the calendar (see p. 20).

Verbal abuse is punishable under the § 115 of the criminal code. Whoever insults, mocks, physically mistreats or threatens physical mistreatment of a person in public or in front of several people, is punishable for verbal abuse. The act must take place in the presence of three people who are neither the offender nor the attacked person and who are perceptible by them. The offence is generally only prosecuted at the request of the injured party.

In the case of a racist insult this is different. Insults have to be prosecuted officially when they are made towards the injured party due to them belonging to one of the groups described in § 283 Section 1 StGB (see above) and consist of mistreatment or the threat of mistreatment or insults and mockery that is suitable for making the injured party despicable in public opinion or in order to belittle them. In the event of insults of this kind,

⁷⁵ Romano Centro, *Antigypsyism in Austria* (2017), 16.

⁷⁶ Council of Europe, *ECRI Report on Austria* (2015), 11 ff.

⁷⁷ Julia Schrenk, "Mehr Anzeigen wegen Hass im Netz," *Kurier*, April 12, 2017, accessed February 3, 2018. <https://kurier.at/chronik/oesterreich/mehr-anklagen-wegen-hass-im-netz/257.785.519>

⁷⁸ Romano Centro, *Antigypsyism in Austria* (2017), 14.

law enforcement authorities must investigate and ask the injured party if they give their authorisation to prosecute. Victims can join subsequent criminal proceedings as private participants and assert their claims, e.g. for compensation, in the criminal proceedings without process cost risks.⁷⁹

Paragraph 33 of the criminal code lists a number of motives which aggravate a crime. Crime which is motivated by racism should therefore result in higher penalties because of this provision. In practice, this provision is hardly used.⁸⁰

There is no monitoring of racist incidents by the state. Civil society is monitoring the situation in various ways. ZARA (*Zivilcourage und Anti-Rassismus-Arbeit*), an anti-racism NGO, is publishing an annual report on all forms of racism, including cases of antigypsyism.⁸¹ In the last years there were also reports on antisemitism or anti-muslim racism published by civil society organisations.

Romano Centro collected cases of antigypsyism in cooperation with other anti-discrimination organisations and published three reports in 2013⁸², 2015,⁸³ and 2017.⁸⁴ The reports on antigypsyism in Austria include cases from different areas of life, where people are confronted with this form of racism. The covered areas are media, right-wing extremist media, politics, access to goods and services, internet, police, public space, education and employment world. The cases that have been published mirror the situation of Roma living in Austria and have been an important tool to advocate for measures against antigypsyism. Some cases have been brought to the court but not all of them have been investigated and sanctioned properly.

Combatting antigypsyism and other forms of racism is highly dependent on NGOs. They therefore need sufficient funding to be able to fulfil this important task.

The Austrian Press Council⁸⁵ monitors compliance with the principles of journalistic work, the so-called code of honour for the Austrian press. It is responsible for print media and their online presence. The code of honour prohibits, among other things, making sweeping suspicions and the revilement of people or groups of people as well as any form of discrimination based on age, disability, gender, ethnicity, national, religious, sexual, ideological or other grounds. Personal defamation, revilement and persiflage also infringe on the ethos of journalism.

Media that professes to a responsible practice of freedom of press, can subject themselves voluntarily to the control of the Press Council in order to be checked in the event of specific incidents. There are two options to complain to the Press Council in the event of a racist article. The first is the so-called independent procedure, which can be initiated by anyone by reporting a media-ethical violation in print media (also not subject to the Press Council) or affiliated website. The decisions made by the Press Council are published regularly. The second option is the complaints procedure, which can only be introduced by people who are individually affected by the disputed report. In doing so, an arbitration agreement can be concluded between the affected person and the media. Those media that are members of the Press Council have generally subjected themselves to this arbitration. The printout

⁷⁹ *Ibid.* 18.

⁸⁰ ZARA, Stellungnahme zum Entwurf des Strafrechtsänderungsgesetzes 2015, 27 April 2015.

⁸¹ ZARA – Zivilcourage und Anti-Rassismus-Arbeit, "Rassismus Report," accessed 4 February 2018, <https://www.zara.or.at/index.php/beratung/rassismus-report>.

⁸² Romano Centro, Antigypsyism in Austria (2013), <http://www.romano-centro.org/downloads/AntiziganismusEnglisch.pdf>.

⁸³ Romano Centro, *Antigypsyism in Austria* (2015), http://www.romano-centro.org/downloads/Antigypsyism_in_Austria_2015.pdf.

⁸⁴ Romano Centro, *Antigypsyism in Austria* (2017), <http://www.romano-centro.org/images/antigypsyism%20in%20austria%202015-2017.pdf>.

⁸⁵ Österreichischer Presserat (Austrian Press Council), accessed 14 February 2018, <http://www.presserat.at/>.

of the Press Council's decision can be enforced in the affected media during the complaint procedure.⁸⁶

There were some single cases that concerned antigypsyism in the last years, as those described in the report "*Antigypsyism in Austria*";⁸⁷ however, there is no statistical information on how many cases concerning Roma were reported to the Press Council.

⁸⁶ Romano Centro, *Antigypsyism in Austria* (2017), 8.

⁸⁷ For example Romano Centro, *Antigypsyism in Austria* (2015), 8.

RECOMMENDATIONS

Governance and overall policy framework

- There is a need for an extensive research on the situation of Roma in Austria as well as on antigypsyism. Research institutions, the National Contact Point, federal ministries, state governments and civil society organisations should identify research questions and develop and conduct studies.
- The Federal Ministry of Education, Science and Research and the state governments (especially in Vienna) have to give more importance to the improvement of the educational situation of Roma. The existing Roma-specific projects by far do not meet the needs. The disadvantaged position of Roma in the educational system is proven by research and has to be countered. The NRIS should set out more ambitious objectives concerning this topic.
- The Federal government should increase the Funding for Ethnic Groups significantly up to at least 500,000 EUR a year, because the amount has not been adjusted to the inflation in the last 20 years.⁸⁸
- Federal ministries, especially the Federal Ministry for Europe, Integration and Foreign Affairs and state governments, especially in Vienna, should create more funding programmes which explicitly target Roma and/or antigypsyism. Mainstream funding programmes should be evaluated if and to what extent they benefit Roma.

Anti-discrimination

- The penalties foreseen in the Equal Treatment Act should be significantly raised to make them a real deterrent for those who discriminate.
- The government should – in collaboration with civil society organisations – develop transparent and clear criteria to determine the amounts of compensations. A minimum of 1,000 EUR compensation for all victims of discrimination should be established.
- NGOs supporting discrimination should have the right to challenge discrimination before courts on their own. The organisations, especially the Austrian Litigation Association – should be granted with sufficient funds by Federal Ministries and state governments to be able to fulfil their important role in the support of victims and in the dissemination of information regarding anti-discrimination.

Addressing antigypsyism⁸⁹

- State institutions should foster research on the history of the persecution and annihilation of Roma, Sinti, Yenish and other people stigmatised as “Gypsies” before and during the Nazi regime. This includes a revision of the role of the participating institutions and research on antigypsyism in the post-war era.
- The Federal government and the city of Vienna should decide on building a memorial at a central location in Vienna that enables commemoration and that gives visitors information.
- The educational offers on the topic of antigypsyism for children, youth and adults must be greatly increased. The sensitizing of certain vocational groups is also

⁸⁸ This recommendation is in line with the Ethnic Group Advisory Board for the Roma, which demanded this amount from the federal government in the last meeting on February 15, 2018 (information given to author from Vice Chair Mirjam Karoly on June 5, 2018).

⁸⁹ These and more recommendations were published by Romano Centro in Romano Centro, *Antigypsyism in Austria* (2017), 25.

important, especially when prejudices have a negative effect on the work and treatment with certain people, like media makers, teachers, social workers, police officers and administrative employees.

- Politicians must recognize antigypsyism and take clear positions in the event of antigypsyist incidents through clearly naming and rejecting this form of racism. Previously the occurrence of this has been inadequate. The Federal government should introduce a National Action Plan against racism⁹⁰ with a strong focus on antigypsyism.
- Civil society organisations need financial means provided by Federal ministries or state governments that are devoted to fighting racism and especially antigypsyism.

⁹⁰ This is also requested by other anti-racist NGOs such as ZARA, see ZARA, "Zivilcourage und Anti-Rassismus-Arbeit: 15 Jahre – 15 Forderungen," 1.

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