

# V-START



Support system for  
victims of hate crime  
in Austria

RESEARCH  
REPORT

#### IMPRINT

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|   |   |  |
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<sup>1</sup>[www.cospe.org](http://www.cospe.org) ; [humanrightshouse.org/human-rights-houses/zagreb](http://humanrightshouse.org/human-rights-houses/zagreb) ; [www.efms.uni-bamberg.de](http://www.efms.uni-bamberg.de)

## Foreword

This report documents the findings of a research carried out in four EU countries, in the framework of a transnational project financially supported by the Directorate-General Justice and Consumers of the European Commission. This project, ‘V-START – Victim Support Through Awareness Raising and neTworking’, implemented by COSPE – Cooperation for the Development of Emerging Countries (Italy), Human Rights House Zagreb (Croatia), ZARA - Civil Courage and Anti-Racism Work (Austria), and efms – European Forum for Migration Studies (Germany) – , focuses on the protection of victims of crime, in particular, racist and homophobic hate crimes.

The protection of victims of crime has long been at the centre of EU policy. The Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, underlines the need to protect victims of crime independently from the status of the offender. As highlighted in Recital 9 of the above Directive, “Crime is [...]a violation of individual rights of victims. As such, victims of crime should be recognised and treated in a respectful, sensitive and professional manner without discrimination of any kind based on any ground [...]. Victims of crime should be protected from secondary and repeat victimisation, from intimidation and retaliation, should receive appropriate support to facilitate their recovery and should be provided with sufficient access to justice.” This is particularly true regarding hate crimes because besides violating individual rights, they have a negative impact on individuals belonging to targeted groups and threaten cohesion in local communities.

Hate crimes, whether physical or psychological, against persons, property or symbols, are increasingly daily realities throughout the EU and sources of social alarm in affected communities. In many EU countries, policies meant to counter hate crimes focus more on apprehending the offender and less on protecting the victim, partly due to limited understanding of the specific character of such crimes and their consequences for vulnerable groups.

This report focuses on ‘victims of crime’ as defined in Directive 2012/29/EU<sup>2</sup> establishing minimum standards on the rights, support and protection of victims of crime. Throughout this report, the word ‘victim’ means (i) “a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered as a result of that person’s death”. The choice of using the above definition of ‘victim’ does not ignore the existence of a broad sense of the term and that stereotypical perceptions and representation of the word abound. In popular discourse, the word ‘victim’ is often portrayed as a helpless and passive individual, leading to a situation where some individuals who have been victimised refuse to identify as such due to the negative connotation. It is important to underline here that the status of being a ‘victim of crime’ is important in terms of the legal measures and entitlements attached to it.

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<sup>2</sup>Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

The V-START Project situates the protection of victims of racist and homophobic hate crimes within the broader framework of the protection of victims of crime as outlined in EU and national legislation. Building on previous research findings indicating, among others, that many victims do not report their experiences of victimisation, the project has tried to close the gap in the knowledge of existing measures that victims can use to protect their rights. In particular, the aims and objectives of the project are to strengthen awareness of support services among victims and to facilitate access to existing legal remedies. Specifically, the project focuses on improving the system of support services for victims of hate crimes; enhancing knowledge and skills of professionals working with victims; and promoting cooperation and exchange of experiences between the different actors involved in the provision of support services.

The project will contribute to creating national networks of victim support services, which will strengthen the present capacity of CSOs advocating for victims' rights. Through the networks, victims will be encouraged to report incidents and made aware of their rights and the opportunities offered by specific victim support services.

The main project activities, common to all four partners, include:

- mapping existing support services and outlining the characteristics of the national systems of such services;
- establishing an exchange (and referral) mechanism between local networks of CSOs engaged in countering racist and homophobic hate crimes and general victim support services, in order to improve their knowledge base and enhance their support activities;
- Pilot training of CSOs, public services workers, legal practitioners and police officers on racist and/or homophobic hate crimes and how to counter them and support victims;
- Information and awareness raising activities on the existing victim support services and the assistance they offer, targeting vulnerable groups.

Equally, common to all four partners is the research methodology used in collecting and collating information, specifically, a qualitative approach using desk research and a limited number of semi-structured interviews. Following preliminary desk research used to collect information on existing victim support services and the characteristics of their activities, a number of these organisations have been identified for detailed analysis, using a semi-structured interview to collect further information.

We hope that other stakeholders engaged in countering hate crimes in the four countries and in all other EU countries, will find the information provided in this report and indeed, the overall output of the project, useful for their work.

Udo C. Enwereuzor  
Transnational Coordinator  
V-START Project  
Florence, October 2018



## Executive abstract

Criminal offences – such as physical attacks, damage to property, insults and in the Austrian context also hate speech and incitement to hatred and violence – with as bias motive are currently on a European level debated as *hate crimes*. Those racist, homophobic, misogynist acts or those directed against people with disabilities, the homeless or on the grounds of age have been a persistent reality – around the world as well as in Austria. *Hate crime* incidents are perceived not (yet) to be prevalent in Austria, but in certain less severe forms, they are assumed to occur on a daily basis.

This report is supposed to provide an overview of the status quo of the phenomenon of *hate crime* in Austria as well as its aim is to identify the actors with decisive roles when it comes to preventing and/or combatting the phenomenon as well as to outline the existing support mechanisms and counteractions. A reason for writing this report as well as implementing the underlying EU project *V-START – Victim Support Through Awareness-Raising and neTworking* lies in the adoption of the Victims' Rights Directive 2012/29/EU.

In order to approximate the above-mentioned aims of this report qualitative interviews with experts from the fields of anti-discrimination and human rights and with persons, who were formerly victimised on the grounds of a bias motive, were conducted. Those interviews illuminated that the concept of *hate crime* in Austria still remains in the dark, which can, among other reasons, be traced back to the fact that the concept is still quite new in the European context. They also illuminated the fact that the Austrian legal framework is comparatively exhaustive, but that Austria is facing a dilemma of inappropriate non-enforcement and –implementation of the legal options that should actually be at disposal – like first and foremost §33 (1) 5 of Austrian Penal Code, constituting 'special aggravating factors'. The very phenomenon remains unrecognised on a large-scale by institutions and authorities that are as a matter of fact decisive in the effective enforcement of human rights.

Furthermore, Austria is facing the predicament of 'underreporting' and it was found that insufficient efforts have so far been made in order to counteract 'underreporting', to make the phenomenon visible and to convey that such incidents are not only aimed at a single person, but at entire groups. In this sense *hate crime* can and should be seen as an indicator of the direction society is tending towards – an issue that affects us all. Through *hate crime* fear is spread and the division of certain (often constructed) groups and thusly society is intensified.

By promoting the recognition of *hate crime* as well as bias motives themselves and a clear positioning of individuals and decision-makers as well as the readiness to allow for a change in the culture of judiciary values and policies within the police forces, giant steps towards the combatting the phenomenon could be taken. Advocacy groups as well as victim support organisations need further consolidation in regards to the understanding of the issue. As soon as a certain kind of common understanding can be reached, joint approaches could be mapped out and the probability is high that cases could be combined and more adequate numbers, that portray the reality, could be provided. In addition, secondary victimisation –

arising from not taking such incidents serious or by reproducing a certain bias – needs to be obviated.

By conducting interviews and thoroughly researching the support landscape of Austria, a status quo could be identified. However, the scope of the report was not able to apply a quantitative method. Even though the report gives a basic overview of the phenomenon of *hate crime*, it cannot provide adequate data, nor does it offer concrete solutions regarding the various terminologies used within the discourse. Furthermore, the justice system continues to be rigid when it comes to change, while ignorance within the police forces regarding the issue remains prevalent. By formulating recommendations, an appeal is made to a variety of stakeholders from civil society, the judiciary system, state authorities and police forces in order to counteract the phenomenon and to keep in mind its relevance and the impact it has on individuals as well as society as a whole.



## Introduction: *Hate crime* in Austria – An Approximation

*Hate crime* – a term, a discussion, a “foreign” concept and first and foremost a phenomenon, which according to ODIHR’s definition<sup>3</sup> involves a criminal offense with a so-called bias motive: “Targeting a person [or a group] because of hostility towards their actual or perceived adherence to a group marked by a particular characteristic: for example, their ethnic origin, religion, gender identity, sexual orientation, a disability, age, their language or because they are homeless” (Efus, 2017, 8). Such incidents are an undeniable reality around the globe, including, needless to say, the reality of Austria.

“Classic *hate crime* incidents” in Austria, as depicted by experts, include arson attacks (e.g. on asylum accommodations, religious centres or camps), dangerous threats, property damage (smearing slogans onto walls or nailing a pig’s head onto the door of a Muslim religious centre), insults and physical assaults, which are triggered by bias and “hate”<sup>4</sup> against another person on the grounds of an (assumed) affiliation to a group or an assigned or actual characteristic. In the context of Austria, it is worth mentioning that the law prohibits hate speech and incitement to hatred and/or violence<sup>5</sup> – acts that are undoubtedly heavily linked to the phenomenon of *hate crime*, even though this is an issue under debate among and across expert circles and countries.

Notwithstanding the legal prohibition of hate crime, measures and concepts to tackle it, as well as efforts to address the topic in public, have not been developed in Austria so far. The actual term is rarely used within the Austrian context. So far, only a few projects, organisations or state measures have put a focus on the phenomenon under discussion. Given its proximity to the topics of discrimination, inequality and intolerance as well as its relevance in criminal law, *hate crime* is most likely to be discussed in circles of experts within civil society and state institutions working in the field of human rights and anti-discrimination. *Hate crime*, as an international term as well as its translation into German (“Hassverbrechen”) can be seen as a kind of “working term” in the Austrian context.

There is no common ground on the definition as well as on the approach to tackle the issue – neither within circles of civil society organisations nor on a national level nor in international mechanisms. It is worth mentioning that for the European context the term itself is relatively new - despite the underlying phenomenon being a longstanding reality. It seems possible, though, that this concept and term could be disseminated and made understandable as well as visible, as this was successful with the term “discrimination” starting some 20 years ago. When working with the phenomenon of *hate crime* and explicitly engaging with the definition formulated by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), which includes all grounds of discrimination, it should not be forgotten to keep the

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<sup>3</sup> The definition worked with and closest to is the one formulated by ODIHR Definition, which will be discussed in chapter III.

<sup>4</sup> The term ‘hate’ is contested in connection with the phenomenon under debate. For further discussion, see chapter III.

<sup>5</sup> See chapter II.

subtleties and historical characteristics of specific forms of discrimination in mind, in order to prevent mechanisms of overshadowing.

The purpose of this report is to depict the phenomenon of *hate crime* in the Austrian context, to identify the existing support mechanisms and to reveal the current status quo of the term as well as the actual phenomenon. Subsequently, the report has been organised in three main parts:

The first chapter gives an introduction into the structural as well as the legal framework for tackling hate crime in Austria. The second chapter is dedicated to depicting the experts' perspectives, and CS approaches to the phenomenon. In chapter three, the victims' perspectives and subjective experiences, psychosocial aspects and the awareness of those affected of access to support mechanisms are discussed. Those three main parts are followed by four accompanying parts – IV. Best Practice Examples, V. Deficits and Problems within Support Structures and VI. Recommendations for Change. The recommendations summarised in chapter VII were developed as a result of the interviews that were conducted for the report as well as from relevant studies and reports on the discussed issue. The recommendations are directed at civil society organisations as well as at local and regional authorities.

## Methodology

Expert and victim interviews were conducted to identify the existing support mechanisms and approaches in order to tackle the phenomenon of *hate crime* in Austria. The interview partners were chosen on the basis of a theory-generating process. Three representatives of partner organisations in the field of anti-discrimination and victim support were interviewed, and from their depictions as well as through literature and media research, further representatives were contacted with the request to participate in an interview. Many of those who were contacted were willing to give an interview, while some were not able to, mainly due to capacity reasons.

The author of this report identified further important stakeholders, who could have provided further useful information, but not all of them could be questioned, due to the lack of resources and capacities, provided in the framework of the project. All interviews were initiated with a narrative impulse question and rounded off with ad-hoc questions. This approach led to interviews lasting between a minimum of 28 minutes and a maximum of one hour and 20 minutes.

Within this theory-generating process the following interviews were conducted:

- 15 guideline-based and problem-centred interviews with practical and/or theoretical experts
- 2 guideline-based and problem-centred interviews with victims

More interviews with persons directly affected by hate crime were initially planned, but in the process, the decision was made not to exceed two problem-centred interviews. The reason for this restraint is that even though a thorough depiction was beneficial to the report, it was not considered ethically sound to confront victims with their potentially traumatising experience, without being able to offer any further legal support and/or psychological assistance.

In order to present the knowledge and information drawn from the interviews for chapter III and IV, the method of qualitative content analysis according to Uwe Flick (2005) was applied. Additionally, it needs to be mentioned that this report has been prepared by researchers from the non-profit organisation ZARA – Zivilcourage und Anti-Rassismus-Arbeit (Civil courage and Anti-Racism-Work), as many of the case studies have been drawn from the organisation's databank. This also explains the focus of the report on those who have been affected by or who have witnessed racism. Nevertheless, the report includes the focus and work of organisations and experts with other kinds of foci as well as all (legally protected) grounds of discrimination.

# 1. Hate crime - Structural and Legal Framework

## 1.1 Structural Framework

The situation and interests of victims of crimes started to be more in focus in Austria in the late 1990s and early 2000s, leading to the implementation of one pioneer project – *dual court assistance* ('Prozessbegleitung')– which had been lobbied for by various civil society organisations working in the field of victim protection (see Loderbauer 2007, 26). After having been victimised, a person is entitled to *dual court assistance*, which means that the affected person<sup>6</sup> has, upon request, the right to free psychosocial as well as legal assistance.

An almost tangibly strained relationship between victim support organisations and the Austrian judicial system was an undeniable truth, as both followed different goals and had different missions. Victim support organisations were alarmed about and advocated for the prevention of secondary traumatisation (see Rupp 2007, 8). Awareness in this regard was raised, further steps were taken (like training courses for different professional groups on topics like, e.g. "sexual misconduct against children"), and subsequently, Sonja Wahlatz and Sabine Rupp introduced the pilot project for psychosocial and legal court assistance (see Lercher 2000, 4). As the Ministry of Justice carried the project costs, civil society organisations were now able to provide victim support services for free. In 2006, *dual court assistance* was legally enshrined and in 2014 the Republic of Austria was awarded the 'Future Policy Award in Silver' in Geneva. *Dual Court assistance* itself is regulated in Sec. 66fig. 2 of the Penal Procedure Code.

Support for those affected by *hate crime* and discriminatory violence (on the grounds of racism<sup>7</sup>, homophobia, misogyny, hatred or violence against persons with disabilities, the elderly and the homeless), nowadays legally falls within the remit of 'dual court assistance'. In reality, only very few organisations that are officially mandated to support crime victims, offer specific support to persons victimised as a result of the motives mentioned above. Organisations such as the Anti-Discrimination Office Styria, WEISSER RING, Dokustelle – Islamophobia and Anti-Muslim Hatred and ZARA – Civil Courage and Anti-Racism-Work have been developing a specific focus on support for victims of hate crime during the past years, while not all of them are formally mandated with dual court assistance.

Civil society organisations that support minority groups with a high risk to be victimised, have provided the support for persons and/or groups affected by *hate crime* usually from a group-specific focus and are often not using the term *hate crime* for what they do. Yet, in most cases such organisations do not have a formalised mandate for *dual court assistance*– i.e. the possibility to provide free legal as well as psychosocial support. As a result, only a few organisations are specialised in providing legal support and/or engage in monitoring and documentation activities. These are some of the organisations that document cases as well

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<sup>6</sup>In the case of 'murder', dual court assistance is also entitled to spouses, life partners, first degree relatives, dependents and other relatives, if they are directly witnessing the actual murder.

<sup>7</sup>For clarification: The term racism by all means includes anti-Semitism, anti-Muslim hatred and antigypsism – it applies if a person and/or a group of people is subject to any form of discrimination on the grounds of their color of skin, language, appearance, religious belief, citizenship or origin.

as provide primary counselling as well as further legal representation in some cases: The Documentation and Counselling Centre for Muslims in Austria (Dokustelle – Islamfeindlichkeit & antimuslimischer Rassismus); the Forum Against Anti-Semitism; the Litigation Association of NGOs Against Discrimination (which provides legal support to its 50 non-governmental member organisations); TIGRA – Tyrolean society for racism critical work; COURAGE – Counselling Unit for Partners, Family and Sexuality; IDB – Initiative for a Discrimination-Free Education, Helping Hands Austria; and ZARA – Civil Courage and Anti-Racism-Work. An example of an NGO, currently receiving state funding for its counselling work for, among others, victims of hate crime, is the Anti-Discrimination Office Styria. State institutions that work with potential hate crime victims and that function as institutions that primarily signpost such cases to relevant institutions are, e.g. the Federal Ombudsmen, the Patients’ Ombudsmen and the Ombud for Equal Treatment.

To be able to grasp the overall social dimension of the phenomenon of *hate crime* and in order to act against it, it is imperative to have access to accurate data on *hate crime* in Austria. The Austrian authorities provide ODIHR – the OSCE Office for Democratic Institutions and Human Rights – with numbers, which are collected by the Provincial Agencies for State Protection and Counter-Terrorism, the Federal Agency for State Protection and Counter-Terrorism (BVT) of the Interior Ministry as well as by the Ministry of Justice.<sup>8</sup> Due to the issue of widespread underreporting, it is difficult to determine how many *hate crime* incidents occur. Without reliable information, the extent to which such incidents occur cannot be indicated, nor is it feasible to determine which persons, who identify with or are attributed to a specific group, are most affected at a specific time. Nevertheless, experts were most likely to state that the most-affected groups and/or persons are migrants, refugees, persons belonging to religious minorities, LGBTIQ\* persons or those perceived as belonging to the groups mentioned above. Persons with disabilities are not perceived as being affected by *hate crime* to a large extent, but it is important to mention that it is even more difficult to come to conclusions when specific levels of ‘vulnerability’<sup>9</sup> apply to certain persons, e.g. if they have learning disabilities or physical restrictions. Experts in the field express a lack of empowerment here.

Lately, there has been an increasing acknowledgement for the phenomenon of *hate crime* in Austria. For example, the Ministry of the Interior and the Ministry of Justice have dealt with this topic at certain levels. For example, in February 2017 the Ministry of the Interior organised a symposium titled “When hate turns into crime” (see ETC 2017b, 35). Several organisations and representatives of ministries took part in the event and the ensuing discussions, but such events cannot be seen as a long-term proactive measure against *hate crime*. Furthermore, the Department III/10, responsible for ‘Issues of Fundamental and Human Rights’ of the Ministry of the Interior is representing Austria in the EU ‘High-Level Group on combating racism, xenophobia and other forms of intolerance’, which has dedicated parts of its work to the phenomenon of *hate crime*. This very high-levelgroup, as

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<sup>8</sup> <http://hatecrime.osce.org/austria>

<sup>9</sup> When using the term ‘vulnerability’, attention should be drawn to the fact that it is not applied to create a dichotomy between the “invulnerable” and those, who need protection. Vulnerability discourses cannot be discussed here thoroughly, therefore further reading is suggested: Mackenzie, Catriona/Rogers, Wendy/Dodds, Susan (2014); Mackenzie, Catriona (2014); Dodds, Susan (2014).

perceived by the interviewed experts, also faces the problem of a lack of a common understanding and differing legal frameworks within the European Union.

Notwithstanding the above, Austrian police officers took part in a workshop, conceptualised and conducted by ODIHR – called ‘TAHCLE – Training Against Hate Crimes for Law Enforcement’ on prevention and sensitisation on the phenomenon of *hate crime*. Nevertheless, the need for police training is continuously recognised by civil society representatives. Also, a study assigned by the Anti-Discrimination Office in Styria and conducted by ETC Graz pointed out the importance of police training.

In general, in order to provide an indication of the prevalence of *hate crime*, the project “Hate Crime in Styria” showed that among 1,112 interviewed persons with migration background, 39% had experienced discrimination because of their ethnicity, religion or skin colour. The report found that approximately 4,100 *hate crimes* occur in Styria annually, including verbal as well as physical attacks. In a study conducted by IG Sociology, assigned by Gay Cops Austria in 2015, it was indicated that “5% of all Austrian LGBTI persons have become victims of physical assault per year, which equates to over 17,000 cases annually [...]” (ETC 2017a, 45). The study did not put a specific focus on including LGBTIQ persons with non-Austrian citizenship, which might have drawn a picture of the factor of multiple discrimination. Those numbers as well as the numbers in, amongst others, the annual ZARA Racism Report, the annual report on Islamophobia and Anti-Muslim Racism by the Dokustelle – Reporting and Support Centre of Islamophobia and Anti-Muslim Racism, as well as the Antigypsyism Report<sup>10</sup> published by the Romano Centro, indicate that the data sent to ODIHR by the Austrian authorities, which were 395 cases in 2015 and 425 cases in 2016, are in all likelihood an understatement of the reality. Furthermore, it was criticised by a few of the interviewed experts that no comprehensive country-wide study, including all grounds of discrimination, has been funded and subsequently conducted by an independent institution so far.

## 1.2 Legal Framework

Comparatively, Austria has an expanded legal framework when it comes to *hate crime* – following the classic ODIHR definition. This includes the punishable offence ‘dangerous threats’ (gefährliche Drohung), which is prohibited by § 107 of the Criminal Code and defamation (Beleidigung), which is prohibited by § 115 of the Criminal Code and applies when defamation took place in public or in front of a group of minimum 10 persons. There is also a provision on *hate speech*, which is formulated in § 283 of the Criminal Code (which is not included in the ODIHR Definition) together with the offence of incitement to hatred or violence in public (Verhetzung). This criminal law provision was amended in early 2016 and now covers the criteria of “race”<sup>11</sup>, colour of skin, language, religion or belief, nationality, descent or national or ethnic origin, gender, physical or mental disability, age or sexual orientation. As mentioned earlier, Austria has been reporting cases of ‘incitement to hatred’ as well as ‘hate speech’ to ODIHR as both acts are forbidden by law. Additionally, “[further]

<sup>10</sup><http://www.romano-centro.org/images/antigypsyism%20in%20austria%202015-2017.pdf> [10.8.2018]

<sup>11</sup> Since the term “race” has long been outdated and does not correspond to the current state of academia, the author allows herself to resort to quotation marks.



amendments are discussed at the moment, especially with regard to online hatred in social media.” (ETC 2017b, 34)

The most important legal reference to *hate crime* is Section 33 (1) fig. 5 of the Austrian Criminal Code, which formulates ‘special aggravating factors’ (Besondere Erschwerungsgründe), for crimes that are motivated by bias. (ETC 2017b, 33) Crimes that are motivated by “racist, xenophobic or other especially condemnable grounds – especially such grounds that are going against groups mentioned in § 283 Criminal Code [...]” have to be punished harder. This paragraph of the Austrian Criminal Code (CC) could in theory already be mentioned at the stage of filing a report with the police. This would be beneficial in order to keep track of the number of reports filed calling for the “special aggravating factor” enshrined in section 33 (1) fig. 5 CC and how often it is actually recognised in court at the stage of sentencing. De facto it is rarely documented by the police at the stage of filing a report, as ‘special aggravating factors’ have to be applied during the process of sentencing – in the final step of the trial. Unfortunately, it is often disregarded and is given little importance, which is one of the reasons for the issue of “underreporting”, which will be discussed more thoroughly in chapter VI – Deficits and Problems of Support Structures. In order to understand the phenomenon of *hate crime* and how the Austrian legal framework currently (at the time of writing this report) is, it seems inevitable to take a look at the past:

After the atrocities of the Second World War, an understanding of what had happened and that it should never happen again began to be established, leading to the formulation of European values and the desire to build a system that would be able to prevent genocides, wars and the exclusion of (constructed) groups as enemies. This led to the adoption of the following legal instruments:

- European Convention for the Protection of Human Rights and Fundamental Freedoms was adopted in 1950. „The convention defines a list of human rights and obliges Member States to guarantee these in their national law. Article 14 of the convention guarantees the „enjoyment of the rights and freedoms set forth in this Convention (...) without discrimination on any ground such as sex, “race”, colour, language, religion, political or other opinion, national or social origin, associations with a national minority, property, birth or other status. (see Efus 2017, 22)
- Through Civil Society activism and lobbying by public interest groups, the principle of non-discrimination was embedded into European Law.
- Article 21 of the EU Charter of Fundamental Rights of 2000, forbids any discrimination based on grounds such as sex, “race”, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation. In 2009, the Lisbon Treaty entered into force and the Charter became legally binding for EU institutions and Member states, when implementing Union Law.
- In 1996, the EU adopted the Council Joint Action 96/44/3/JHA concerning the action to combat racism and xenophobia, which was replaced by the Framework Decision

(2008/913/JHA) on combatting certain forms and expressions of racism and xenophobia by means of criminal law, which addresses the need for further approximation of law and regulations of the EU Member States.

- Offences related to racism and xenophobia, this Framework Decision obliges Member States to ensure that racist and xenophobic motivation is considered a special aggravating factor or, alternatively, that such motivation may be taken into consideration by the courts in the determination of the penalties of any other offence. Moreover, it obliges the Member States to take the necessary measures to ensure that LGBT persons are equally protected.
- Since 2012, the Victim's Protection Directive (2012/29/EU) obliges Member States to assess the needs of victims of *hate crime* and to provide them with appropriate support by adequately trained law enforcement officials, which has direct consequences for national legislation. „An overview of legal frameworks in Member States shows that the legal situation and recognition of *hate crime* and *discriminatory violence* varies widely: some do not have it at all in their penal code; others provide legal protection to only some groups. (see *ibid* 2017, 22)
- The EU has the power to force Member States to comply with the obligations of the EU legislation, with the help of so-called infringement procedure before the European Court of Justice, and the European Commission has declared its determination to take all the necessary measures to avoid that actions by a minority of extremists are exploited to spread racism, xenophobia and intolerance in the EU. (see *ibid* 2017, 23)

Having mentioned the above, it can be argued that the European legal framework can function as an engine of non-discrimination and human rights protection, even if this stance has been contested in the past. The reason for implementing the project *V-START – Victim Support Through Awareness-Raising and networking* as well as for writing this report certainly lies in the aforementioned Victims' Rights Directive 2012/29/EU<sup>12</sup>, which states that “victims of *hate crimes* shall be recognised as being in ‘need of special protection’.

„Therefore, “§ 66a Criminal Procedure Code should be extended, so that victims of *hate crime* have access to rights on protection and sparing.” (ETC 2017a, 64)

An amendment to § 66 Criminal Procedure Code would constitute an important step. Still it is important to mention that in the legal framework to recognise and prosecute *hate crimes* is actually provided – but the legislation, which could be tackling *hate crime*, also needs to be applied in order to be effective, which is again a matter of proper application and enforcement of existing legislation.

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<sup>12</sup>[http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS\\_STU\(2017\)611022\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

## 2. Approaches and Understanding: Experts' perspectives

### 2.1 Definition and Common Understanding

First and foremost, the question of terminology itself will be discussed here. This report drew from different concepts like discriminatory violence<sup>13</sup>, group-focused enmity<sup>14</sup> and bias crime<sup>15</sup>, but the overall focus of this report was placed on the use of the actual term, the definitions and concepts of *hate crime*, in order to identify the actual status quo of the terminology and the understanding of the underlying phenomenon in Austria. This report uses the definition formulated by the OSCE Office for Democratic Institution and Human Rights (ODIHR) most prominently, as it is perceived as very practice-oriented and subsequently can be linked best to the perspectives of the experts interviewed. (see Efus 2017, 18)

*Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria: First, the act must constitute an offence under criminal law; second, the act must have been motivated by bias.*

*Bias motivations can be broadly defined as preconceived negative opinions, stereotypical assumptions, intolerance or hatred directed to a particular group that shares a common characteristic, such as race, ethnicity, language, religion, nationality, sexual orientation, gender or any other fundamental characteristic. People with disabilities may also be victims of hate crimes.<sup>16</sup>*

*Hate crimes can include threats, property damage, assault, murder or any other criminal offence committed with a bias motivation. Hate crimes don't only affect individuals from specific groups. People or property merely associated with – or even perceived to be a member of – a group that shares a protected characteristic, such as human rights defenders, community centres or places of worship, can also be targets of hate crimes. (ODIHR def.<sup>17</sup>)*

When it comes to working with this definition in the Austrian context, it is worth mentioning that the authorities as well as CSOs, who report cases of *hate crime* to ODIHR, did not provide data “separately from cases of hate speech” and included “the crime of incitement

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<sup>13</sup> As described in: Efus (2017): Preventing Discriminatory Violence at the Local Level: Practices and Recommendations. Paris: Efus.

<sup>14</sup> As described in: Heitmeyer, Wilhelm (2005): Gruppenbezogene Menschenfeindlichkeit – Die theoretische Konzeption und empirische Ergebnisse aus 2002, 2003 und 2004. (Slightly shortened from: Heitmeyer; W. (ed.): Deutsche Zustände, Folge 3, Suhrkamp Verlag Frankfurt, 2005, S. 13-34.)

<sup>15</sup> As described in: Bongartz, Bärbel (2013): Hassverbrechen und ihre Bedeutung in Gesellschaft und Statistik. Zum Dilemma der Wahrnehmbarkeit vorurteilsmotivierter Straftaten. Mönchengladbach: Forumverlag Godesberg GmbH.

<sup>16</sup> The authors advice ODIHR to revise this rather misleading formulation.

<sup>17</sup> <http://hatecrime.osce.org/what-hate-crime> [10.07.2018]

to hatred, which falls largely outside the OSCE's definition [...]” (ODIHR 2017)<sup>18</sup>. Following this practice, this report on the Austrian context will include incitement to hatred and *hate speech* in the definition of hate crime, whereas the attempt will be made to distinguish between *hate crime* and *discrimination*, because there is no consensus within the OSCE region as well as among experts about whether such acts should be criminalised.

Only 6 out of 15 experts, interviewed within the framework of the V-START project, declared that they put a specific focus on the actual term of *hate crime* (as well as its German translation ‘Hassverbrechen’). 9 out of 15 interviewees used (an approximation of) the ODIHR definition to describe *hate crime* incidents, the others used terms like discrimination, racism, homophobia, inequality, or injustice to describe and substitute it. This shows that first of all, the phenomenon of *hate crime* is “closely linked to social dynamics of discrimination” (Efus, 2017, 15) and that a clear differentiation between *hate crime*, namely the constitution of a criminal offence with an “additional” or “triggering” motive, and *discrimination*, has not been internalised by many so far.

None of those interviewed showed outright acceptance of the term itself when looking at the ODIHR definition, it was even described as “certainly bad”, “misleading”, “too broad”, “too narrow”. Nevertheless, in the end it was considered to be “possible to work with” by most. It also shows that “[hate crime as such] has been more widely discussed in criminology, criminalistics and criminal policy [...]” (ibid, 2017, 17) than in the practical and social field.

In order to complement the rather practical definition of ODIHR, it seems useful to capture a more theoretical definition in order to show the respective power struggles and hegemonic workings of the phenomenon. The definition formulated by Barbara Perry, a professor and associate dean of social science and humanities at the University of Ontario Institute of Technology, offers an elaborate perspective:

*“Hate crime [...] involves acts of violence and intimidation, usually directed toward already stigmatised and marginalised groups. As such, it is a mechanism of power and oppression, intended to reaffirm the precarious hierarchies that characterise a given social order. It attempts to re-create simultaneously the threatened (real or imagined) hegemony of the perpetrator’s group and the ‘appropriate’ subordinate identity of the victim’s group. It is a means of marking both the self and the Other in such a way as to re-establish their ‘proper’ relative positions, as given and reproduced by broader ideologies and patterns of social and political inequality”. (Perry 2001, 10)*

As stated above, this report narrows these dynamics “down to criminal acts motivated by hate –thereby neglecting all forms of assault not covered by a valid criminal code, as well as the wide range of discriminatory motivations that do not coincide with the extreme emotion described by the term hate” (Chakraborty/Garland 2009: 4ff), even though “[sticking] with the narrow focus on criminal acts covered by the penal code, leaves out the broader sense of discriminatory violence”, a concept that is for example thoroughly dwelled upon by Efus (2017). *Hate crime*, as formulated by ODIHR, was set as a main focus of this report, as “it

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<sup>18</sup> [hatecrime.osce.org/austria](http://hatecrime.osce.org/austria) [10.07.2018]

provides a common basis for the OSCE Member States to discuss and coordinate their strategies to counter hate crime, which focus on the harmonisation of legislative measures, i.e. the introduction of hate crime paragraphs into national criminal legislation.” (Efus 2017, 18)

When it comes to using the term *hate crime* in public, the question arose of how to deal with the German translation as well as with the word and emotion ‘hate’ itself. Here the word ‘hate’ plays an interesting role, which is seen as *“such a different emotion than the one that leads to [hate crime].”* (AT/K/7, 2018, translated by the author). The use of the word ‘hate’ (in English) is widespread in Austria already, especially due to the circulation of the term ‘hate speech’.

Young people even use the English verb “to hate” to describe the act of treating others unequally as well as the noun “haters” to describe persons, who spread ‘hate’ in the analogue as well as in the digital world. It was also stated that the word *“hate [...] is good for explaining [the phenomenon and how it feels], even though it is not known by many, that [hate crime] is about the attack on the entire group, not only about the attack on a single person.”* (AT/K/5, 2018, translated by the author)

An interviewee illustrated that the use of the English terminology might be more useful than using the German translation “Hassverbrechen”, because it tends to trigger the connection of hate crime with primarily acts like “murder or slaughter” and that it has a “certain gravity about it” that excludes acts like “insults, spitting and other forms, which also belong to the hate crime phenomenon and are not recognised” (AT/K/5, 2018, translated by the author). Connected to that the following statement was made:

*“Court and the police only consider arson attacks on asylum accommodations [a hate crime]. That is something they understand. But they do not understand that it is a hate crime, if someone tears down the headscarf of a Muslim woman. In those circles it’s easier to talk about discrimination.”* (AT/K/5, 2018, translated by the author)

Then again, another practitioner and expert stated that the use of an English word “in the German-speaking area that even aims at the wrong aspect, is questionable. If something [is titled] a certain way and not even in [the national] language, it can become a problem.” (AT/K/8, 2018, translated by the author) When thinking of the reactions to e.g. the term discrimination, let alone *hate crime*, of single persons or the community, the interviewee doubts that an English word can easily be worked with and made understood. Another interviewee (see AT/K/3, 2018) came to a similar conclusion with a specific focus on working with communities in Austria, whose mother tongue is another than German or English. The interviewee made the observation that it is often difficult to translate or describe the word ‘discrimination’ in other languages, he severely doubts that it might be easier with the term *hate crime*. This interviewee himself spoke three languages fluently and did not know the translation of the word *hate crime* in those languages, even though he works in the fields of anti-discrimination, human rights as well as advocacy.

Also the term *hate crime* was often directly connected to the phenomenon of *hate speech*, which is widely perceived as the more acute problem in Austria. *Hate crime* is often described as one logical consequence of *hate speech* – as the provision of a theoretical and

emotional basis to trigger hate crime. The interviews showed that *hate speech* and *incitement to hatred* are directly linked to the phenomenon of *hate crime* and that it is seen as necessary to counteract and tackle *hate speech* and incitement in order to prevent an increase of *hate crimes* in Austria.

*“Defining hate crime brings me to fuelling sentiments. I do not see [...] that people are being beat up or that refugee accommodations burn, that happens hardly ever. [...] But there are posts on the internet. This constant undertone on the internet – much more has to be done against that.”* (AT/K/11, 2018, translated by the author)

One interviewee described his definition of *hate crime* as follows:

*“My definition of hate crime is relatively simple. It is committing an act that is itself already criminal – i.e. a classic arson attack or a damage to property, luckily the more common forms [in Austria at the moment] or relatively arbitrary insults and then there are those grey areas, where the question arises, when does discrimination or molestation become a hate crime.”* (AT/K/9, 2018, translated by the author)

The same interviewee also described the following additional factor:

*“It is a pure matter of mindset of the perpetrator and without that mindset, the criminal act might probably not happen at all. The hate background is actually the trigger of such an act. It is not the icing on the cake of an act, that would happen anyway, but the background is the actual trigger of such an act. For me it is the consequent continuation of hate speech.”* (AT/K/9, 2018, translated by the author)

Therefore, by using *hate speech*, a person’s mindset is altered so that with time, the person becomes ready to commit a *hate crime*. According to the interviewee, *hate crimes* therefore strengthen the identity of members of particular groups that are potentially more likely to be victimised. The feeling of togetherness among those affected is strengthened as is the idea that they are a group that is clearly separated from other groups. That means that the system is strengthening itself and that through *hate crime* the division of groups of people is intensified. Those differences again are used to legitimise further hate. (see AT/K/9, 2018, translated by the author).

Additionally, it was stated that:

*“Hate is the opposite of love [and as such] something way more personal and actually always directed at oneself. The thing that is happening, is lived incitement. It is becoming active after incitement to hatred.”* (AT/K/9, 2018, translated by the author)

Both *hate crime* in English as well as its German translation were seen as terms that psychologise and personalise, even though *hate crime* is directed towards someone, because of the perpetrator’s idea of the other person, their concept of why others should not be allowed to be “here”, why they do not have the right to exist, at least not in the perpetrator’s environment – as such *hate crime* is a process of dehumanisation. (see AT/K/9, 2018, translated by the author)



What seems to be essential and was mentioned by most of the interviewees in the end, in one or the other way, is the impact of *hate crime* on entire identity groups. The message it sends and the fact that it therefore can “lead to escalation and larger-scale tensions and conflicts (Efus 2017, 8)”, which are not easy to predict, show that better data is required as well as the will to recognise and to address the issue head-on.

## 2.2 Support System: Mechanisms and Stakeholders

*“I know that some organisations make a real effort to adequately support those affected, but there is so much more that can be done.”* (AT/K/9, 2018, translated by the author)

Conducting expert interviews, mainly with representatives of organisations working in the practical field, gave a thorough insight in their measures, activities and possibilities when it comes to tackling the phenomenon of *hate crime*.

In Austria, as mentioned in chapter I, 46<sup>19</sup> victim support organisations have been mandated by the Federal Ministry of Justice to support victims, legally and psychosocially – as well as in some cases financially. Only very few of those organisations have a real focus on supporting victims of *hate crime* or minority groups that might be more at risk to being victimised than others. Many have an entirely different focus, e.g. violence in relationships of proximity, violence against children and youth, etc. Expert opinions differed when it came to the question whether or not violence in a proximity relationship could also be regarded *hate crime*. One interviewee stated:

*“Other cases that find their way to us – normal cases so to say – are not right away recognised as such, especially if an incident occurred within a relationship of trust. Only after the affected person tells the counsellor more about how it actually all went down, the dimension is recognised.”* (AT/K/7, 2018, translated by the author)

Those who have been putting a focus on *hate crime* in the past few years often have not yet gained the necessary experience to document such cases properly and thus to provide reliable numbers to work with. The phenomenon is also understood differently by different staff members.

When it comes to practical as well as client-oriented support measures, many organisations do not differentiate between how to provide support for *hate crime* victims or for victims of other crimes. First, those affected are listened to, their voice is heard and their grievances are recognised. Then the individual counsellors try to find a way to support them according to their needs. Persons are, if possible, referred to long-term therapy places. Counsellors try to see if gender, a migration background, religion, or language plays a role in order to find a therapist that is suitable. They consider whether or not it makes more sense to find a male or a female therapist. Whenever sexual orientation might be a factor, the counsellors make

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<sup>19</sup> Status of 2015.

an effort to find a therapist who understands the sensitivities regarding that issue. (see AT/K/7, 2018, translated by the author)

The representative of a victim support organisation, which puts a focus on supporting *hate crime* victims stated that though they have always had cases of *hate crime*, they did not document and recognise them as such. Only when the discussion started, due to the EU Directive on Victim Protection (EU/2012/29), which, as mentioned, states that *hate crime* victims should be recognised as a particularly vulnerable group, the victim support organisations started to expand their services and put a specific focus on *hate crime*. The fact that there is no strong common lobby for it – comparable with for example the lobby for women, which started to be highly active in end of the 1990s/beginning of the 2000s, which led to the embedding of ‘dual court assistance’ – was perceived as difficult.

Other organisations that have focused on providing support to specific ‘identity’ groups – like migrants, LGBTIQs, women, persons with disabilities, Roma and Sinti, religious minorities, the homeless etc. – for a long time, but do not have the official victim support mandate have rather focussed on anti-discrimination than on the provision of services for those who become victims of a crime. This means that most of those organisations do not have any budget for the direct support of *hate crime* victims on a legal or psychosocial level. Many can only provide primary counselling and referring to other institutions.

Even organisations like the Documentation Centre – Islamophobia and Anti-Muslim Hatred, TIGRA – Tirolean Society for racism-critical work, ZARA – Civil Courage and Anti-Racism-Work, HOSI Wien and BIZEPS, which have been documenting cases as well as providing legal counselling and psychosocial support, are reaching their limits when it comes to further legal steps, as there is no funding for legal costs, which means that they have to signpost those affected to victim support organisations to address certain issues or try to involve lawyers, who often take on such cases on pro bono terms. Each association or initiative working in that direction would need to fuel a special fund in order to be able to take further, cost-baring legal steps, which is a difficult thing to manage and coordinate.

In general, nevertheless, the experts see an improvement in regards to the issue of *hate crime*. When looking at civil society, many organisations have gained considerable knowledge and sensitization when it comes to supporting persons who have been discriminated against and therefore, there is a lot of understanding for the injustice happening to certain persons on the grounds of their real or attributed affiliation to a certain group.

A factor that was mentioned by most of the experts is that support measures also have to be provided to those closely affiliated to the *hate crime* victim. It is widely recognised that not only victims themselves need support on a psychosocial level, but also close family or community members. As *hate crimes* are directed at persons due to certain characteristics, fear also rises among those who identify themselves with the same group or who find themselves sharing particular characteristics.

The state-funded Anti-Discrimination Offices in Austria are not widely accessible. There is the Antidiscrimination Office Vienna, Salzburg and Styria – three provinces out of nine federal provinces operate such offices. The Antidiscrimination Offices are responsible for the

support of persons affected by discrimination, which for the most part does not involve *hate crime*.

The Anti-Discrimination Office Vienna acts upon the Vienna Provincial Anti-Discrimination Act, and is responsible for all issues legally regulated by the province of Vienna when it comes to discrimination in the fields of social protection, health, education, access to and supply of goods and services available to the public, including housing and access to self-employment, or on grounds of ethnicity, religion, belief, disability, age, sexual orientation, gender identity and gender, in particular due to pregnancy and parenting. In Vienna, there is also the so-called WAST – Vienna Antidiscrimination Office for same-sex and transgender lifestyles, which is responsible for supporting homo-, bi, transsexual people from Vienna who are discriminated against. Additionally, they are conducting awareness-raising activities.

The Antidiscrimination Office Salzburg is aimed at all people in the city of Salzburg who feel disadvantaged or discriminated against because of the reasons stated in Article 21 of the Charter of Fundamental Rights of the European Union. These include sex, "race", skin colour, ethnic or social origin, genetic traits, language, religion or belief, political or other beliefs, affiliation with a national minority, property, birth, disability, age or sexual orientation. The office is supporting persons who feel disadvantaged or discriminated against directly, third parties who observe discrimination. They are responsible for documentation, clearing and advice, networking and monitoring. Those affected will be given social work and legal advice or, if desired, intervention steps will be taken. The Anti-Discrimination Office is linked to relevant institutions and (self) organisations and initiatives in order to draw attention to discrimination and to consider and implement intervention steps in cases of frequent occurrence.

The Antidiscrimination Office Styria<sup>20</sup> is the only one of the three that knowingly put a focus on the topic of *hate crime*, with among other things its project *Hate Crime in Styria*. A part of the project was the conduction of a study in cooperation with the ETC Graz – European Training and Research Centre, with the aim to make *hate crime* more visible and counteract underreporting. The study was - due to capacity reasons - focussed on *hate crime* with a racist motive, as 30% of all cases of the Antidiscrimination Office Styria are tied to discrimination of or violence against persons on the grounds of their nationality or ethnic origin. Half of those cases are categorised as *hate crime*.

## 2.3 Theoreticians

Research centres and institutes are dealing with issues tied to or close to the phenomenon of *hate crime*. Such institutes are e.g. the Ludwig Boltzmann Institute for Human Rights, the Johannes Kepler University Linz, the ETC - European Training Center for Human Rights and Democracy Graz and others. They are doing valuable work in regard to such topics. Nevertheless, a demand that arose in one of the interviews was the need for research, reports and studies regarding this topic, communicated in a way that is easily

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<sup>20</sup>This institution is a non-governmental institution funded by the government of the province of Styria for its counselling service.

understandable to those interested but not embedded in academia. A need for easily accessible information is noticed.

## 2.4 The Media

Both, the news-reading public as well as politicians and legislators are affected by the news media and its portrayal of crime (Best 1990, cited in Shelby and Hatch 2014: 404). If only a one-sided portrayal of situations is provided, this can lead to one-sided perceptions, which can be dangerous and deprives recipients of the entire picture. Especially nowadays with such different forms of media (social media, news-media, print media etc.) a further issue is that people in their daily lives often resort to the most accessible form of media, which is frequently not the most differentiated source of information. The interviewees perceived the media as a major player when it comes to the invisibility of *hate crime* and in the future attempt to make *hate crime* more visible. Daily media outlets (in print or online) are perceived as stakeholders with an input, even if their impact has been increasingly overshadowed by the influence of Social Media. To make clearer how media coverage can influence or rather not influence the visibility of *hate crime* and the specific motives behind a crime, an example will be portrayed here:

In November 2015, two persons on their way home from a bar chose to disturb a camp of tents where Roma people resided in Vorarlberg, pretending to be police officers in order to take money for land-use. When the persons resisted, the two perpetrators tried to set the tents on fire with a lighter. One of the tents was severely damaged. When writing about it the next day, a major daily in Vorarlberg did not mention once that this was a racist attack or that it was related to a bias motive. They even used the word “zündeln” (kindle in the meaning “to play with fire”) in the title, which is clearly downplaying the severity of the incident. The article even ends with the explanation of how tent camps were vacated a couple of days before the incident and that in the course of the vacation, ten tons of garbage were removed. Here the question arises on what level this additional information is important for the media coverage of a criminal offence with a bias motive against Roma people.<sup>21</sup> In the research phase for this present report, multiple similar cases were encountered. In many cases the medium that reported on *hate crime* incidents, failed to indicate the bias motive and in some cases even reproduced the bias.

## 2.5 Prevention, Victimization and Post-Victimization

When speaking to experts about the phenomenon of *hate crime*, in most cases it is differentiated in three phases – prevention, the actual moment of victimisation and the post-victimisation phase. Measures, direct support mechanisms and the status quo of dealing with past *hate crimes* are depicted above. The actual moment of victimisation, how an incident is triggered by a certain motivation and how an additional bias motive becomes part of the incident is dwelled upon in chapter IV, when a focus is put on the victims’ perspective. Subsequently in the following paragraphs the phase of prevention shall be discussed.

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<sup>21</sup> <https://www.vol.at/falsche-polizisten-wollten-roma-erpressen-und-zuendeten-zelte-an/4516671>

Speaking of preventative measures, which were drawn from the conducted interviews, this section can be divided in 1) the provision and development of legal structures in order to counteract *hate crime*; 2) the development of support mechanisms in order to be able to react adequately; 3) public awareness-raising measures showing that the dehumanising and therefore victimisation of persons on the grounds of constructed or real characteristics is not tolerated under any circumstances, 4) counteracting (online) *hate speech* and *incitement to hatred*.

A big part of preventative measures lies within the field of counteracting (online) *hate speech*. The interviewees recognise *hate crime* to be an outcome of *incitement to hatred*, (online) *hate speech* and *fake news*. Another preventative measure identified throughout the expert interviews was tied to the question of sentencing and to the severity of penalties. The thought behind this measure is to make sure that the public as well as affected persons are aware that criminal acts with a bias motive (as well as discrimination as such), cannot be tolerated.

### 3. Reactions to Victimization – Victims’ Perspective

As mentioned in the introduction part, only two interviews with former victims were conducted. Interviews with victims entail a range of challenges and hindrances. First of all, such interviews are dependent on the interviewees self-identification as a victim. For this report, two victims were interviewed, who declared themselves as formerly victimised and courageously depicted their experiences. Both interviewees were victimised in different ways, though both were even physically injured.

As ZARA accompanies those affected by racist incidents and inequalities due to racist approaches, the two persons interviewed were victims of racist incidents. The author is aware of the fact that those two interviews cannot be representative for all victim’s perspectives in Austria, but they exemplify the tip of the iceberg –two severe examples of *hate crime* incidents.

The true number of unreported cases is hard to estimate and of course, cases that arrive at victim support organisations or advocacy groups often have a high level of severity. Those cases, which were handled well by the police are also most likely not to be documented by such organisations, as issues were solved and dealt with appropriately. Even in those cases, there is little data to fall back on, as e.g. the Section 33 (1) 5 – “Special Aggravating Factors” are neither likely to be documented when an incident is reported at the police station or to the police, nor likely to be considered during the sentencing process in court.

Some victims forget or repress their experiences or even do not perceive the incidents as criminal acts. Others keep their experiences secret, because they are ashamed of their victimization or conceal it because they perceive the victimization as a matter of privacy or because they regard the incident as negligible. (see Sautner, 2014, 34)

Therefore, it is likely that only the most severe cases find their way to counselling units, as those cases that are appropriately dealt with by the police and public prosecutor’s office do not require further assistance. The cases depicted below are a part of this landscape and are portrayed in order to paint a more accurate picture of reality:

#### 3.1 *Hate crime* depiction I

##### Police bias and violence against an unaccompanied minor refugee

In March 2017, the interviewee (AT/V/1), an unaccompanied minor refugee, was involved in a police control at a major public transport hub. As depicted by the affected person it was a situation triggered by ‘ethnic profiling’<sup>22</sup>. The persons involved in the police control were brought to a room used by the police at the station. All involved were screened for drugs. The controlled persons had to take off most of their clothes as well as shoes. The

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<sup>22</sup> ZARA Racism Report 2017 - zara.or.at/\_wp/wp-content/uploads/2018/07/ZaraReport2017\_Englisch.pdf [07.07.2018], p.79



interviewee described a situation whereby a shoe was thrown at him by one of the police officers. Three of the many controlled persons were taken to the nearest police station thereafter. The police officers found an ATM card of another person in the interviewee's wallet. They accused him to have stolen the card, even though the interviewee repeatedly stated that he did not steal the ATM card, but found it on the street, picked it up and put it into his wallet. One police officer angrily threw the ATM card into the interviewee's face. The interviewee was also accused of having stolen the phone that he had with him.

One police officer confiscated the interviewee's phone. When he refused to type in his pin code, one of the police officers pushed the interviewee's head against the wall. Subsequently, a police officer removed the SIM card and started looking at the personal pictures of the affected person. While looking at the pictures and seeing the affected person with another male friend, he commented on it with the words: "Gay, huh?"

Ultimately a police officer involved took a toilet brush and stuck it repeatedly into the interviewee's face. Constantly the interviewee was assaulted with words like "faggot", "Are you stupid?", "Are you retarded?" and "You are going to be deported". The confiscated phone and ATM card were not returned to the interviewee and he was literally kicked out of the police station, while told that he should never be seen at the aforementioned public transport station again.

Together with ZARA and his custodian, the interviewee filed a complaint, in order to get back his mobile phone, but they were informed that the police officers did not take anything from the interviewee. It was stated that if the affected person did not receive a document, stating what was taken from him, then nothing was taken from him. The interviewee decided to file a complaint against the police officers.

### 3.2 Hate crime depiction II

#### Physical assault in the U-Bahn without proper follow-up

In November 2017, the interviewee (AT/V/2) was on her way to her vocational training location. While standing on the platform in the underground (U-Bahn), she notices how a man racially insults another man, saying, "go back to where you came from, you foreigner". She notices how the insulting man starts pushing the other man. The insulted man does not tolerate the statements and physical assaults and decides to retaliate. The situation escalates quickly. In the meantime, the interviewee got on the metro [U-Bahn], standing close to the entrance. She sees how a phone is thrown to the side, not knowing whose phone it was, how headphones are being pulled away and finally she sees how one man starts bleeding, so she presses the U-Bahn stop button in order to intervene. No one else in the entire U-Bahn cabin reacts to the escalating situation happening on the U-Bahn platform, right outside the U-Bahn

The two men see the U-Bahn stopping, there is a short moment of silence and they resume their altercation. This time they come closer to the door, where the interviewee stands. The insulted man gets into the U-Bahn and the insulting man stands outside, right by the door. The interviewee and the insulted man see how the attacking man is holding a knife under his

jacket. The interviewee brings attention to the knife, saying, “what do you want to do with that knife?” She explains how she thought that she has to call the police, but in that moment she felt how something hits her head. After having lost her consciousness for a few seconds, she finds herself lying on the U-Bahn seats, with some passengers around her. One man says: “Stop it now. You already injured an innocent woman” and the perpetrator answers: “She is wearing a headscarf, they are all criminals anyway”. The man again replies: “It doesn’t matter which religion she practices, it is an innocent woman you injured”.

Thereafter, the police and the paramedics arrive and the interviewee is brought to the hospital. She has the possibility to talk to the insulted and injured man, who thanks her repeatedly for having saved his life. At the hospital a concussion is diagnosed. After a couple of weeks, already long back at home, the interviewee receives a receipt for her hospitalisation. As she calls the insurance company and explains that she was victimised and injured, the interviewee is told that she has to file a report due to ‘third party negligence’, but a police officer told the interviewee that nothing really can be done, because the perpetrator was already known to the police and it was questionable if it would even come to a hearing. The interviewee asked if it is possible to sue for damage compensation and the answer was: “You can’t get anything from a person who doesn’t have anything.”

This is where the interviewee gave in. The interviewee assumed all the costs and decided to put the whole thing behind her.

### 3.3 Subjective Experiences

In order to get closer to the subjective reactions of those affected and to get an insight into the impact of *hate crime*, two interviews with persons, who were at one point severely victimised, were conducted. Both interviewees became victims of physical assaults. In one case the person was even taken to the hospital, where a concussion was diagnosed, leading to long-term repercussions.

Interviewee I (AT/V/1) felt the immediate urge to report the incident to someone. He contacted his supervisor, who did not have an answer right away on where the interviewee could turn to. An aid organisation was approached, which signposted the supervisor and affected person to the ZARA counselling unit for victims and witnesses of racism.

Interviewee II (AT/V/2) is well embedded in her family. One of family members forwarded the case to an association with a focus on anti-discrimination, which again reported the incident to the media in order to make it public. Ultimately, the affected person did not want to proceed with legal steps, as she clearly stated that she had experiences with such things before and did not want to be put through it again.

Both cases nevertheless found their way to ZARA. In one case as a client and in the other by being informed by our cooperation partners. The two affected persons knew during the incident that what happened to them was unjust and clearly tied to a bias against certain characteristics.

When asking the persons affected, who are both not involved in the field of anti-discrimination work, they described the assault with the following words:

Interviewee I: *“A really bad thing happened to me, for no reason. If I would have done something, it would be different. I am a minor. The police are not allowed to hit me, take my phone from me, stick a toilet brush in my face and tell me that I will be deported. That is why I am very angry at the police.”* (AT/V/1, 2018, translated by the author)

Interviewee II: *“I think people who do something like that feel aggression, unhappiness, fear, dissatisfaction with one’s own life, fear of the unknown, ignorance, too little contact with other human beings, other opinions, other cultures. For me, hate crime is always tied to the reasons, why people commit such a crime. Those are reasons for me, why it leads to this term.”* (AT/V/2, 2018, translated by the author)

As described by the interviewed experts as well as in theoretical explanations of reactions to victimisation, some victims feel guilt and shame and thus do not want to tell anyone about their victimisation, if possible. That was not the case for both interviewed persons. Both felt the need to tell someone in order not to be alone with their negative experience.

Interviewee I: *“If something really bad happens, I have to tell someone, because I do not want something like that to happen to another refugee next time.”* (AT/V/1, 2018, translated by the author)

Both interviewees did not only tell one or two persons or only persons of absolute trust. They both involved their environments – counsellors, social workers, family and friends.

Interviewee I: *“I told my friends. This already happened to other refugees as well. It happened to many Afghan people. [...] I saw that it already happened to others.”* (AT/V/1, 2018, translated by the author)

Interviewee II: *“All my friends and acquaintances knew. They supported me emotionally. Everyone came to visit me in the hospital. My father and mother supported my very much.”* (AT/V/2, 2018, translated by the author)

The descriptions of both interviewed persons show how fast the word can spread and how quickly mistrust against the police occurs. This can then result in a high number of unreported cases.

Interviewee I: *“I heard that the police destroyed the phone of another person, hit another person. I heard that a lot.”* (AT/V/1, 2018, translated by the author)

Interviewee II: *“My sister was once spat at.”*

Interviewee II: *“My mother, when we were younger, was often told, she should go where she came from, even though she was a woman from Upper Austria, who converted to Islam.”*

Interviewee II: *“A friend of mine filed a report. A woman spat at her at the AKH [a Viennese hospital]. The woman insulted her because of her headscarf.”*

Interviewee II: *“Many friends of mine tell me that they are insulted in the tram, in the bus.”*

Interviewee II: *“You notice that there are many incidents, where people are mistreated, because they are wearing a headscarf. Many Muslim women are molested because of it. A reason for such behaviour is that people feel endorsed by the government.”* (AT/V/2, 2018, translated by the author)

When it comes to incidents directed at Muslim women, the experts share this view. Most interviewees stated that Muslim women are currently very affected. Two interviewees depicted their experiences with groups of women in counselling, workshop or training context, that such things happen currently every day.

One of the interviewees (AT/V/2) during the conversation constantly tried to understand the reason for the incident, stating how

*“sad [it is] to see what damage can be done by inciting hatred and how the life of innocent people can be made so much more difficult”, later explaining to herself that “[t]here is no reason for treating someone badly due to their specific belief, a piece of clothing or a certain skin colour”.*

The interviewee noted, almost defensively:

*“I am working, getting my education, just like other people. The only difference is that I practice a specific religion, that I have a certain belief. In Austria, there should be freedom of religion.”* (AT/V/2, 2018, translated by the author)

One interviewee even got to the point, where she explained what the difference in her view between a “normal crime” and a “bias crime”:

*“If someone is attacked without a prejudice motive, then something is wrong with this person, something is wrong with the persons’ surrounding, there must be some kind of catastrophe behind it or something is wrong with his\*her psyche or the person is drunk. [...] The difference is that those prejudices are produced, by inciting hatred, hate against specific minorities emerges, [...] then people are directly targeted. That means that persons are encouraged, supported and it is seen as “okay”, if one treats persons, this minority, like that.”* (AT/V/2, 2018, translated by the author)

When talking about the aftermath, the two interviewees both explained that they think that it could happen again, to themselves or to others, who share the same characteristic. Both showed signs of trauma – lack of sleep, a wish not to go outside and in one case, fear of the night and the dark.

One of the interviewees really wanted to take further legal steps, but at the time of the interview it was not clear what could be done besides filing a complaint against the police officers, who harassed, insulted and attacked the interviewee. The other person interviewed just did not want to have anything to do with the incident anymore. She just wanted to get over it.

*“I did not have the strength to talk about the subject. I was told by a police officer that I would receive notice, if court proceedings would be initiated by March at the latest. I have not received anything so far. It was not, in my opinion, taken seriously. I just did not have the strength to ask further questions.”* (AT/V/2, 2018, translated by the author)

*“I gave up. I thought if not even the police are doing something and they say: ‘He’s already known to the police, you cannot get anything from him [i.e. the perpetrator]. I did not want walk more ways, write more letters. I did not have that time and energy anymore. Otherwise, I would have reported to ZARA or ‘Weisser Ring’, if I had the strength for it.”* (AT/V/2, 2018, translated by the author)

### 3.4 Psychosocial Aspects

*“[It] depends on the person, there is not only one kind of victim.”* (AT/K/7, 2018, translated by the author)

The interviews with two persons affected by severe cases of *hate crime*, the portrayed experiences by the interviewed experts as well as scholars in the field of victim psychology<sup>23</sup>, show that such incidents can have a severe impact on the affected person as well as on their surroundings. Both interviewees stated that they were afraid of something like this happening to them again or to someone who shares similar characteristics.

*“I was afraid that something like that could happen to me again, that I could see this man on the street, in front of me. The fear was there. Because I also did not see any reaction from the police.”* (AT/V/2, 2018, translated by the author)

These factors make those kinds of incidents “different from other crimes” (Efus 2017, 8). “They do not only have devastating effects on the physical and psychological health of the victims themselves but send a message to entire identity groups and communities, threatening them with violence and the denial of their right to participate in society.” (ibid 2017, 8)

One of the interviewed victimised persons slept for 12 hours straight after the actual incident, before he was able to even think about any further steps. When telling the custodian about it, the custodian institution took the coordination of further steps into its hands, which was necessary to proceed at all. Due to the language barrier and the fact that

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<sup>23</sup> For further information on victim psychology and the term ‘victim’ itself see e.g.: Sautner, Lyane (2006); Dignan, James (2005); Fjellström, Roger (2002); Christie, Nils (1986); Greer, Christ (2017); Gupta, Rahila (2014)

the interviewee resides outside of Vienna, finding a counselling unit that one can turn to seems to be facing a number of obstacles and therefore difficult to follow through.

The second interviewee was taken to the hospital, where no further legal steps were taken – even though reporting such an incident to the police would have been a legal obligation of the hospital staff – and after being discharged from the hospital, the person did not dare to go outside for weeks.

*“During the first weeks I did not dare to go outside. Afterwards my mother came with me, everywhere I had to go for a while [...]. At night I feel even more unsafe.”* (AT/V/2, 2018, translated by the author)

So, both affected persons would not have been able to find an organisation and initiate first steps on their own. One of the interviewees even knew about organisations like ZARA or WEISSER RING, but she felt she could not become active nor go outside on her own, as she talked about being too afraid of doing anything.

*“Fear is bigger than the attempt to protect oneself by contacting an organisation.”* (AT/V/2, 2018, translated by the author)

When asking the interviewees why people do not report, only one of them had an answer, mostly for language reasons. This interviewee answered:

*“[That people do not report] possibly has to do with fear of the public, fear of it happening again. One definitely has a trauma afterwards. Then one says: No, I don’t want that this happened to me. Let’s forget it ever happened. [Also] it is possible that someone has reported an incident already and nothing happened.”* (AT/V/2, 2018, translated by the author)

When considering the experience that these two interviewees had with the police, it supports the theories drawn from most of the interviews with experts. First of all, one of the interviewees (AT/V/1, 2018) was directly victimised by a police officer, so his trust in the police was destroyed. The other interviewee did not feel as though the police were taking her seriously, as described in subchapter ‘access to support mechanisms’ below.

Drawing from the experts’ experiences, it is of utmost importance that “[i]f one experiences such a victimization, it must – under no circumstances – happen again. Such a re-experience – a secondary victimization – comes from being reduced to this one characteristic again.” (AT/K/7, 2018, translated by the author) This was not avoided in both cases of the interviewed persons.

### 3.5 Access to support mechanisms

The experiences of the interviewees – experts as well as those affected – show that many persons who belong, identify or are attributed with certain groups, are more likely to be



victimised on the grounds of a specific characteristic, but do not know about support services and/or organisations that might provide them with either dual court assistance or general psychosocial or legal counselling. One interviewee did not know about any institution or organisation that provides support to *hate crime* victims or those affected by discrimination at the time of victimisation, but he was in contact with an institution, who did research, contacted a few organisations, which again signposted the affected and the custodian to the ZARA counselling unit. The other interviewee did know about organisations such as ZARA and WEISSER RING, due to her activities within an association and through her friends, she still did not want to report her case or initiate any further steps, due to lack of energy, fear and a feeling of senselessness, that can be explained by a secondary victimisation, which presumably occurred when she did not feel taken serious by the police.

In general, language can be a hurdle. Organisations that provide support need adequate funding in order consult interpreters if needed or to provide information about their services in different languages. All sorts of information also need to be provided in simple language, to make it understandable and tangible for everyone. When it comes to police services, it would be important to equip police stations with interpreters, as one interviewee did not have the possibility to get his arguments across properly in the German language, even though his German was sufficient for a simple interview. However, stress situations make it difficult to articulate oneself.

One of the interviewees articulated wishes and steps that would have made the situation more “satisfactory”, even if a traumatic thing already occurred:

*“First, I would have wished to be taken seriously in regard to the fact that it was a racist incident – [...] to see that if he insulted the other man racially and then hits me in connection with making such a statement, it shows, for me, that it was a racist attack.”* (AT/V/2, 2018, translated by the author)

*“Secondly, I would not want to be responsible for bearing the costs after being assaulted and needing to go to hospital.”* (AT/V/2, 2018, translated by the author)

*“Thirdly, I would have wished that court proceedings were initiated and not that someone says: Yes, another file. And then it is pushed aside and I am told: Yes, he is already known to the police, we cannot do anything. There is nothing to get from someone, who does not have anything”* (AT/V/2, 2018, translated by the author)

The interviewee ended the interview with the following words: *„I say, a state under the rule of law does not automatically mean rights and justice.”* (AT/V/2, 2018, translated by the author)

## 4. Best Practice Examples: Ideas and Approaches

None of the interviewees were able to recall a clearly distinguishable best practice example. This shows that the phenomenon on certain levels has not been recognised adequately, the necessary measures still need to be further developed and that those, trying to offer support, are often restricted due to their financial situation and political unwillingness.

The examples, which were mentioned, are listed below<sup>24</sup>:

### *Best Practice I*

*One interviewee described the case of an Austrian woman, who converted to Islam and was attacked on the grounds of her wearing a headscarf, who managed to convince the police officers, who she reported a hate crime to, to contact the Antidiscrimination Office, which she had heard of. The police officers finally agreed and contacted the team of the Antidiscrimination Office, which told them that this is a clear case of Section 33 (1) 5 – “special aggravating factors” – and that it needs to be mentioned in the course of filing the report.*

*Even though in the beginning the police stated that it is almost impossible to do something, as the perpetrator is unknown, the perpetrator was found in the end, because the affected woman described the perpetrator that well and he was found and sentenced. Unfortunately, the perpetrator did not make any statement on why he attacked the woman. Subsequently Section 33 was again not included in the process of sentencing. (see AT/K/5, 2018, translated by the author)*

This very case had a positive impact on the police officers, who finally (after being pressured) recognised the special aggravating factor and then really put an effort in seeking the perpetrator and bringing him to justice. It shows that if a person is empowered enough and knows what his\*her rights are, there is a possibility to be heard. But it has to be mentioned that the affected person, as mentioned, was someone with local knowledge of the city, who did not take “no” for an answer. This example shows, it is possible to report a *hate crime* and really have the person sentenced, even if in this case as well the “special aggravating factor” was disregarded in the process of sentencing.

### *Best Practice II*

*This Best Practice example is a real story from the “Gemeindebau” (social housing building). A family of Turkish origin, who has four children lives in a house, with an elevator. The woman wears a headscarf. The smallest child was just born, so it is still very close to its mother. The family has troubles with another family, which has a dog that frightens the mother with children.*

*One day, during a small construction project of the family with children, the woman takes the elevator, carrying a plinth as well as her youngest child. The family with the dog gets in the elevator as well. The woman with the plinth tells the other woman to take the dog away, to*

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<sup>24</sup> The textualisation is based on the descriptions of the interviewed experts.

*which the other woman replies: “This dog belongs here.” She explains that it is her dog and the other woman should not make such a fuss about it. The situation quickly escalates and the woman with the dog slaps the woman with the plinth and tears down her headscarf. During the situation the plinth is damaged as well. The woman with the damaged plinth calls her husband, who quickly arrives together with his cousin.*

*The man with the dog pushes the other man’s breast, which he did not know was injured, due to a recent heart surgery. Thusly the man with the children and recent heart surgery really feels as though his life is being threatened. His cousin is beside himself with rage and starts threatening the family with the dog. The woman with her baby is at the limit of her capacities and subsequently the ambulance is called, which arrives soon. She stays at the hospital for two days in order to recover. As the slap was not visible and the woman stayed in the hospital for two days, she received the reputation of being “hysterical” among the responsible police officers. The interviewee recognises the possibility that this could constitute a bias among the police officers towards her as a woman as well as a person with migration background.*

*The case came to the interviewee’s organisation via ZARA. The man with children considered it very important that something is done about it. The expert was worried that the motive might not have been recognised in court and the risk of secondary victimisation. So, in consultation with the family, she initiated an out-of-court-settlement, to make sure that the family is heard. As a matter of fact, everyone agreed to it and it went very well. Both sides were able to understand the others. The couple with the dog understood how terrible it must have been to be pushed shortly after a heart surgery. A fundamental understanding on both “sides” was reached.*

*In the end the families did not become friends, but the expert was contacted by the family with the children later on and was told that they thereafter lived in peaceful co-existence and that even started to greet each other friendly in the hallway. The expert explains, that It was astounding that it went like that, because neighbourhood fights can lead to dramatic, long-lasting feuds. (see AT/K/7, 2018, translated by the author)*

### **Best Practice III**

*The interviewee could not think of a “real” Best Practice Example, but he thought of and described one example, he was personally impressed by (more in the area of online hate speech than hate crime). It was the tracking of the person that posted a hateful comment against [a well-known journalist] in Austria. This journalist and the perpetrator met in person and talked about what made the perpetrator post such a hateful comment. Then they agreed on a compensation fee. (see AT/K/9, 2018, translated by the author)*

This example is legally to be categorised on a level out of the usual, as it really includes the possibility of finding out-of-court solutions. A severe or unrecognised hate crime case was only imaginable in an abstract way for the interviewee.

## 5. Deficits and Problems within Support Structures

In this chapter, deficits and problems of support structures for victimised persons are focussed on. Many of the interviewees stated that *hate crime* incidents have started to be more and more the norm and that many of those affected are not convinced of the measures taken. One of the interviewees, who was at one point victimised, stated that

“maybe someone in their surrounding or they themselves have reported an incident and no adequate measures were or could be taken”. (AT/V/2/2018, translated by the author)

*“There are too little services, firstly, and secondly, often nothing can be done.”*(AT/K/3/2018, translated by the author)

This leads right away to the issue of secondary victimisation or the fact that a person, reporting a *hate crime* to the police, is not taken seriously. Interviewees state that many cases already fail to be dealt with adequately at the stage of initial reporting, namely at the police station. E.g. when a case of

*“classic damage to property, [...] if something is destroyed, smeared or sprayed at or when it comes to not easily comprehensible things like nailing a pig’s head on the door of a mosque, because the damage to property is that there are one or two nails in the wall, but the actual symbolic value is the crime. [...] I do not have the feeling that this is recognised properly.”* (AT/K/9, 2018, translated by the author)

A straightforward legal problem regarding the phenomenon of *hate crime* is the fact that the element – Section 33 (1) fig. 5 – the special aggravating factors – are only applied, if at all, as the last reasoning – only when the questions of perpetration and guilt are already established.

*“The motive is only added in the moment of sentencing. [...] It is the last notion considered [...], which is why it doesn’t get a lot of attention.”* (AT/K/9, 2018, translated by the author)

In many cases, as experienced by the organisations that were involved in the interviews, the special aggravating factor is not added in the end of legal proceedings, because such necessity is not recognised. Adding the special aggravating factor would not only be a recognition of the motive that was part of the crime, but it would also have an impact on the penalty.

*“For [those affected] it makes a big difference, how high the punishment is, but that is of little interest to our judicial system. Also [there is an east-west-gap] and it is regularly pointed out that punishments [...] in e.g. Vorarlberg or in Vienna differ greatly. If it would be of interest, the alignment would have already been successful. It is neither comprehensible for the perpetrator nor the victim.”* (AT/K/9, 2018, translated by the author)

Another issue that came up in the conducted interviews is the pitting of groups and/or communities against each other. When opening up the discourse or when taking the topic to the media, there is a risk of performing an unnecessary identity parade. As an interviewee put it, this has little to do with the actual topic and the true connection is that,

*“[c]ertain groups actually just share a common risk of being victimised and affected by intolerance and hate.”* (AT/K/7, 2018, translated by the author)

An enormous problem that comes up, as perceived by all but one interviewee, is that the

*“[c]ourt and the police only consider arson attacks on asylum accommodations [hate crimes]. That they understand. But they do not understand that it is a hate crime, if someone tears down the headscarf of a Muslim woman.”* (AT/K/5, 2018, translated by the author)

*“Since 2010 [the before developing self-empowerment] is at the tipping point. Communities are frustrated and say: There is nothing that can be done anymore. We fought for so long and nothing has improved. Why should we keep on fighting? It is especially noticeable within the Muslim community.”* (AT/K/5, 2018, translated by the author)

Two interviewees e.g. who work closely with Muslim women stated the same thing:

*“Some women tell me: This is happening to me every day.”* (AT/K/7, 2018, translated by the author)

Some communities or representatives of communities have the feeling, that it does not make a difference if there are laws against discrimination or hate crime.

One interviewee stated: *“If it does not make a difference for them anymore, then we have actually lost.”*(AT/K/5, 2018, translated by the author)

When it comes to making *hate crime* more visible to society and the public, a further issue is that it is hard to hear the voices of victims of *hate crime*, as the issue is very sensitive and people often, and often for good reasons, are afraid to show themselves publicly and be publicly connected with such an event, due to fear of another experience of victimisation. Furthermore, even before taking any legal steps, people often have the urge to get it over with and try so by creating distance from the atrocious experience.

A further complicating factor is that perpetrators often remain unidentified, which means that investigating police officers need to make an extra effort to find them in the first place. Some argue that it might be rather possible to find the perpetrator within smaller towns or villages than bigger cities, but due to the factor of underreporting and the lack of adequate numbers there is no evidence for such an assumption.

*“The complicating factor is the anonymousness of the perpetrators.”* (AT/K/5, 2018, translated by the author)

## 5.1 Underreporting

*“People do not know when their rights have been violated. To them racism and homophobia became ‘normal’.” (AT/K/2, 2018)*

A specific problem of dealing with *hate crime* is the extent of underreporting. This phenomenon has already been dealt with extensively by many stakeholders. One reason for underreporting is that some people, who were affected by *hate crime*, especially if it was an insult, a dangerous threat, *hate speech* or *incitement*, are not aware that such acts are crimes and that it might be possible to counteract them.

Furthermore, a person who has been victimised first needs understand that what happened to them was unfair and wrong and is prohibited by law. This is not an easy challenge. It requires courage and a certain amount of effort to admit to oneself that one has been victimised. It also requires a strong sense of justice, in order for a person to decide to share their experience of victimisation with others, often strangers, and to act upon it. Actually, many of those affected are – after such a victimization – tired of being defined by this specific characteristic.

*“Many affected do not have basic confidence. Many people are not empowered enough.” (AT/K/2, 2018)*

There are quite some steps that can be taken – either one reports right away to the police or one bypasses the police and reports directly to some kind of victim support organisation, advocacy or interest group. There the issue of trust comes into play. As identified by the interviewees, there is a tangible lack of trust in the authorities as well as in counselling units, advocacy groups and other such organisations.

*“People have to be able to speak for themselves.” (AT/K/2, 2018)*

As mentioned earlier, reporting a *hate crime* incident does not always lead to the possibility of taking legal steps, sometimes people are not taken seriously, experience secondary victimisation or the legal steps that could be taken are too risky or intimidating. If one person has made such an experience, as listed above, then word of such an incident often spreads quickly within communities and/or groups, who identify with each other and who are potentially more likely to be affected by *hate crime*. If something happens to someone in such a community and the person has heard that it did not lead to any tangible results, then

*“[...] it is difficult to understand why it is of use to report, even if it is not leading to a lawsuit.” (AT/K/5, 2018, translated by the author)*

*“I understand people, who say: Why should I report, if nothing happens afterwards?” (AT/K/5, 2018, translated by the author)*

A lack of trust was identified by the interviewed experts not only in the police or support organisations, but also in the justice system itself. A few of the interviewed experts recalled some very engaged and active persons within communities, who built trust in certain



organisations or counselling units, try to convince others to report and who report themselves, as witnesses. Those people also understand the deeper meaning of reporting – that it is not only of use because it leads somewhere, but also that it provides a comprehensive overview from which organisations can promote change systematically.

*“It takes 18 steps before a person can even consider to come to us. We feel that there are very active persons within communities, who call on others to report or who report themselves, but that people really convince themselves that they should report an incident to us is really a different pair of shoes.”* (AT/K/5, 2018, translated by the author)

Certain institutions, which only have the capabilities to signpost and not to support on a legal or psychosocial basis, recognise the issue that people are frustrated if they are signposted from one place to the next, especially, in very sensitive time frames, where people actually need acute and swift support.

*“Who do I report to and what do I report to whom? And how do those contact points deal with what is reported. That is already the first problem. If someone reports hate speech or hate crime to me, I can only signpost to a contact point that is actually responsible for law enforcement.”* (AT/K/11, 2018, translated by the author)

*“Those affected by hate crime – of different nuances – do expect a reaction. If no reaction follows, they will for sure not report a second time.”* (AT/K/11, 2018, translated by the author)

Unreported incidents are a great concern, as they cannot be easily grasped. In most expert interviews, the estimation was stated that only the most severe cases reach support or advocacy organisations. The concern was that only those cases, where a person is seriously injured, find their way to documentation and counselling units. In general, it needs to be added that many cases that find their way to independent counselling or documentation organisations, happen because persons are not treated adequately by the police. If they are, then the need to contact a documentation or counselling unit might not have the same priority. The cases, where someone is heavily injured, are generally treated adequately as hospitals are obliged to file reports due to the severity of the injury according to Standard Practice/Reporting Obligation, provided in §§ 7 and 8 of the Health Care Act. Here it is worth mentioning that this is not always a given. One of the experts depicted a recent case, where a person was severely injured along with multiple forms of discrimination. The person was then affected by secondary and tertiary victimisation, as we have not being taken seriously by the police and was sent away without filing a report in a Viennese hospital.<sup>25</sup>

*“I think, if hate crime cases come to us, it is the most severe ones. Which means that a jaw was broken or someone is seriously injured.”* (AT/K/7, 2018, translated by the author)

Another issue, which should have received increased attention, is the broad spectrum of so-called ‘petty offences’ – damage to property, insults, molestations and such. Interviewees

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<sup>25</sup> For reasons of security the case will remain anonymous.

estimate that if it comes to those incidents, people are not reporting them at all. They have a high tolerance of frustration currently. Further issues that were named are

*“a basic feeling of senselessness”* (AT/K/7, 2018, translated by the author), *“to some extent, not predominantly, shame and feelings of guilt”* (AT/K/7, 2018, translated by the author).

*“As long as one carries this characteristic, and this kind of bias and hate continues to be present, the risk remains a reality.”* (AT/K/7, 2018, translated by the author)

It was also mentioned that discourses on strength within communities and groups make it difficult for people to speak out and tell others what has happened to them, because they thereby declare themselves to having become a victim. This can happen within all groups, because individuals may think that such incidents can never happen to them, as they do not consider themselves “victim types.”

*“It is really hard for us to understand that there are moments in life, in which we are just victimised and that it has nothing to do with our attitude or actions.”*(AT/K/9, 2018, translated by the author)

Also this can be tied to a certain kind of “whistle-blower” effect. If one person reports and maybe even makes an incident public, others might also feel forced to tell their story. It can be explained as a certain kind of “outing pressure”, a widespread phenomenon in the field of “identity”. This leads to the fact that others might feel forced to re-encounter an experience of powerlessness, tied to a feeling of immense reluctance. Many might rather want put it behind them quickly. So in general, it can be hard for victims of *hate crime* to find their voice. (AT/K/5, 2018, translated by the author)

The subchapter on “underreporting” can be concluded by quoting one interviewee:

*“All those mechanisms lead to the fact that we have this big issue of “underreporting” and that we still have to highly respect those, who endure such a process, because they get into a thing that might not come to a satisfactory ending, which does not contribute to curing the experienced reluctance. The most ideal case is that the perpetrator is sentenced.”* (AT/K/9, 2018, translated by the author)

## 5.2 Police

From the expert interviews, it can be concluded that NGOs generally cooperate well with the police – of course some more and some less. 11 out of 14 interviewees stated that they have made very good experiences with police officers, especially when it comes to the well-trained specialised police departments and units.

*“The police are a huge “union” I always forget the numbers, but there are unbelievably many law enforcement officers and obviously there is a wide range of beliefs and positions.”* (AT/K/7, 2018, translated by the author)

In many cases, the police are the first point of intervention and as such the institutions very significant. Police officers are often the first ones in contact with the victim. As mentioned, there are those officers that might recognise a certain bias motive and who do a good job, which also does not mean that such cases are documented properly, and there are those, as stated by the interviewees, that lack knowledge and awareness of these situations. It is not only important that those affected are receiving adequate and ad hoc support, the police are also the first reaction of the state. “If something goes wrong here, it is very hard to repair the damage, because the basic trust in the state is lost.” (AT/K/9, 2018, translated by the author)

As put into perspective by one of the interviewees, it should not be forgotten that most of those interviewed as part of this report, are working in associations or organisations that operate a counselling unit. This means that

“[...] those [cases] that are dealt with adequately do not find their way to [them].” Nevertheless, many of the interviewees reported that they are told on a regular basis that those affected are not taken seriously enough and that people feel abandoned, which is leading to a secondary victimization. The additional problem, apart from the bad experience of the victim itself, is that the word of such experiences spreads quickly. An interviewee identified the need to “regularly talk about cases, which were dealt with adequately and thusly encourage others to maybe report next time.” (AT/3/2018, translated by the author)

A further aggravating factor is that there is often a long-lasting bias against the police, which is sometimes passed on over generations. Some people show a historically enshrined mistrust in the police. Others again show a basic mistrust due to bad experiences that they made prior to a *hate crime* incident.

When it comes to the actual factor of recognition of the phenomenon, apart from the on-site first handling of a report on victimisation, a few interviewees even went as far as stating that

“[n]othing has changed when it comes to the lack of sensitivity among the police or in court in regards to seeing hate crime [over the years].” (AT/K/5, 2018, translated by the author) It was said that *the police, in most parts, do not recognise the phenomenon. They only record the report, when someone enforces it. They often have a strong need of discussion, but often the discussion ends with the statement: “Then it is an insult. Then it is a physical assault. And it doesn’t matter. Why should I add some motive to the report? And so Section 33 (1) 5 – the ‘special aggravating factor’- remains unknown.”* (AT/K/5, 2018, translated by the author)

The overall issue is that people are afraid of not being taken seriously and that the police may share this common bias against them. The statement above shows that so-called “ethnic profiling” does not facilitate or promote reporting. Instead it creates more mistrust in the police by persons potentially being victimised.

“*Ethnic profiling definitely does not contribute to building a basis of trust.*” (AT/K/7, 2018, translated by the author)

An issue that interviewees recalled was that *hate crimes* require proper investigation. Only this can ensure that *hate crimes* can be effectively prosecuted and sanctioned. This means that frontline law enforcement officers must have the right tools to identify the different forms of bias behind offences and to record that information on file. However, this is often not the case.

This shows that it is not enough to only train police officers or raise general awareness on *hate crime*. Specific grounds of discrimination need to be conveyed and presented in detail in order to understand that an incident is triggered by a specific motive. In order to narrow it down, a few specific statements are listed, which demonstrate the perception of potential bias that the police shows towards persons affiliated to a certain group or regarding a certain characteristic:

- “Another bias is that [the police] holds a bias against homosexuals, mainly homosexual men. [...] Especially male police officers often have a certain image of masculinity that does not agree with the concept of homosexuality. [...] I think very different worlds collide [...].” (AT/K/7, 2018, translated by the author)
- “Persons with disabilities are often not taken seriously. Especially if they have troubles articulating themselves. Or even more so if they have learning difficulties.” (AT/K/8, 2018, translated by the author)
- „Women. African groups. LGBTIQs are very affected and not taken serious by the police. As African LGBTIQ you do not even have a class.” (AT/K/2, 2018, translated by the author)
- “I think a bias that the police have against people with migration backgrounds. They are sceptical towards people with a darker skin colour and that they find such people potentially suspicious.” (AT/K/7, 2018, translated by the author)
- “There are certain groups, like persons, who beg, who are often perceived as Roma people, who have terrible experiences with the police, because they constantly receive administrative penalties. That is the case in Vienna, but I am sure it also counts for other Federal States. Persons who beg are treated badly by the police. [...] Some feel terror and fear when it comes to the police and if they need something from the police, they need someone to accompany them to the station [...].” (AT/K/1, 2018, translated by the author)

### 5.3 Judiciary system

“It would be good if judges would know this aspect, this additional aspect, but we are already failing to make them understand basic aspects of discrimination.” (AT/K/8, 2018, translated by the author)

When looking at a range of organisations, groups and initiatives, which support groups more prone to *hate crime* incidents than others and/or victims of violence and/or crime, it is evident that the path to court is barred for the majority of them. Those organisations with ‘dual court assistance’ offices, as mandated by the state, provide legal counselling and have the possibility to drive legal steps forward. Those who are not mandated, quickly reach the moment, where no further steps can be taken without additional financial means. Subsequently, organisations who support persons, who are victimised on the grounds of a real or perceived characteristic, need to turn to those that have the possibility to represent those affected – either to a mandated office or to independent lawyers, who are connected with a high risk of costs. When it comes to Salzburg and Graz, there is for example an Antidiscrimination Office, which can take up such cases, but e.g. in Upper Austria there is no Antidiscrimination Office to turn to. The Federal Ombudsman, the Patients’ Ombudsmen as well as the Ombud for Equal Treatment are not mandated for such cases.

*“There are things, which you could take to court, but it becomes harder to do so. [...] We do not even have an Anti-Discrimination Office in Upper Austria.” (AT/3/2018, translated by the author)*

In 2000 the Litigation Association for NGOs against discrimination was founded, which currently has 50 member organisations. The Litigation Association has recently gained the possibility to run cases on the basis of ‘associational standing’ (action popularis) for certain discrimination issues on the ground of disability, only. At this point it is noteworthy to mention that the Litigation Association has been denied 50% of its funding, which has usually been provided by the Ministry for Women, Family and Youth, in spring 2018. This means that, at time of writing this very report, the Association is threatened in its existence. Furthermore, when looking at the judiciary system in Austria, with a specific focus on the practice of sentencing, a clear east-west gap can be identified. It was pointed out that punishments in e.g. Vorarlberg or in Vienna differ greatly. A major problem here is that it is neither comprehensible for the perpetrator nor for the victim. (see AT/K/9, 2018, translated by the author)

During the interviews as well as during the network meetings, the issue of sentencing was widely discussed. It was clearly stated that the severity of penalties makes a difference to the victims as well as the perpetrators. Nevertheless, an alternative penalty measure might in some cases have a bigger impact on the perpetrator, who committed a rather, let’s say, mild crime, than a slightly higher fine.

*“I think when it comes to hate crimes that, for example, bring along damage to property, the tactic of ‘Diversion’ can in some cases be a more satisfactory measure, if handled well, than a classic sentencing that doesn’t include the special ‘aggravating factor’.” (AT/K/9, 2018, translated by the author)*

The interviewee assumes that alternative means of punishment could produce good, if not better, results. The goal would be to allow a dialogue between participants, insofar as the degree of the hate crime fact was only conditionally severe. It is possible that such alternative measures would be more likely to achieve some a certain degree of understanding and as well as a change of trigger mechanisms in perpetrators. "Normal"

penalties – and this is a common problem within the judicial system – rarely provide the impetus to change one's attitude. (see AT/K/9, 2018)

Those experts with a practical expertise in the field of counselling stated that it is regularly difficult to advise people to take further steps, as the chances are high that the “special aggravating factor” is not recognised. In a rational and sober cost-benefit-calculation, it just often does not work out well for the victimised person. Another reason why it is difficult to recommend getting involved in court proceedings is because it

“can be like getting caught in a windmill, for both – the victim as well as the witness. As soon as you're in the judicial apparatus, it can feel like being trapped on an elevator, not knowing where it leads to. And everyone else seems to know where it is going, except you.” (AT/K/9, 2018, translated by the author)

It is of major concern that § 33 (1) 5, the special aggravating factor, does not seem to be applied in an adequate manner and it seems to be a legal dilemma that this special factor is mainly applied in the very last step of a legal procedure, a moment, where such an additional factor is often not recognised, forgotten or ignored. Here it seems that the judiciary system needs to undergo a general change in the culture of judiciary values.

*“[Many advocacy groups, counselling units, victim support organisations etc.] are really trying to provide accurate support, but is all for nothing, if the justice apparatus exempts itself.” (AT/K/9, 2018, translated by the author)*



## 6. Recommendations for Change

Based on interviews conducted with 15 (practical and theoretical) civil society experts and two persons, who at one point were victimised on the grounds of a real or assumed characteristic, as well as the network meetings with NGOs that are active in the areas of anti-discrimination and human rights, the following recommendations have been formulated and categorised.

### General recommendations

- By recognizing the need and subsequently distributing adequate funding, awareness, and understanding for the phenomenon and reality of *hate crime*, active “outreach” instead of “come to us” structures could be developed and implemented.
- Trainings should be provided to CSO representatives in the field of advocacy, anti-discrimination work, human rights, the health, educational and youth sector, initiatives supporting specific groups, who might be affected by discrimination on all grounds.
- Specific trainings on documenting bias-motivated cases as well as adequate legal and psychosocial support for *hate crime* victims should be provided to assigned victim support organisations.
- Civil courage should be fostered among possible bystanders and trainings should be organised for staff of public transport networks in cooperation with experts from CSOs.
- Cooperation between law enforcement authorities, CSOs, and victim protection counselling units needs to be improved in order to facilitate signposting of those affected to victim protection organisations at all times.

### Recommendations for policymakers and state bodies

- Empowerment and awareness-raising programmes should be adequately financed and supported by state institutions in order to further develop and subsequently implement such programmes and campaigns to a greater extent in order to reach out to those potentially affected.
- The independence of victim support organisations, as well as independent legal advice/support organisations and initiatives, need to be ensured in order to provide clear advocacy for (potential) victims.

- Additional to measures in the analogue world, user-friendly technological tools – such as apps etc. – should be, if already existing, distributed and in other cases developed. Adequate funding should be provided.
- Psychosocial support, provided by well-trained and professional civil society organisations should be adequately funded in order to provide support services in a variety of relevant languages and in order to be able to provide their services free of costs at all times.
- Responsible funding institutions should provide adequate funding for an Austria-wide survey (following the example of the study conducted in the framework of the project “Hate Crime in Styria, commissioned by the Antidiscrimination Office and conducted by the ETC Graz), including all grounds of discrimination.
- A network for all organisations, working in the field of anti-discrimination, human rights and documentation, as well as state institutions should be established in order to coordinate cases and provide adequate data.

### Recommendations for CSO representatives:

- Civil courage should be strengthened and promoted through awareness-raising campaigns as well as trainings. People should be encouraged to stand up and assist, as well as to share public statements on current cases of *hate crime* incidents. Raising knowledge about the importance of taking a position, recognising a motive as well as practical approaches like getting help, calling the police, taking pictures/videos, and asking for the serial number of police officers in cases of police misconduct.
- Information, as well as guidelines for CSO representatives, support organisations, those potentially affected as well as other stakeholders, should be provided in a simple language and on a low-threshold level (workshops, trainings, leaflets, etc.), as well as in many relevant languages as possible.
- Specific responsible “persons of trust” should be established within communities as so-called “ambassadors” as well as within antidiscrimination institutions, CSOs and advocacy groups. Such contact points should be empowered as well as trained in order to provide adequate skills for at least primary counselling, signposting and first measures of documentation. Those measures should be implemented in both rural as well as urban areas in order to strengthen a centre-periphery-approximation.
- Further programmes in order to strengthen networking among different advocacy groups and support organisations working in different fields should be developed and implemented.

## Recommendations for stakeholders responsible for or active within the educational sector

- The educational sector was explicitly mentioned to be in need of training and information. Important stakeholders working in and around schools (teachers, trainers, principals, tutors etc.) should be provided with adequate information on *hate crime* and on how and where to signpost victims.
- Awareness-raising work on deconstructing prejudices should be part of any school curriculum, irrespective of school levels. At universities, bias-motivated crime should receive a greater focus, and curricula should be expanded. Especially in the fields of law, teaching (all levels), psychology, education, elementary education, etc., the phenomenon and the Europe-wide reality of the existence of hate crime should be made more visible.

## Recommendations for law enforcement officers and judiciaries

- Cooperation between police forces and communities, community leaders, advocacy groups as well as NGOs and initiatives need to be further strengthened in order to counteract underreporting. Such endeavours could build understanding for each other and subsequently between those affected and/or potentially affected and police forces.
- As recommended by interview partners as well as by the ETC, in the framework of the project ‘Hate Crime in Styria’, institutions like the so-called “Ordnungswache Graz” as well as the “Ordnungsdienst Linz” (kinds of municipal security corps) should be included in such training and awareness-raising measures.
- Trainings should be further developed and conducted. Law enforcement officers from different departments should be provided with continuous, progressive and mandatory training courses on the phenomenon of *hate crime* as well as the legal national framework in regards to the existence and implementation of § 33 (1) fig. 5 StGB – “Special Aggravating Factors.” Those trainings should include information on how to document *hate crime* incidents, to call for further investigations, as well as to signpost victims to victim support organisations or counselling units.
- Forms used for the documentation of filed reports should be provided with a mandatory section on possible motives of the reported crime. The introduction of such an amendment to the existing forms should be accompanied by training courses or, at the very least extensive instructions to all police officers working at police stations.
- Specific responsible “persons of trust” should be established within the authorities. Such contact points within the police forces should empower those affected and train police officers in order to avoid secondary victimization and facilitate signposting and

documentation or reports. Such measures should be implemented in both rural as well as urban areas in order to strengthen a centre-periphery approximation.

- Prevention mechanisms to avoid all kinds of secondary victimisation should be fostered. If a person has experienced secondary victimisation, i.e., they are not taken seriously or even continuously discriminated against, then that person will most likely not report a subsequent incident as a loss in trust is very hard to restore.
- Police hiring processes should adhere to equal opportunity policies in order to make sure that gender balance is guaranteed and that persons of different nationalities or from different communities have access to the police academy. Such diversity within the police forces should be mandatory as it would consciously contribute to more trust as well as a better handling of *hate crime* incidents and better support for affected persons.
- Specific training for the judiciary – especially judges – should be implemented on a regular basis in order to ensure that judges recognise *hate crimes* and adequately consider Section 33 (1) fig. 5 of the Austrian Criminal Code.
- A focus group of experts (including CSO representatives with a focus on and expertise in the field of law enforcement, representatives of independent courts as well as legal counselling units and representatives) should develop alternative concepts regarding measures of sentencing as well as the severity of the punishment. Such measures, which are drawn from experience and best practice alternatives, lead to a better understanding of the actual crime from the victim's as well as perpetrator's perspective. Alternative measures with the outcome of better understanding can have a more sustainable and truly transformative effect.
- The existing Austrian legal framework – which has been intricately developed and established over the years since the adoption of the European Convention for the Protection of Human Rights and Fundamental Freedoms in 1947 – should be well-applied and put into practice consistently. E.g. Section 33 (1) 5 has no use at all if it is not used in practice.
- When it comes to *hate crimes* that for example bring along damage to property, then 'Diversion' can in some cases be a more satisfactory measure, than a classic sentence (fine and/or imprisonment), which does not take into account the 'special aggravating factor.' A change of values within the judicial culture is highly recommended.
- The development of alternative penalty measures by practical as well as theoretical experts is recommended. It might be possible to work in more detail with perpetrators and generally those involved in order to possibly trigger a certain degree of understanding and change of triggering mechanisms of perpetrators.

## Recommendations, drawn from reports, studies, official statements and demands

- “Austria has signed up to collect data related to hate crime – to do so sensitised key players are needed who have access to communities most likely to be targeted by hate crime. “Otherwise incidents will not be reported!” (ETC cited from Dokustelle, 2017b)
- “Mandatory training courses relating to standing up against intolerance and discrimination, particularly among police officers, public officials, teachers, etc.” (ETC cited from Dokustelle, 2017b)
- “Internal trainings within police structures relating to hate crimes need to be implemented on a continuous basis.”(Dokustelle,2017, as cited in ETC 2017b)
- “Secured recording and documentation of all cases of hate crimes need to be ensured.” (WEISSER RING, 2017, as cited in ETC 2017b)
- “Stronger sensitization of criminal prosecution authorities should be encouraged.”(WEISSER RING,2017,as cited in ETC 2017b)
- “[Section] 66a Criminal Procedure Code should be extended, so that victims of hate crime have access to rights on protection and sparing.” (WEISSER RING, 2017, as cited in ETC 2017b)

## Conclusion

When examining the structures, measures and mechanisms to prevent *hate crime* and to support those affected in Austria, it can be summarised that there is a substantial need for further development. There are currently very few actual victim support organisations with a focus and deeper knowledge of the *hate crime* phenomenon and those who have a more long-standing expertise in working with minority groups or groups that are particularly targeted with intolerance and hate or rather bias, namely civil society organisations, do not receive adequate funding for thorough cost-free counselling and support. In general, the term is not widespread yet and little organisations have been properly trained and or supported in getting acquainted with the term and sometimes even the understanding of what needs to be done if a *hate crime* is reported and/or finding its way to them.

As perceived by experts, the phenomenon of *hate crime* in Austria is not an issue that is unmanageable or getting out of hand (yet), but such incidents do not receive the necessary attention. As stated by the interviewed experts, we are facing a dilemma of non-recognition, which leads to a widespread improper handling of documentation and subsequently no provision of adequate data.

After many years of dealing with the detrimental effects of racism and xenophobia, misogyny, LGBTIQ-phobia, violence towards persons with disabilities, the homeless, Muslims, Jews and Roma people, as well as violence towards other groups that have been “made” particularly “vulnerable”<sup>26</sup> to hate, civil society actors have managed to promote the rights of the single person and larger identity groups, leading to a legal system that is nowadays quite extensive. There are legal means to recognise, tag, and tackle criminal offences as racist, homophobic, misogynist or directed against people with disabilities, the homeless or on the grounds of age.

Even in the case of insults, which are generally not a criminal offence (but remedied under civil law), can become a criminal offence when triggered by a bias motive. Those accomplishments are well worth emphasising; while nevertheless, the issue of how those legal possibilities are set in motion remains underdeveloped and highly deficient. Those uncertainties as well as consequent invisibility lead to the issue of “underreporting”, which again hampers the development of effective measures to tackle and even to grasp the phenomenon. There are insufficient data records and the understanding and recognition of the topic is still in the early stages.

When it comes to state measures, only very few activities have been implemented in order to mitigate the situation. Only a small number of training sessions by ODIHR or FRA have

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<sup>26</sup> The word ‘vulnerable’ should not be used inconsiderately. In this report there is little possibility to go into detail when it comes to according ‘vulnerability discourses’. Nevertheless, attention should be drawn to the fact that the term ‘vulnerable’ is not applied to create a dichotomy between the invulnerable and those, who need protection. In the sense of ‘context specific vulnerability’ it needs to be mentioned that the “vulnerability” of certain persons and groups is constructed through socio-political structures. Further reading is suggested: Mackenzie, Catriona/Rogers, Wendy/Dodds, Susan (2014); Mackenzie, Catriona (2014); Dodds, Susan (2014).



been implemented in Austria and not many other educational measures have been provided to those organisations that are responsible for supporting crime victims or generally supporting groups or individuals that are potentially more likely to become *hate crime* victims than others. Not many efforts have been made to recognise

“[...] the phenomenon of *hate crime* as an indicator, in which direction society is tending. It seems like [the topic] remains an ‘orchid topic’, but it [actually] affects all of us.”  
(AT/K/5, 2018, translated by the author)

## Annex 1 – Selection of institutions/organisations related to the topic<sup>27</sup>

| Organisation   | Focus   |
|--|---|
| #aufstehn  | Association to foster civil society participation   |
| Afro Rainbow Austria   | Support/Empowerment/Community-building by and for LGBTIQ Africans   |
| Amnesty International Austria  | Human Rights Work<br>Awareness-Raising/ Campaigning   |
| Antidiscrimination Office Szbg   | Documentation<br>Clearing and Counselling<br>Supervision and Signposting<br>Networking  |
| Antidiscrimination Office Stmk   | Initial Contact Point<br>Clearing Point<br>Counselling Unit<br>Monitoring Unit  |
| Association NEUSTART   | Perpetrator Support / Social Rehabilitation<br>Probationary Services  |
| Association Vielfalt   | Support for sexual minorities and promotion of a peaceful togetherness in society   |
| BIZEPS – Centre for Independent Living   | BIZEPS - Centre for Self-Determined Life "runs a counselling centre for people with disabilities and their relatives in Vienna, which is organised according to the criteria of the self-determined life movement and works according to their values.                            |
| CounsellingforMen<br>Männerberatung Wien<br>Männerberatung Graz<br>Männerberatung Tirol  | Psychological, social and legal counselling with a focus on the support of men*   |
| Department 10/III (Fundamental and Human Rights) in the Federal Ministry of the Interior | Preventive Measures in the field of Human Rights<br>Representation within international Working Groups<br>Recommendations and Monitoring  |
| Dokustelle - Islamophobia and Anti-Muslim Hatred   | Documentation and Counselling Unit for Muslims in Austria   |
| Federal Ombudsman Vorarlberg   | Counselling/ Signposting/Anti-Discrimination/Recommendations  |
| Forum gegen Antisemitismus   | Contact point for persons, who want to report anti-Semitic incidents  |
| Gay Cops   | Network of gays, lesbians and transgender persons within the Austrian police force → reduction of prejudices against homosexuals / combatting homophobia and transphobia within and outside the police / Encouragement of increased understanding between the force and citizens. |
| Helping Hands Austria  | NGO, legal practitioners, counselling in regards to legal, integration issues and problems on the grounds of racism.  |

<sup>27</sup> This list makes no claim to be exhaustive. Here solely those organisations are listed that arose from the extensive research and the theory-generating process.

|   |   |
|---|---|
| <b>HOSI Vienna<br/>HOSI Salzburg<br/>HOSI Linz</b>          | Advocacy Group and Service provision<br>Counselling, Support Services, Awareness-Raising  |
| <b>IDB – Initiative for a Discrimination-Free Education</b> | Documentation and fostering the visibility of racism, sexism, islamophobia, anti-Semitism, homophobia and ableism in the education system |
| <b>Migrare – Centre for Migrants Upper Austria</b>          | Counselling Unit<br>Project Centre<br>Competence Centre   |
| <b>Romano Centro</b>  | Advocacy Group<br>Support for Roma and Sinti<br>Documentation of Cases of Antigypsyism  |
| <b>ShabatAlaikum</b>  | Jewish Aid for Refugees   |
| <b>TIGRA – Tirolean Society for racism-critical work</b>    | Anti-Racism Work<br>Contact point and documentation   |
| <b>Queer Base</b>   | Support for LGBTIQ Refugees   |
| <b>WEISSER RING</b>   | Victim Protection (dual court assistance)   |
| <b>ZARA – Zivilcourage und Anti-Rassismus-Arbeit</b>        | Counselling Unit for Victims and Witnesses of Racism<br>Training Unit<br>Awareness Raising Unit   |
| <b>Zebra – Intercultural Counselling and Therapy Centre</b> | Counselling<br>Therapy  |

## Annex 2 – Selection of recent/current studies and projects on *hate crime*

### Hate Crime in Styria, Antidiscrimination Office Styria<sup>28</sup>

In the framework of the project “Hate Crime in Styria”, implemented in 2017 by the Antidiscrimination Office Styria, the European Training and Research Centre for Human Rights and Democracy (ETC Graz) was assigned to conduct a study in order to attempt to provide an estimation of the extent of criminal offences motivated by racism and xenophobia. 1.112 persons in Styria completed a questionnaire, which were accessible for the target groups of 23 institutions and organisations. 39% of the interviewees stated that they have been insulted, offended or threatened because of their colour of skin, religion and/or origin in a period of 12 months. 17% of those were affected more than three times. 9% of those 1.112 persons indicated to having been victimised through a physical assault on the grounds of their skin colour, religion or origin within 12 months. 31 persons indicated that they have been victims of physical assault more than three times in 12 months. ETC Graz concludes that in consideration of multiple mentions 2.500 – 3.500 verbal incidents and 400 – 600 physical assaults occurred in Styria. (see ETC 2017a, 2)

### LGBTI Experiences with Violence – A Study on Hate Crime in Austria<sup>29</sup>

Another recently published study, conducted by Patrick Hart and Patrick Painsi (2015) on behalf of IG Sociology Research dealt with experiences of violence against LGBTIQ\* persons in Austria. The study indicates that 5% of all LGBTIQ\* persons in Austria are victimised by being physically assaulted at least once a year. It is stated that in comparison to the rest of the population it is 10 times more likely to be physically assaulted with bias motivation if you are LGBTIQ\*. The study assumes that 3,5% of the Austrian population are LGBTIQ\* and that those 3,5% become victims of 17.000 physical assaults each year. 37.000 physical assaults are reported to the police each year and estimated by the study 50% of those are physical assaults against LGBTIQ\* persons. Also the study indicates that the “typical” victims are men between 18 and 35 years, but that one should not underestimate a high number of women becoming victims of hate crime.

Most incidents occur on weekends between 9pm and 3am in public transport and on the open street. Most perpetrators are unknown to the victimised person and most often described to be men between 18 and 34 years of age. Young women seem rather to become involved in groups of male perpetrators (see IG Sociology 2015: 3). This, of course, are only estimations when it comes to hate crime against LGBTIQ\* persons. Worth-mentioning in this context is the phenomenon of *multiple discrimination* – organisations like e.g. Queer Base Austria, Afro Rainbow Austria and Oriental Queer Organization Austria are tackling this very phenomenon.

### Hate No More – WEISSER RING<sup>30</sup>

<sup>28</sup>[http://www.antidiskriminierungsstelle.steiermark.at/cms/dokumente/12583161\\_137267669/0717841f/2bericht.pdf](http://www.antidiskriminierungsstelle.steiermark.at/cms/dokumente/12583161_137267669/0717841f/2bericht.pdf)

<sup>29</sup><https://www.vielfalt.or.at/no-hate/files/LGBTI-Gewalterfahrungen-Bericht-IGSF-2015-digital.pdf>

<sup>30</sup> ‚Weisser Ring‘ Quarterly Report: [www.weisser-ring.at/wp-content/uploads/2018/04/WR\\_Zeitung\\_1801\\_180411.pdf](http://www.weisser-ring.at/wp-content/uploads/2018/04/WR_Zeitung_1801_180411.pdf)

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) defines hate or prejudice crime (hate crime) as criminal acts with a bias motive. It can be offensive hateful posts, but also property damage, murder or any other (criminal) offence. Essential is the underlying, special motive. The international project "Hate No More ", implemented by the team of WEISSER RING and partners from Portugal, Malta, England, Sweden and Italy, focusses on conceptualizing and conducting trainings on *hate crime* as well as *hate speech* for representatives of the police, the legal practitioners and victim assistance facilities.

The main activities are: I) Information and exchange with stakeholders in the framework of local network meeting Information from and exchange with stakeholders at national meetings, II) The conceptualisation and implementation of (about 6-hour) pilot trainings on the topic for the police, victim support staff and judicial persons (for example, judges, public prosecutors etc.), III) Public awareness-raising campaign by providing brochures.

The content of the trainings will be the definition of "hate crime", background and statistical data in Europe, identifying vulnerable groups, the effects of hate crime on victims and communities, hate crime in international and national law, special content for problems and dealing with victims of hate crimes according to the target groups (police, victim assistance and lawyers), case studies and group discussions.

### Annex 3 – List of interviews

| Name         | Gender           | Position  | Date       | Duration | Size of Institution  |
|--------------|------------------|---|------------|----------|--|
| AT/V/1       | Male             | Student   | 03.05.2018 | 28:11    | ----   |
| AT/V/2       | Female           | Student   | 08.05.2018 | 54:08    | ----   |
| AT/K/1       | Male             | Head of Department  | 27.02.2018 | 1:02:40  | 1 persons (full-time), 8 persons (part-time)   |
| AT/K/2       | Female           | Chairperson   | 27.02.2018 | 1:02:40  | 2 persons (voluntary)  |
| AT/K/3       | Male             | CEO   | 27.02.2018 | 1:02:40  | 63 persons (part- and full-time)   |
| AT/K/4       | Female           | Head of Department  | 27.02.2018 | 1:00:27  | 16 persons (full-time), 1 intern   |
| AT/K/5       | Female           | CEO   | 06.03.2018 | 1:21:26  | 1 person (full-time), 8 persons (part-time)  |
| AT/K/6       | Female           | CEO   | 12.03.2018 | 1:02:50  | 7,2 persons (full-time)  |
| AT/K/7       | Female           | CEO   | 19.03.2018 | 57:52    | 5 (full-time – counselling team)   |
| AT/K/8       | Male             | CEO   | 30.04.2018 | 53:57    | 12 persons (part-time)   |
| AT/K/9       | Male             | CEO   | 02.05.2018 | 1:20:28  | 11 persons (part-time), 1 person (full-time)   |
| AT/K/10      | Female           | Chairperson   | 09.05.2018 | 52:24    | 9 persons (voluntary)  |
| AT/K/11      | Male             | Head of Institution   | 14.05.2018 | 1:05.43  | 5,5 persons (full-time)  |
| AT/K/12a/12b | Female<br>Female | CEO /<br>Head of<br>Psychotherapy   | 17.05.2018 | 58:07    | 53 staff members and approx. 40 freelancers (part- and full-time)                                |
| AT/K/13      | Female           | Legal Practitioner,<br>Counsellor<br>Head of a branch office /<br>expert for<br>Cyber Mobbing | 17.05.2018 | 1:07:45  | 21 staff members   |
| AT/K/14      | Female           | CEO   | 24.05.2018 | 49:37    | 15 staff members in counselling positions (in three offices) and 15 administrative staff members |
| AT/K/15      | Female           | Head of Department  | 28.05.2018 | 41:45    | 7,45 persons (full-time)   |



## Literature

Bongartz, Bärbel (2013): Hassverbrechen und ihre Bedeutung in Gesellschaft und Statistik. Zum Dilemma der Wahrnehmbarkeit vorurteilsmotivierter Straftaten. Mönchengladbach: Forumverlag Godesberg GmbH.

Chakraborti, Neil/ Garland, Jon (2009): Hate Crime: Impact, Causes and Responses. London: SAGE.

Christie, Nils (1986): 'The ideal victim'. In: Fattah, E. (ed.): From Crime Policy to Victim Policy. Basingstoke: Macmillan.

Dignan, James (2005): Victims, Victimization and Victimology. In: Understanding Victims and Restorative Justice. Open University Press. 13-40.

Directive 2012/29/EU of October 25 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Online: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF> [14.02.2018]

Dodds, Susan (2014): Dependence, care and vulnerability. In: Mackenzie, Catriona/Rogers, Wendy/Dodds, Susan (eds.): Vulnerability. New Essays in Ethnics and feminist philosophy. Oxford: Oxford University Press. 181-203.

Efus (2017): Prävention von diskriminierender Gewalt auf lokaler Ebene: Praxisbeispiele und Empfehlungen. Online: [https://issuu.com/efus/docs/publication\\_just\\_de-web](https://issuu.com/efus/docs/publication_just_de-web) [14.02.2018]

ETC Graz (2017a): Hate Crime in der Steiermark. Erhebung von rassistisch und fremdenfeindlich motivierten Straftaten in der Steiermark und Handlungsempfehlungen. Graz: Antidiskriminierungsstelle Steiermark. Online: [http://www.antidiskriminierungsstelle.steiermark.at/cms/dokumente/12583161\\_13726766\\_9/0717841f/2bericht.pdf](http://www.antidiskriminierungsstelle.steiermark.at/cms/dokumente/12583161_13726766_9/0717841f/2bericht.pdf) [19.06.2018]

ETC Graz (2017b): Implementation of Selected OSCE Human Dimension Commitments in Austria. Independent Evaluation Report on the Occasion of the Austrian OSCE Chairmanship 2017. Graz: ETC. Online: <http://volksanwaltschaft.gv.at/downloads/6qrct/OSZE%20Bericht.pdf> [19.06.2018]

Fjellström, Roger (2002): On Victimhood. In: SATS – Nordic Journal of Philosophy. 3.1. 102 – 117.

Flick, Uwe (2005): Qualitative Forschung. Ein Handbuch. Reinbeck bei Hamburg: Rowohlt.

Greer, Christ (2017): News Media, Victims and Crime. In: Davis, P., Francis C., Greer C. (eds.): Victims, Crime and Society. London: SAGE. 21–49.

Hart, Patrick /Painsi, Patrick (2015): Gewalterfahrungen von LGBTIs in Österreich. IG Soziologie Forschung. Online: <http://igsf.at/>

Heitmeyer, Wilhelm (2005): Gruppenbezogene Menschenfeindlichkeit – Die theoretische Konzeption und empirische Ergebnisse aus 2002, 2003 und 2004.

Mackenzie, Catriona/Rogers, Wendy/Dodds, Susan (eds., 2014): Introduction: What Is Vulnerability and Why Does It Matter for Moral Theory? In: Vulnerability. New Essays in Ethnics and feminist philosophy. Oxford: Oxford University Press. 1 – 29.

Mackenzie, Catriona (2014): The Importance of Relational Autonomy and Capabilities for an Ethics of Vulnerability. In: Mackenzie, Catriona/Rogers, Wendy/Dodds, Susan (eds.): Vulnerability. New Essays in Ethnics and feminist philosophy. Oxford: Oxford University Press. 33-59.

Perry, Barbara (2001): In the Name of Hate: Understanding Hate Crimes. New York: Routledge.

Sautner, Lyane (2014): Viktimologie. Die Lehre von Verbrechenopfern. Wien: Verlag Österreich.

ROMANO CENTRO (2017): Antiziganismus Report 2015 – 2017. Url: [http://www.romano-centro.org/downloads/Antiziganismus\\_in\\_Oesterreich\\_2015-2017\\_web.pdf](http://www.romano-centro.org/downloads/Antiziganismus_in_Oesterreich_2015-2017_web.pdf) [30.08.2018]

#### **Further reading:**

Coester, Marc (2008): Hate Crimes. Das Konzept der hate crimes aus den USA unter besonderer Berücksichtigung des Rechtsextremismus in Deutschland. Frankfurt a.M. et al.: Peter Lang.

Committee on the Elimination of Racial Discrimination (CERD):  
<[www2.ohchr.org/English/bodies/cerd/](http://www2.ohchr.org/English/bodies/cerd/)>. /  
<[www2.ohchr.org/English/bodies/cerd/comments.htm](http://www2.ohchr.org/English/bodies/cerd/comments.htm)>.

Dearing, Albin/Löschnig-Gspandl, Marianne (2004): Opferrechte in Österreich. Eine Bestandsaufnahme. Innsbruck, Wien et al.: Studien-Verlag.

Dokustelle (2017): Antimuslimischer Rassismus Report 2016. Url: [http://medienservicestelle.at/migration\\_bewegt/wp-content/uploads/2017/04/Dokustelle-Report2016.pdf](http://medienservicestelle.at/migration_bewegt/wp-content/uploads/2017/04/Dokustelle-Report2016.pdf) [20.08.2018]

European Convention for the Protection of Human Rights and Fundamental Freedoms: <<http://conventions.coe.int/Treaty/en/Treaties/Html/005.htm>>(„Konvention zum Schutze der Menschenrechte und Grundfreiheiten“ oder „Europäische Menschenrechtskonvention / EMRK“).

Forum gegen Antisemitismus (2017): Antisemitismus Bericht 2016. Url: [https://www.fga-wien.at/fileadmin/user\\_upload/FgA\\_Bilder/Berichte/Antisemitismusbericht\\_2016\\_FGA.pdf](https://www.fga-wien.at/fileadmin/user_upload/FgA_Bilder/Berichte/Antisemitismusbericht_2016_FGA.pdf) [30.08.2018]

FRA (2010): Homophobie, Transphobie und Diskriminierung aufgrund der sexuellen Ausrichtung und der Geschlechtsidentität in den EU-Mitgliedsstaaten.  
<http://fra.europa.eu/de/theme/lgbt-personen>

FRA (2013): EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Results at a glance. Online: [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf)

FRA (2017): Current migration situation in the EU: hate crime. Wien: FRA.

Geschke, Daniel/ Dieckmann, Janine (2017): Hasskriminalität. Auswirkungen der Gewalt gegen Minderheiten. Ergebnisse einer Befragung von Betroffenen. In: Wissen schafft Demokratie. 1.2. 38-51.

Geschke, Daniel (2017): Alle reden von Hass. Was steckt dahinter? Eine Einführung. In: Wissen schafft Demokratie. 1.1. 168-187.

Haller, B., Hofinger, V. (2007a): Wie sieht die Praxis aus? Ergebnisse der Untersuchung zur Prozessbegleitung in Österreich 2006/2007. In: Sonja Wohlatz (eds.): RECHT WÜRDE HELFEN. Opferschutz im Spannungsfeld von Rechtinterventionen und Gesellschaft bei sexueller Gewalt an Kindern. Tagungsdokumentation, Wien.

IACP (1998): Responding to Hate Crimes. A Police Officer's Guide to Investigation and Prevention. Online:  
<http://www.theiacp.org/Portals/0/documents/pdfs/HateCrimesBrochure.pdf> [14.02.2018]

Human Rights First (2007): „Hate Crime Report Card and Survey“. URL:  
<[www.humanrightsfirst.org/discrimination/hate-crime/index.asp](http://www.humanrightsfirst.org/discrimination/hate-crime/index.asp)>.

Human Rights Watch (2002): „We are Not the Enemy: Hate Crimes against Arabs, Muslims, and Those Perceived to be Arab or Muslim after September 11“. URL:  
<[www.hrw.org/reports/2002/usahate/usa1102.pdf](http://www.hrw.org/reports/2002/usahate/usa1102.pdf)>.

Jesionek, Udo (2006): Juristische Problemfelder der Begleitung von Verbrechenopfern durch den Strafprozess. In: Jesionek, Udo / Hilf, M. (eds.): Die Begleitung des Verbrechenopfers durch den Strafprozess. Studienverlag Innsbruck: Wien. S. 37-60.

Kölbel/Bork (2012): Sekundäre Viktimisierung als Legitimationsformel. Berlin.

LesMigras; Castro Varela; Maria do Mar (2012): „... Nicht so greifbar und doch real“. Eine quantitative und qualitative Studie zu Gewalt und (Mehrfach-)Diskriminierungserfahrungen von lesbischen, bisexuellen Frauen und Trans\* in Deutschland, Berlin.

Loderbauer, Brigitte (2007): In welcher Sprache sprechen wir? Verständigungsschwierigkeiten und Sprachschwierigkeiten in der Kooperation zwischen Staatsanwaltschaft, Gericht, NGO und allen Verfahrensbeteiligten. In: RECHT WÜRDE

HELFEN. Opferschutz im Spannungsfeld von Rechtinterventionen und Gesellschaft bei sexueller Gewalt an Kindern. Tagungsdokumentation, S. 26-32.

Loginov, Michail (2017): Rechtsextreme Gewalt. Erklärungsansätze – Befunde – Kritik. Wiesbaden: Springer VS.

Mannheim, Karl (1980) Strukturen des Denkens. Frankfurt/M.

McClintock, Michael, „Everyday Fears: A Survey of Violent Hate Crimes in Europe and North America“, Human Rights First, 2005, erhältlich bei <[www.humanrightsfirst.org/discrimination/pdf/everyday-fears-080805.pdf](http://www.humanrightsfirst.org/discrimination/pdf/everyday-fears-080805.pdf)>.

McDevitt, Jack/Williamson, Jennifer (2002): Hate Crimes: Gewalt gegen Schwule, Lesben, bisexuelle und transsexuelle Opfer. In: Heitmeyer, Wilhelm/Hagan, John (eds.): Internationales Handbuch der Gewaltforschung. Wiesbaden: Westdeutscher Verlag. 1000-1019.

Nachbaur/Unterlerchner (2016): Mogelpackung Opferrechte. Kritische Anmerkungen zur Umsetzung der Opferschutz-RL. Juridikum 2016. 145-149.

Office for Democratic Institutions and Human Rights (2017): Gesetze gegen „Hate Crime“: Ein praktischer Leitfaden. Warsaw: Organisation for Security and Cooperation in Europe (OSCE).

Office for Democratic Institutions and Human Rights (2017): Preventing and Responding to Hate Crimes. A Resource Guide for NGOs in the OSCE Region. Warsaw: Organisation for Security and Cooperation in Europe (OSCE).

Ohms, Constance (2008): Das Fremde in mir. Transcript, Studien interdisziplinäre Geschlechterforschung, Bielefeld.

Planitzer/Probst/Steiner/Unterlerchner (2011): Entschädigung für Betroffene des Menschenhandels in Österreich. Wien.

RAA Saxony (2017): Hate Crime Victim Support in Europe. A Practical Guide. Dresden: RAA Saxony.

ROMANO CENTRO (2017): Antiziganismus Report 2015 – 2017. Url: [http://www.romano-centro.org/downloads/Antiziganismus\\_in\\_Oesterreich\\_2015-2017\\_web.pdf](http://www.romano-centro.org/downloads/Antiziganismus_in_Oesterreich_2015-2017_web.pdf) [30.08.2018]

Sautner, Lyane/Jesionek, Udo (eds. 2017): Opferrechte in europäischer, rechtsvergleichender und österreichischer Perspektive. Innsbruck/Wien/Bozen: StudienVerlag.

Schneider, H. J. (2001): Opfer von Hassverbrechen junger Menschen: Wirkungen und Konsequenzen. Fremdenfeindlichkeit in viktimologischer Perspektive. In: MRSchKrim. 84.JG. Heft 5. S. 357-371.

Shelby, R. M., and Hatch, A. R. (2014). Obscuring sexual crime: examining media representations of sexual violence in Megan's law. *Criminal Justice Studies* 27 (4), 402–418. doi: 10.1080/1478601X.2014.928459

Quent, Matthias/ Geschke, Daniel/ Eric, Peinelt (2014): Die haben uns nicht ernst genommen. Eine Studie zu Erfahrungen von Betroffenen rechter Gewalt mit der Polizei. Neudietendorf: ezra – mobile Beratung für Opfer rechter, rassistischer und antisemitischer Gewalt.

Willems, Helmut/Steigleder, Sandra (2003): Jugendkonflikte oder Hate-Crime? Täter-Opfer-Konstellationen bei fremdenfeindlicher Gewalt. In: *Journal für Konflikt- und Gewaltforschung*. 1. 5-28.

ZARA (2000 - 2018): Rassismus Report. Einzelfall-Bericht über rassistische Übergriffe und Strukturen in Österreich. Url: <https://zara.or.at/index.php/beratung/rassismus-report> [30.08.2018]