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Thematic Study

Housing Conditions of Roma and
Travellers

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Contents

EXECUTIVE SUMMARY	4
1. DESK RESEARCH	6
1.1. Legal and policy framework.....	6
1.1.1. Protection of the rights to adequate housing in national legislation.....	7
1.1.2. Specific protection in national legislation.....	11
1.1.3. Legislative or administrative decisions regarding “ethnic” data collection.....	12
1.1.4. General Public Policy in housing.....	12
1.1.5. Positive Action Measures.....	14
1.1.6. Housing Components of gender equality legislation and policy.....	15
1.1.7. Housing components of disability legislation and policy.....	15
1.1.8. The impact of legislation and especially the Race Equality Directive on the housing situation of Roma and Travellers.....	15
1.1.9. The impact of general public policies on the housing situation of Roma and Travellers.....	16
1.2. Quantitative data.....	18
1.2.1. Number of Roma in Austria.....	18
1.2.2. Data on the housing conditions.....	19
1.2.3. Data on housing tenure.....	21
1.2.4. Number of Roma living in regulated encampments.....	22
1.2.5. Number of Roma living in unregulated encampments.....	22
1.2.6. Number of Roma living in segregated settings.....	22
1.2.7. Data on household type and size.....	22
Data on force e.....	22
1.2.8. victions.....	22
1.2.9. Data on access of Roma to public utilities.....	23
Data on available h.....	23
1.2.10. alting sites.....	23
1.3. Qualitative data.....	24
1.3.1. Quality of housing available to Roma and Travellers.....	24
1.3.2. Issues of spatial and social segregation.....	27
1.3.3. Access to private housing.....	28
1.3.4. Acces to social housing.....	29
1.3.5. Forced evictions.....	31
1.3.6. Legality and legalization of settlements.....	32
1.3.7. Movement, encampment and the use of private land.....	32
1.3.8. Access to public utilities.....	33
1.3.9. Access and quality of housing for third country Roma/Travellers immigrants (especially for Roma/ Travellers EU nationals).....	33
1.3.10. Campaigns undertaken by authorities on their right to adequate housing.....	33
1.3.11. Impact of housing deprivation on the overall situation of Roma.....	35
1.4. Case law and complaints.....	37
1.5. Identifying good practices.....	39
1.5.1. RoSi – Rastplatz für durchreisende Roma und Sinti [Halting site for travelling Roma and Sinti].....	39
1.5.2. <i>Wohncontainer für Wanderarbeiter mit Roma Hintergrund</i> [Housing containers for Temporary Worker].....	42

1.6. Major national projects	44
2. FIELD RESEARCH - INTERVIEWS	45
2.1. Brief description of methodology	45
2.2. Summary of main points including exemplary illustrative quotes.....	46
ANNEXES	52
Annex 1 – Statistical data and tables	53
Annex 2 – Court, specialised body or tribunal decisions.....	73
Annex 3 - Bibliography.....	76

Executive summary

The **Roma population** in Austria consists of an autochthonous Austrian ethnic minority, which is acknowledged as a national minority, and allochthonous Roma immigrants. These immigrants have come as migrant workers starting in the 1960s and as refugees and asylum-seekers from former Eastern block countries or following the war in the Balkans in the 1990s. Most of the Roma living in Austria are sedentary. Some Roma and Sinti travel through Austria, a phenomenon that no longer seems to occur very often.

Roma are the most **stigmatised** and **discriminated** within the national minority groups as well as among migrants. Immigrant Roma constitute an ‘invisible’ minority, predominantly living below poverty level and with a significantly lower education level than the overall population. The attitude towards Roma has been influenced by an increasing number of Roma from Eastern European countries begging in the streets and in public transport in Austria.

In the field of social and housing policies, there are neither specific **legislative provisions** nor **policies for Roma** in place. Austrian equal treatment legislation protects residents against discrimination on grounds of ethnic origin in access to goods and services, explicitly referring to the area of **housing**.

Specific **housing policies** are rather sparse, as the overall housing situation is considered to be adequate. The right to adequate housing is protected within general welfare policies relevant for housing. These include among others housing benefits, the provision of communal housing, the prevention of evictions and the support of the homeless. None of the measures explicitly target Roma but rather socially marginalised groups.

Territorial planning and **construction law** fall within the competence of the provinces. In most provinces construction law does not apply to caravans and therefore caravan regulations refer to legislation on campsites. This as well as legislation on the protection of nature and landscape in most provinces do entail the prohibition of camping outside official campsites.

There is no **quantitative data** available explicitly describing the housing situation of Roma. Most of the Roma in Austria are of migrant origin and therefore data referring to the housing situation of migrants can be used as an approximation. The housing situation of third country nationals is well below the average standard. Major problems are sub-standard accommodation, overcrowding, humidity/mould, and noisy neighbourhoods. Naturalisation seems to have a positive effect on the improvement of one’s housing situation; nevertheless the housing situation of Roma who are naturalised citizens is still worse than that of the overall population. Nothing can be said about the number of forced evictions or segregation of Roma. Segregation is connected to the overall segmentation of the housing market, which offers more freedom of

choice to natives than migrants. No data can be provided on halting sites or the number of Roma living in regulated or unregulated encampments.

In general, reports, research and public discussion which contain **qualitative information** on discrimination of Roma are rather rare in Austria. Roma organisations have anecdotal evidence on discrimination of Roma, which they do not document in a systematic way as their resources are rather limited and their main focus is not on combating discrimination. However, from available sources it can be deduced that the housing conditions of autochthonous Roma, who mainly live in the eastern provinces of Austria – primarily in the Burgenland, Lower Austria and Vienna – are not necessarily worse than those of other families. The housing situation of Roma immigrants, who have come to Austria over the last six decades and have mainly settled in the urban areas, can be compared to the situation of migrants. They are faced with the same legal as well as social obstacles with regard to their housing situation as third-country nationals. Recent exemplary cases show that Roma – autochthonous as well as immigrants – are still exposed to discrimination, prejudice and stereotypes. Roma are considered to be lazy, dirty, unemployed and prone to theft. To sum up, Roma still have a low social acceptance in Austrian society. Therefore, they frequently disguise their ethnicity in order to avoid being discriminated against.

Since 2004 access to housing has been protected against discrimination on the ground of ethnicity and complaints bodies have been established. Nevertheless there is hardly any relevant **case law** regarding discrimination against Roma. Only one case of discrimination was identified that resulted in the imposition of a fine of € 450. This case contributed to the clarification that the use of the term ‘Gypsy’ was considered to be discriminatory.

There are not many projects implemented that would qualify as **good practice** in terms of contributing positively to the housing situation of Roma and Sinti. The projects selected are rather small scale and run by civil society organisations. There are no major **national projects** targeting the housing situation of Roma; rather, projects focus on Austrians with a migrant background and groups with a high poverty risk rate. Public bodies justify the lack of specific policies and projects targeted at Roma or at the elimination of discrimination against Roma by the non-existence of discrimination against Roma in the area of housing.

1. Desk research

The Roma population in Austria can be divided into two main groups – an autochthonous Austrian ethnic minority and allochthonous Roma immigrants, who have settled in Austria in more recent times. These two groups again consist of sub-groups, which differ by culture, language, religion and group size. There is only an estimate on the number of the Roma population in Austria since neither the Austrian population census nor other sources collect data based on ethnicity. Estimations vary between 10,000 and 40,000.¹ About two thirds of all Roma are thought to be immigrants.² Most of the Roma living in Austria are sedentary.

1.1. Legal and policy framework

Roma are subject to different legal provisions depending on their residence status. The Burgenland-Roma, among them Sinti and Lovara that came to Austria in the 19th century, constitute the autochthonous minority. The autochthonous Roma are Austrian citizens and were officially recognized as a national minority in 1993, significantly later than the other autochthonous minorities.

Roma immigrants have come to Austria for different reasons over the past decades. They have come for economic reasons as migrant workers starting in the 1960s, as refugees and asylum-seekers from former Eastern block countries or following the war in the Balkans in the 1990s. The labour migration beginning in the 1960s brought Kalderaš,³ Gurbet,⁴ and Arlije⁵ as new Roma groups to Austria together with other workers from what was then Yugoslavia. Most of them settled in the area of Vienna. Members of the group are partially integrated into majority society, like other people who immigrated from the Balkans. Whereas typical representatives of Arlije are regarded as very similar to the average other migrant – in the first generation finding unskilled labour,

¹ T. Leoni (2004) *The Roma in Austria – A Historical Perspective*, WIFO-Working Papers 222/2004, available at:

[http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_222\\$.PDF](http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_222$.PDF) (17.03.2009). See also: D. Halwachs (2001) *Roma und Romani in Österreich*, available at: http://romani.kfunigraz.ac.at/romani/download/files/ling_rom_at_d.pdf (18.03.2009).

² One of our interviewees estimated that the number of immigrant Roma would almost equal the number of people with a Turkish background – about 70,000 to 100,000 – in Vienna; Interview with a civil society representative (27.02.2009).

³ Romani-Project (s.a.) *Kalderaš*, available at: <http://romani.uni-graz.at/rombase/cd/data/ethn/groupsat/data/at-kald.en.pdf> (17.13.2009).

⁴ M. Heinschink, M. Teichmann (2002) *Gurbet*, available at: <http://romani.uni-graz.at/rombase/cd/data/ethn/groupsat/data/at-gurbet.de.pdf> (17.13.2009).

⁵ Romani-Project (2002) *Arlije*, available at: <http://romani.uni-graz.at/rombase/cd/data/ethn/groupsat/data/at-arlije.en.pdf> (17.13.2009).

and the later generations slowly achieving social upward mobility by increasingly reaching employment as skilled labourers – among Gurbet and Kalderaš there seems to have been a stronger trend toward self-employment, e.g. in the field of trade. Like other labour migrants, many Roma of migrant origin are Austrian citizens. Third country nationals of Roma origin face the same legal obstacles as non EU-citizens in general.⁶ Immigrant Roma themselves frequently try to hide their ethnic identity, given the fact that they are often discriminated against and, as a group, have a low social acceptance in Austrian society.⁷

1.1.1. Protection of the rights to adequate housing in national legislation

Austria is party to the Universal Declaration of Human Rights⁸ providing for the right for all to an adequate standard of living, including the right to adequate housing as well as to the International Covenant on Economic, Social and Cultural Rights⁹ stating that all have the right to an adequate standard of living for themselves and their families, including adequate housing. Austria has ratified those treaties with reservations on their implementation, however, which means that they may not be applied directly but have to be enacted by national laws. Austria has also joined the European Social Charter¹⁰ but not yet in its revised version.

Though there are no provisions in Austrian Federal Law referring to adequate housing, the social welfare legislations of the provinces do entail a commitment to housing as a basic need. Still, a definition of adequate housing is missing. The social welfare system in place and its comparably high level of protection is deemed to provide compensation for this.¹¹

⁶ M. Luciak, B. Liegl (2008) *Austria - Needs Assessment Report: Country specific information for the comparative report*, unpublished manuscript. The report was drafted in the framework of a project called INSETRom (COMENIUS – Education and Culture, Lifelong Learning Programme), more information is to be found at: <http://www.iaie.org/insetrom/> (19.03.2009).

⁷ In part, the information above was cited from ROMBASE. For more details see: <http://ling.uni-graz.at/~rombase/index.html> (19.03.2009).

⁸ Article 25, paragraph 1, Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948, available at: <http://www.un.org/Overview/rights.html>, (14.05.2009).

⁹ Article 11, paragraph 1, International Covenant on Economic, Social and Cultural Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, in accordance with article 27, available at: http://www.unhchr.ch/html/menu3/b/a_ceschr.htm, (14.05.2009).

¹⁰ Art 31, European Social Charter (revised),

¹¹ Third and Fourth Periodic Report of the Republic of Austria pursuant to Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. <http://www.bka.gv.at/DocView.axd?CobId=11679> (14.05.2009)

Austrian legislation¹² entails various regulations indirectly aiming at protecting the right to adequate housing as part of general welfare policies that are relevant for housing. Social welfare benefits including housing subsidies are mainly distributed at the level of the nine federal provinces according to the distribution of legislative competences in the Austrian Federal State. Access to benefits of the welfare state (which can include social welfare, nursing allowance, housing allowance, disability allowances, etc.) is often tied to citizenship and actual residence in the respective province. Main residence is not necessarily requested. In most provinces, access for third country nationals to this system is limited to people with a legal status of residence of at least five years.¹³ In Carinthia, there is the possibility of issuing a minimum welfare support even in cases of non-fulfilment of those criteria, if this is deemed necessary to avoid social cruelty or the threat of domestic violence.¹⁴

The Austrian housing market consists of a private and a public market. The private market is regulated by a variety of provisions depending on the date the house or flat was first rented, the size of the dwelling and the *Ausstattungskategorien* [furnishing categories] (see section 1.2.) it can be assigned to. The first source of regulation is the *Mietrechtsgesetz (MRG)* [Tenancy Act],¹⁵ which has been amended several times within the last decade with a growing tendency to increasing deregulation. Until the end of 1981 limited rent contracts were permitted only in very few exceptional cases: Rent contracts could only be limited to no more than six months, which resulted in severe problems for vulnerable groups. They were often forced to move within short periods of time as house owners did not want to provide them with unlimited contracts. Since the Tenancy Act was amended in 1991, the flexibility of limited rental contracts has been increased. This development has shortened the availability of unlimited contracts as house owners prefer to stay flexible but on the other hand has extended the periods of rent contracts offered to vulnerable groups.

The Austrian housing market offers a variety of housing opportunities subsidised by the public. Subsidised flats are usually erected by non-profit co-operative societies. The *Wohnungsgemeinnützigkeitsgesetz* [Law on Non-Profit

¹² *Bundesgesetz vom 12. November 1981 über das Mietrecht (Mietrechtsgesetz – MRG)*, Austria/BGBI 520/1981 (01.12.1981) as last amended by BGBI II 295/2008 (22.08.2008) (Betragsanpassung durch K), *Bundesgesetz vom 8. März 1979 über die Gemeinnützigkeit im Wohnungswesen (Wohnungsgemeinnützigkeitsgesetz – WGG)*, Austria/BGBI 139/1979 (30.03.1979), Provincial Social Welfare Acts.

¹³ Statements of the provinces included in Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript.

¹⁴ *Gesetz vom 14. Dezember 2006 über die soziale Mindestsicherung in Kärnten (Kärntner Mindestsicherungsgesetz – K-MSG)*, Carinthia/LGBl 15/2007 as last amended LGBl 52/2008.

¹⁵ *Bundesgesetz vom 12. November 1981 über das Mietrecht (Mietrechtsgesetz – MRG)*, Austria/BGBI 520/1981 (01.12.1981) as last amended by BGBI II 295/2008 (22.08.2008) (Betragsanpassung durch K).

Housing] requires those societies to consider the need for living space, household size and income of flat applicants, but when applicants fulfil these criteria the societies are free in choosing their tenants.¹⁶ The concrete parameters for public funding are regulated on the level of the nine federal provinces.

Gemeindewohnungen [communal flats] are very important resources for affordable housing. Access to communal flats is tied to several criteria; the central one is actual need for housing space (*Wohnbedarf*). In general, only Austrian citizens, EEA citizens and Geneva Convention refugees are entitled to communal flats. Availability for third country nationals is limited to people with a legal status of residence of at least five years. Council housing in Vienna furthermore requests two years of continuous residence at the same address, a regular income of a minimum of € 400 and legal resident status for spouses, even if they do not live in Austria.¹⁷ The latter criteria constitute severe barriers for applicants married to non-resident foreigners.¹⁸

Housing is acknowledged as a basic need within the social welfare legislation of the federal provinces.¹⁹ In most of the federal provinces, housing allowances, enabling people in need to pay their rent, are tied to a legal status of residence of at least five years and to a certain period of primary residence in the respective province. However, in most cases a proof of a certain close relationship to the province is accepted as well.²⁰

The public duty to provide for adequate housing according to social housing legislation can also be fulfilled by providing for accommodation in houses for the homeless²¹ (*Obdachloseneinrichtungen*).²² Some municipalities provide for emergency accommodation (*Notfallwohnungen*). This is done in the

¹⁶ *Bundesgesetz vom 8. März 1979 über die Gemeinnützigkeit im Wohnungswesen (Wohnungsgemeinnützigkeitsgesetz – WGG)*, Austria/BGBl 139/1979 (30.03.1979).

¹⁷ Information provided by a statement of the province of Vienna included in Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationersuchen Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript and an interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹⁸ Whether this practise does constitute discrimination according to the ETA is not clear given the lack clarity about the unlawfulness of discrimination on grounds of association.

¹⁹ Housing is acknowledged as part of “basic subsistence” but social welfare legislations do not entail specifications about adequate housing. e.g. Austria/NÖ Sozialhilfegesetz 2000, LG 9200–6, LRNI_2008077.

²⁰ This practise was introduced in reaction to a decision of the Administrative Court in 1986. See: Austria/Verwaltungsgerichtshof/GZ 85/11/0292 (16.04.1986).

²¹ Over-crowded housing (as one potential factor for homelessness) is defined in the conditions for access to Communal Flats, in the case of the City of Vienna as follows: one room for two and more people, two rooms for 3 and more people, three rooms for 5 and more people, four rooms for 7 and more people, five rooms for 9 and more people, flats smaller than 15 m². <http://www.wien.gv.at/wohnen/wienerwohnen/wohnungsansuchen-kriterien/ueberbelag.html>

²² Article 14, *Gesetz über die Regelung der Sozialhilfe (Wiener Sozialhilfegesetz – WSHG)*, Vienna/LGBl 11/1973 as last amended by LGBl 03/2009 (16.01.2009).

framework of social welfare programmes and not regulated by laws. Most of these premises are either run by the communal housing agencies or by civil society organisations contracted by the municipalities.²³

The Austrian Tenancy Act²⁴ regulates what public authorities have to do in case eviction procedures are launched. As soon as eviction procedures are opened the competent court has to alert the municipality. According to the internal rules of procedure for courts a copy of the authorization of eviction has to be sent to the obligor and the public authority in charge, which is assigned to initiate public welfare measurements.²⁵ The municipality can then inform social institutions providing assistance in cases of loss of accommodation.

On 30.01.2009, the provincial government of Upper Austrian issued a decree 'about the aims of preventive social planning of the province regarding the homeless and people threatened by homelessness and about the measures necessary for implementing the preventive social planning in the province'.²⁶ The provision targets persons who are not able to keep their housing space without any special assistance, who depend on interim accommodation provided by organisations offering services to the homelessness or who are living on the street. The provision aims at identifying those threatened by homelessness, gradually ameliorating the living situation, stabilising the social and financial situation and recovering independent living capacities.

There are no references made to the standards on protection from forced eviction imposed by CESCRC General Comment 7. The provisions and policies in place however do fulfil the criteria laid down there. The Special Rapporteur on adequate housing has not reported on Austria until the time of this report.

²³ Emergency accommodation to give examples is provided by *Wiener Wohnen* [Vienna Communal Housing Agency], the *Caritas Diözese Innsbruck* and by the *Niederösterreichische Wohnassistenz* [Housing Assistance Lower Austria].

²⁴ Article 33a, *Bundesgesetz vom 12. November 1981 über das Mietrecht (Mietrechtsgesetz – MRG)*, Austria/BGBI 520/1981 (01.12.1981) as last amended by BGBI II 295/2008 (22.08.2008) (Betragsanpassung durch K).

²⁵ Article 569, *Verordnung des Bundesministeriums für Justiz vom 9. Mai 1951, womit die Geschäftsordnung für die Gerichte I. und II. Instanz (Geo.) teilweise geändert und neu verlautbart wird*, Austria/BGBI 264/1951 as last amended by BGBI II 452/2008 (20.12.1951).

²⁶ *Verordnung der Oö. Landesregierung über die Ziele der Sozialplanung des Landes im Bereich der Vorsorge für wohnungslose und von Wohnungslosigkeit bedrohte Menschen sowie über die notwendigen Maßnahmen zur Umsetzung der Sozialplanung des Landes*, Upper Austria/LGBI 7/2009.7.Stück. 30.01.2009.

1.1.1.1. Legislation on territorial planning, construction and camping

Territorial planning as well as construction legislation falls within the competence of the federal provinces. The relevant legislation does not entail any specific provisions for Roma or travellers. We specifically screened the laws in force on the question of the construction of removable buildings on third party property (*Superädifikate*) and of the parking of caravans in order to know if these provisions would affect travellers. In most provinces construction law does not contain any specific provisions for removable buildings on private property, so construction law does not apply to caravans and therefore refers to legislation on campsites. In Salzburg and Styria the provincial Construction Acts²⁷ rule that placing caravans on private property is subject to authorisation. Legislation on the protection of nature and landscape in most provinces do prohibit camping outside official campsites. In Tyrol a comparable provision is included in the Tyrolean Act on Camping.²⁸ Communes are entitled to allow for exceptions to this prohibition for a limited period of time. In Vorarlberg camping outside campsites is not prohibited in general, but can be forbidden by the mayor in specific cases and can be restricted to limited areas or places by the *Gemeindevertretung* (communal council).²⁹ In Vienna there is a specific decree in force that prohibits using of sleeping bags, putting up tents as well as parking caravans, cars, mobile homes, etc. for the purpose of accommodation as well as for sleeping.³⁰

1.1.2. Specific protection in national legislation

There are neither specific legislative provisions nor policies for Roma or other specific vulnerable groups in the field of social and housing policies. Austrian Equal Treatment legislation³¹ in force since 2004 protects Austrian residents against discrimination on grounds of ethnic origin in access to goods and services, explicitly referring to the area of housing. It does not however entail any specific provisions for Roma and Travellers. The competent *Bundesministerium für Arbeit, Soziales und Konsumentenschutz* (BMAŠK) [Federal Ministry for Labour, Social Affairs and Consumer Protection] justifies

²⁷ *Baupolizeigesetz 1997*, Salzburg/LGBI 40/1997 as last amenden by LGBI 90/2008 (1.2.2009), Article 2 and *Steiermärkisches Baugesetz (Stmk. BauG)*, Styria/LGBI 59/1995 as last amended by LGBI 88/2008 Article 19.

²⁸ *Gesetz vom 21. März 2001 über die Regelung des Campingwesens in Tirol (Tiroler Campinggesetz 2001)*, Tyrol/LGBI 37/2001 (01.06.2001).

²⁹ *Gesetz über die Errichtung und den Betrieb von Campingplätzen*, Vorarlberg/LGBI 34/1981, 58/2001, 27/2005 (22.07.2005).

³⁰ *Verordnung des Magistrats der Stadt Wien betreffend das Verbot des Kampierens (Kampierverordnung 1985)*, Vienna/GZ 1455/000. (04.10.1996).

³¹ *Gleichbehandlungsgesetz*, Austria/BGBI I 66/2004 (23.06.2004) as last amended by BGBI. I Nr. 98/2008 (02.07.2008).

the lack of specific activities by the non-existence of discrimination towards Roma in the area of housing and social affairs.³² No reference is been made to the Council of Europe Recommendations REC(2004)14 or REC (2005) on the movement and encampment of Travellers in Europe resp. on improving the housing situation of Roma and Travellers in Europe either in legislation or in any policy strategy or initiative.

According to statements of the nine federal provinces³³ there is no specific legislation or policies in place at the level of the provinces either. Reference is made to existing social welfare and housing provisions that address all Austrian residents without any difference regarding their ethnic background.

1.1.3. Legislative or administrative decisions regarding “ethnic” data collection

There are no legislative or administrative decisions regarding “ethnic” data collection.

1.1.4. General Public Policy in housing

For the purpose of identifying policies affecting the housing situation of Roma in Austria the NFP focused on the analysis of the National Action Plans (NAPs) on Social Inclusion published since 2001. The Austrian government has drafted four NAPs since then, for the periods of 2001-2003, 2003-2005, 2006-2008 and 2008-2010, respectively.³⁴

³² Statement of the competent *Bundesministerium für Arbeit, Soziales und Konsumentenschutz* (BMASK) included in Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript.

³³ Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers*, Wien, unpublished manuscript.

³⁴ Austria/Bundesministerium für soziale Sicherheit und Generationen (2001) *Nationaler Aktionsplan zur Bekämpfung von Armut on sozialer Ausgrenzung, Österreich*, available at: http://www.armutskonferenz.at/napincl2001au_de.pdf (25.03.2009); Austria (2003) 2. *Nationaler Aktionsplan für soziale Eingliederung 2003-2005*, available at: http://www.armutskonferenz.at/napincl2003_at_de.pdf (25.03.2009); Austria (2006) *National Report on Strategies for Social Protection and Social Inclusion*, available at: [http://www.bmsk.gv.at/cms/site/attachments/8/5/4/CH0121/CMS1218101293137/strategy_report_2006\[1\].pdf](http://www.bmsk.gv.at/cms/site/attachments/8/5/4/CH0121/CMS1218101293137/strategy_report_2006[1].pdf) (25.03.2009); Austria/Bundesministerium für Soziale Angelegenheiten und Konsumentenschutz (2008) *Austrian Report on Strategies for Social Protection and Social Inclusion 2008-2010*, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/austria_en.pdf (25.03.2009).

All in all, policies in the housing field are rather sparse. This might be traced back to the fact that the housing situation in Austria is generally considered to be quite adequate. The NFP is not aware of legal provisions that regulate planning to avoid segregation.

However, policies in place primarily focus on project-related subsidies (i.e. subsidies for construction and renovation of residential buildings) and person-related subsidies (i.e. granting subsidies to entitled individuals). To increase social accuracy, i.e. low income households shall benefit especially from housing subsidies, relevant acts have been amended on the federal as well as on the provincial level. In some federal provinces this has resulted in an increase in the number of eligible persons. For example, children, young families, families with many children, single parents, persons with a reduced earning capacity as well as children with disabilities have been given preference when granting these person-related subsidies.³⁵ These criteria are added up when granting subsidies. Furthermore, in the framework of Guidelines on Subsidising Housing, standards have been set to foster barrier-free housing in order to meet the specific needs of disabled persons.³⁶ Disabled persons additionally receive support through tax allowances and the services of the *Bundessozialamt* [Federal Social Office].³⁷

Another focus of policies in the housing field has been projects and measures preventing evictions and supporting homeless people. In this context, the endeavours of Vienna were primarily highlighted in the latest NAPs. The establishment of the *Fachstelle für Wohnungssicherung* [Vienna Housing Retention Centre] in 1996 has resulted in a decrease of forced evictions between 60 and 70 per cent since 1998. In 2005, 80 per cent of the individuals seeking counselling and assistance from the *Vienna Housing Retention Centre* were able to keep their flats. These achievements have been made possible through cooperation with relevant actors – including courts and public authorities, property managers and landlords. The services for homeless people include street work, easy access to day centres, emergency hostels, transitional housing opportunities, clarification of the financial situation, information on social

³⁵ Austria/Bundesministerium für Soziale Angelegenheiten und Konsumentenschutz (2008) *Austrian Report on Strategies for Social Protection and Social Inclusion 2008-2010*, p. 36, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/austria_en.pdf (25.03.2009).

³⁶ Austria/Bundesministerium für Soziale Angelegenheiten und Konsumentenschutz (2008) *Austrian Report on Strategies for Social Protection and Social Inclusion 2008-2010*, p. 36, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/austria_en.pdf (25.03.2009); Austria (2007) *Supplementary Report 2007 to the Austrian Report on Strategies for Social Protection and Social Inclusion (2006-2008)*, pp. 11-12, available at: [http://www.bmsk.gv.at/cms/site/attachments/5/8/2/CH0121/CMS1218100372808/supplementary_report_2007\[1\]\[1\].pdf](http://www.bmsk.gv.at/cms/site/attachments/5/8/2/CH0121/CMS1218100372808/supplementary_report_2007[1][1].pdf) (25.03.2009).

³⁷ Austria (2003) 2. *Nationaler Aktionsplan für soziale Eingliederung 2003-2005*, p. 35, available at: http://www.armutskonferenz.at/napincl2003_at_de.pdf (25.03.2009).

housing benefits and assistance to re-gain permanent housing facilities.³⁸ According to the NAP 2008-2010, persons with migrant background were made available as interpreters in order to 'ensure a demand-oriented supply and to respond to the different needs of the clients'.³⁹

Other federal provinces also introduced measures to prevent evictions and to assist homeless persons. The federal province of Upper Austria has decided to focus on counteracting homelessness within the province. It established an eviction counselling (*Delogierungsberatung*), which shall provide affordable housing to prevent homelessness of clients that have already received counselling in order to prevent evictions. The beneficiaries of the centre are homeless persons as well as persons faced with potential homelessness.

1.1.5. Positive Action Measures

The *RomBus* is a factual bus travelling through municipalities inhabited by Roma offering services like a library (the 'Infothek'), mobile counselling, information, teaching of Romani and educational assistance for Roma children. The services have been provided to Roma living in 20 municipalities in the provinces of Burgenland and Lower Austria since May 2005. The *RomBus* furthermore provides information for municipalities, parishes and other institutions and serves as a focal point of communication and awareness-raising.⁴⁰

³⁸ Austria (2006) *National Report on Strategies for Social Protection and Social Inclusion*, Annex 2, available at: [http://www.bmsk.gv.at/cms/site/attachments/8/5/4/CH0121/CMS1218101293137/strategy_report_2006\[1\].pdf](http://www.bmsk.gv.at/cms/site/attachments/8/5/4/CH0121/CMS1218101293137/strategy_report_2006[1].pdf) (25.03.2009); Austria/Bundesministerium für Soziale Angelegenheiten und Konsumentenschutz (2008) *Austrian Report on Strategies for Social Protection and Social Inclusion 2008-2010*, pp. 36-37, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/austria_en.pdf (25.03.2009); see also: Austria (2003) 2. *Nationaler Aktionsplan für soziale Eingliederung 2003-2005*, p. 53, available at: http://www.armutskonferenz.at/napincl2003_at_de.pdf (25.03.2009); Austria/Bundesministerium für soziale Sicherheit und Generationen (2001) *Nationaler Aktionsplan zur Bekämpfung von Armut on sozialer Ausgrenzung, Österreich*, p. 40, available at: http://www.armutskonferenz.at/napincl2001au_de.pdf (25.03.2009)

³⁹ Austria/Bundesministerium für Soziale Angelegenheiten und Konsumentenschutz (2008) *Austrian Report on Strategies for Social Protection and Social Inclusion 2008-2010*, p. 37, available at: http://ec.europa.eu/employment_social/spsi/docs/social_inclusion/2008/nap/austria_en.pdf (25.03.2009).

⁴⁰ Interview with a board member of a Roma organisation in Burgenland (17.02.2009) and <http://www.roma-service.at/rombus.shtml> (17.02.2009).

1.1.6. Housing Components of gender equality legislation and policy

Amendments to the Equal Treatment legislation in place⁴¹ in order to transpose Directive 2004/113/EC on the prohibition of gender discrimination in the field of goods and services introduced a prohibition of discrimination in access to housing for anyone on ground of his/her gender. There are no specific policies in place for men or women targeting gender equality in housing. At local level there have been some initiatives like settlements planned by and for women.⁴² The implementation of new legislation, however, might make these model projects unlawful.⁴³

1.1.7. Housing components of disability legislation and policy

In cases of discrimination on grounds of disability the legal source is the *Bundes-Behindertengleichstellungsgesetz (BGStG)* [Disability Equality Act].⁴⁴ Besides the prohibition of discrimination it entails a variety of provisions to safeguard the obligation to provide for reasonable accommodation in all spheres of public life. In article 8 it explicitly refers to the accessibility of buildings and services, this article imposes a new obligation on the federal administration to develop a step-by-step plan (*Etappenplan Bundesbauten*) which safeguards accessibility of all premises used by the federal administration from 31.12.2006 onwards. Housing discrimination on the ground of age is not prohibited at the federal level.

1.1.8. The impact of legislation and especially the Race Equality Directive on the housing situation of Roma and Travellers

The amendment of the *Gleichbehandlungsgesetz (GIBG)* [Equal Treatment Act (ETA)] implementing the Race Equality Directive in 2004 established legal

⁴¹ *Gleichbehandlungsgesetz*, Austria/BGBI I 66/2004 (23.06.2004) as last amended by BGBI. I Nr. 98/2008 (02.07.2008).

⁴² e.g. Frauenwohnprojekt [rosa], <http://www.frauenwohnprojekt.org/> (14.05.2009)

⁴³ Procedures at the ETC have been initiated in April 2009 by a single father.

⁴⁴ *Bundesgesetz über die Gleichstellung von Menschen mit Behinderungen (Bundes-Behindertengleichstellungsgesetz – BGStG)*, Austria/BGBI I 67/2008 (07.05.2008).

protection against discrimination on grounds of ethnic origin in access to housing.⁴⁵

The ETA prohibits direct and indirect discrimination in access to goods and services including housing for persons irrespective of their ethnicity and/or gender.

Similar provisions have been established at the level of the federal provinces. Seven of the nine provinces (Burgenland, Carinthia, Salzburg, Styria, Upper Austria, the Tyrol and Vienna) expanded the scope of protection also for the ground of age to the field of goods and services. Provincial legislation is relevant for treatment by provincial public bodies and treatment within their areas of influence. Provisions on the provincial level are especially relevant for the area of housing, when there are cases of discrimination in communal housing.

According to a provision in penal administrative law⁴⁶ any treatment of persons in a discriminatory manner without justification on the SOLE ground of their race, colour, national or ethnic origin, religion, creed or disability or preventing them from entering places or making use of services which are intended for the general public use is an administrative offence, which can be fined with up to € 1,090. The problems with the provision are twofold: On the one hand the offender must have caused disadvantage to a person solely on account of his/her ethnic origin etc. which is a very difficult point to prove. On the other hand the person concerned can only demand that the perpetrator be fined. He/she is not summoned to the proceedings, is not even informed about the outcome of the case and thus does not enjoy legal redress before a higher court.

1.1.9. The impact of general public policies on the housing situation of Roma and Travellers

None of the Action Plans on Social Inclusion which were adopted by the Austrian government for the periods 2001-2003, 2003-2005, 2006-2008 and 2008-2010 refer to Roma; they are not mentioned in connection to the policy field education, employment, health or housing. The drafting procedures for a national action plan against racism, which would have included housing issues, stopped in autumn 2008.

Dependent upon their residence status Roma can benefit from measures contained in the NAPs on Social Inclusion (see 1.1.4.). In particular, native

⁴⁵ *Gleichbehandlungsgesetz*, Austria/BGBl I 66/2004 (23.06.2004) as last amended by BGBl. I Nr. 98/2008 (02.07.2008).

⁴⁶ *Einführungsgesetz zu den Verwaltungsverfahrensgesetzen*, Austria/BGBl I 87/2008, article III para 1 no 3.

Austrian Roma as well as naturalised Roma have the same access to the above mentioned subsidies as Austrians. However, Roma, just like migrants of other ethnic origin, often lack knowledge about the availability of these subsidies or – due to language barriers – do not know how to apply for these financial benefits. This specific situation of migrants was acknowledged by the NAP 2003-2005.⁴⁷ It highlighted that special counselling centres offering mother-tongue counselling services were established in several federal provinces in order to support migrants in these matters.⁴⁸

Reports of international bodies or delivered to international treaty bodies do not provide evidence on the impact of policies on the housing situation of Roma (see 1.3.10).

⁴⁷ In the framework of the EQUAL initiative THARA a brochure was published, which explains difficult legal and administrative terms concerning the welfare system, the system of taxation, the labour market and education in German and Romani. Its target groups are migrants of Roma origin, who like other migrants are rather frequently in contact with public authorities and counselling services. Representatives of these institutions often use terms that are very difficult to understand. The brochure explains these terms in German and Romani and also makes suggestions for asking relevant questions in order to really understand the pre-conditions for getting access to certain benefits and the consequences of official notifications or other legal acts. See: M. Widder, M. Heinschink, G. Horvath (s.a) *Amtsdeutsch leicht gemacht*, available at: <http://www.volkshilfe.at/1070,52,,2.html> (25.03.2009).

⁴⁸ Austria (2003) 2. *Nationaler Aktionsplan für soziale Eingliederung 2003-2005*, p. 34, available at: http://www.armutskonferenz.at/napincl2003_at_de.pdf (25.03.2009).

1.2. Quantitative data

There is no ethnic data collection in Austria. Therefore, there is no quantitative data – either official or unofficial – available that explicitly describes the housing situation of Roma. Nothing can be said about the housing situation of Roma women, children or seniors or Roma with disabilities.

1.2.1. Number of Roma in Austria

There is only an estimate on the number of the Roma population in Austria since neither the Austrian population census nor other sources collect data based on ethnicity. The organisations representing the autochthonous minority estimate that between 10,000 and 20,000 autochthonous Roma reside in Austria.⁴⁹ This group mainly settled in the eastern provinces Burgenland (especially in the area of the town Oberwart), Vienna and Lower Austria. There are only estimates available for the number of Roma of migrant origin.⁵⁰

The census of 2001 conducted by *Statistik Austria* [Statistics Austria] collected information on the language spoken in everyday life, with results also for people who indicated that they use Romani. The census indicated that 6,273 people speak Romani in everyday life.⁵¹ In the previous census in 1991, only 145 people had indicated that they used that language. This steep increase can be regarded as a sign of an improved social position of the group, resulting in greater willingness to declare that one uses the language.⁵² Furthermore, the declared Romani speakers are Austrian as well as foreign nationals, born in- and outside Austria, Austrian-born Austrian citizens account for 28 per cent of this group (see Annex 1 Table 1). The authors of the census suggest that the increase

⁴⁹ Österreichisches Volksgruppenzentrum (2007) *2. Bericht zur Durchführung des Europäischen Rahmenübereinkommens zum Schutz nationaler Minderheiten in der Republik Österreich*, p. 15, available at: <http://www.minelres.lv/reports/austria/NGOBerichtII2007deutsch.pdf> (17.03.2009). In 2001/2002 estimations by organisations and representatives of the autochthonous Roma varied between 10,000 and 40,000, see: G. Baumgartner, F. Freund (2003) 'Daten zur Bevölkerungsgruppe der burgenländischen Roma und Sinti 1945-2001', in: *Zeitgeschichte*, Vol. 2/2003, p. 91, available at: http://www.erinnern.at/e_bibliothek/roma/389_Baumgartner_Freund_Daten_Roma.pdf (18.03.2009).

⁵⁰ One of our interviewees estimated that the number of Roma would almost equal the number of people with a Turkish background – about 70,000 to 100,000 – in Vienna. Interview with a civil society representative in Vienna (27.02.2009).

⁵¹ Statistik Austria (2002) *Volkszählung 2001, Hauptergebnisse I - Österreich*, Wien: Verlag Österreich, p. 73, available at: http://www.statistik.at/web_de/dynamic/statistiken/bevoelkerung/volkszaehlungen/publdetail?id=22&listid=22&detail=30 (17.03.2009).

⁵² A. Bauer (2002) 'Volkszählung 2001: Umgangssprache', in: *Statistische Nachrichten* 12/2002, p. 933.

might also result from foreign nationals having confused Romani with Romanian.⁵³ This should be taken into account when analysing the findings.⁵⁴ The census shows that the household representatives speaking Romani more often live in category D flats than household representatives of the German speaking population (see Annex 1 Table 12).

1.2.2. Data on the housing conditions

1.2.2.1. Autochthonous Roma

The primary settlement areas of autochthonous Roma are in Burgenland, Vienna and Lower Austria. Smaller numbers of Roma live in the cities of Graz, Linz, Salzburg and scattered all over Austria. Oberwart, in the Burgenland, is the most visible settlement area of Roma.⁵⁵ In Oberwart, a high percentage of the Roma population (44.4%) was living in flats owned by the municipality in 2004.⁵⁶ The average size of the apartments was 68m², and on average 23.9m² space was available to each household member. However, there are differences between the settlements as the living space per person only amounts to 13.6m² at the core of the settlement consisting of two terraced houses containing 12 flats. In comparison to 1995 the situation has improved, as in that year each household member had less than 9 m² at his/her disposal.⁵⁷ The survey showed that the number of Roma living in the settlement had significantly decreased over the last few years.⁵⁸

⁵³ Statistik Austria (2002) *Volkszählung 2001, Hauptergebnisse I - Österreich*, Wien: Verlag Österreich, p. 18, available at: http://www.statistik.at/web_de/dynamic/statistiken/bevoelkerung/volkszaehlungen/publdetail?id=22&listid=22&detail=30 (17.03.2009).

⁵⁴ The whole paragraph is based on: RAXEN Focal Point for Austria (2004) *Roma in public education*, Wien, available at: <http://www.univie.ac.at/bim/focalpoint/> (17.03.2009).

⁵⁵ Österreichisches Volksgruppenzentrum (2007) *2. Bericht zur Durchführung des Europäischen Rahmenübereinkommens zum Schutz nationaler Minderheiten in der Republik Österreich*, p. 11, available at: <http://www.minelres.lv/reports/austria/NGOberichtII2007deutsch.pdf> (17.03.2009).

⁵⁶ A Romni, who does social work and is well known to the local Roma population, conducted interviews with 99 Roma in 31 households.

⁵⁷ H. Samer (2001) *Die Roma von Oberwart. Zur Geschichte und aktuellen Situation der Roma in Oberwart*, Oberwart, p. 91.

⁵⁸ T. Leoni, (2004) *The Labour Market Development of Oberwart and the Socio-Economic Situation of the Roma*, WIFO-Working Papers 226/2004, pp. 37-38, available at: [http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_226\\$.PDF](http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_226$.PDF) (17.03.2009).

1.2.2.2. Immigrant Roma

Most of the Roma living in Austria are of migrant origin and therefore we will describe data referring to migrants as an approximation. Since 2000, the share of foreigners has increased by 1.3 per cent to 10.1 per cent in 2007; however the numbers of migrants from former Yugoslavia and Turkey have been decreasing (see Annex 1 Table 1). In 2008, about 15 per cent of the population were born abroad (see Annex 1 Table 1). Most of the Roma migrants originate from former Yugoslavia, Rumania, Slovakia, and Hungary.⁵⁹ About six per cent of the resident population were born in these countries (see Annex 1 Table 2).

The results of the EU-Statistics on Income and Living Conditions (SILC) 2007 showed that ethnic origin (i.e. third country nationals and naturalised migrants) determines income and therefore opportunities on the housing market. The income of citizens from outside the European Economic Area (EEA) is 25 per cent below the average equivalised median income;⁶⁰ this is true for both aliens and people who have naturalised.⁶¹ Aliens from outside the EEA that are gainfully employed have a poverty risk rate three times higher than natives; people who have naturalised still have a poverty risk rate twice as high as natives.⁶² This results partly from their prevalently lower professional positions on the labour market (67 per cent are unskilled workers) and partly from differences in education.⁶³ Social benefits and pensions reduce the risk of poverty by more than two thirds overall, but among aliens by less than 50 per cent.⁶⁴ Social welfare and housing allowances⁶⁵ are the least important social benefits for reducing the risk of poverty of aliens.⁶⁶

⁵⁹ Interview with civil society representative in Vienna (27.02.2009).

⁶⁰ Equivalised median income is defined as the household's total disposable income divided by its equivalent size to take account of the size and composition of the household and is attributed to each household member (including children). See: <http://www.poverty.org.uk/summary/eapn.shtml> (19.03.2009).

⁶¹ Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 28, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009).

⁶² Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 38, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009).

⁶³ Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 38, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009).

⁶⁴ Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 44, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009).

⁶⁵ The housing allowance subsidises certain parts of monthly housing expenses. It can be applied for by tenants of all kinds of flats. Regulations are slightly different for houses built or

Therefore, it is not surprising that non-EU citizens in general and nationals of former Yugoslavia, Rumania, Slovakia, and Hungary (as highlighted above) in particular live in the worst furnished flats (for explanation see Annex 1 Table 3) more often than Austrians or EU-nationals (category D, see Annex 1 Table 4). Although the housing situation of aliens has improved since 1991, the improvement for natives has far exceeded the one for aliens (see Annex 1 Table 5). Naturalisation seems to have a positive influence on the improvement of the housing situation with regard to furnishing (see Annex 1 Table 6).

The results of the EU-SILC also clearly show that migrants can less often afford adequate heating of housing space, cope with unexpected running costs and they more often cannot pay rates that have already been due (see Annex 1 Table 8). Furthermore, they are more often affected by housing problems; the most severe problems are overcrowding, noisy neighbourhoods and humidity/mould (see Annex 1 Table 9). Aliens are less satisfied with their living conditions than naturalised citizens and than the overall population (see Annex 1 Table 10). It might also be concluded that the housing conditions have a negative impact on their health, but the self-perceived health status of naturalised migrants (2.2) and third country nationals (2.0) aged 20 to 64 is even a little better than for nationals (1.9).⁶⁷ This is also true for the age group 65 and older.

1.2.3. Data on housing tenure

Data on housing tenure is only available for third country nationals in general and not for autochthonous or immigrant Roma. The EU-SILC surveys (2004-2007) show that aliens have main tenancy or sub-tenancy contracts three times more often than the average population, while naturalised citizens only live twice as often in rented accommodation (see Annex 1 Table 7). Naturalised aliens live twice as often in communal housing as aliens (see Annex 1 Table 7). Rather few aliens or naturalised citizens have houses of their own (see Annex 1 Table 7).

renovated with or without public means. Owners can only obtain housing allowance for flats in houses built with public means.

⁶⁶ Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 44, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009).

⁶⁷ Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, pp. 123-125, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009).

1.2.4. Number of Roma living in regulated encampments

There is neither official nor unofficial data available.

1.2.5. Number of Roma living in unregulated encampments

There is neither official nor unofficial data available.

1.2.6. Number of Roma living in segregated settings

There is neither official nor unofficial data available. However, segregation is connected to the segmentation of the Austrian housing market that offers more freedom of choice to natives than to foreign nationals. This segmentation results partly from legal provisions, economic factors and discrimination on the housing market. There is no quantitative data on segregated settlements. According to the Federal Chancellery there are no segregated Roma settlements except for the one in Oberwart, which has however not been segregated by any legal provisions but which has resulted from historical developments.⁶⁸ In Linz there is a settlement area that is primarily inhabited by Roma and Sinti, who after World War II were resettled there in communal buildings.

1.2.7. Data on household type and size

See section 1.2.2.1. para [37.] and 1.2.2.2. para [41.].

1.2.8. Data on forced evictions

There is absolutely no data on forced evictions of Roma. In 2006, 42,514 eviction proceedings were pending with district and labour courts and 13,460 evictions were executed. It is estimated that about ten per cent of these evictions do not concern living space so that about 12,120 households including 24,500 people were affected (see Annex 1 Table 13). There is no data available on what happened to the people after they had been evicted.⁶⁹ It is not possible to say

⁶⁸ Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationersuchen RAXEN Focal Point -- Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript, p. 4.

⁶⁹ H. Schoibl (2008) *Mutual Progress on Homelessness through Advancing and Strengthening Information Systems – Nationales Positionspapier Österreich*, p. 9, available at:

anything reliable about the share of migrants or Roma among the homeless.⁷⁰ A survey conducted among 73 organisations providing services to the homeless showed the following results regarding the nationality of clients: Only two thirds of the organisations provided information on the nationalities of their clients. Six per cent of the clients were nationals of EU Member States or Turkey, ten per cent originated from (former) Yugoslavia and 16 per cent had other nationalities.⁷¹

1.2.9. Data on access of Roma to public utilities

There is neither official nor unofficial data available.

1.2.10. Data on available halting sites

We cannot provide any data on halting sites or on the number of Roma living in regulated or unregulated encampments. According to our interviewees most of the Roma living in Austria are sedentary. Some Roma seek temporary employment in Austria and sometimes Roma and Sinti travel through Austria, a phenomenon that no longer seems to occur very often (see section 1.5).

There is no data showing the impact of housing conditions on the right to education, to employment and to the highest attainable level of health.

http://www.bawo.at/fileadmin/user_upload/public/Dokumente/Projekte/M-Phasis/mphasis_-_short_report_-_austria.pdf (19.03.2009).

⁷⁰ H. Schoibl (2008) *Mutual Progress on Homelessness through Advancing and Strengthening Information Systems – Nationales Positionspapier Österreich*, p. 10, available at: http://www.bawo.at/fileadmin/user_upload/public/Dokumente/Projekte/M-Phasis/mphasis_-_short_report_-_austria.pdf (19.03.2009).

⁷¹ A. Schoibl, H. Schoibl (2006) *Wohnungslosigkeit in Österreich: Grundausswertung der quantitativen Angaben, aus der Fragebogenerhebung, Wohnungslosenhilfe und gesundheitsbezogene Dienstleistungen für wohnungslose Menschen*, p. 8, available at: http://www.helixaustria.com/uploads/media/Kurzbericht_zu_Wohnungslosigkeit_in__sterreich_06-12.pdf (19.03.2009).

1.3. Qualitative data

In general, reports, research and public discussion on discrimination of Roma are rather rare in Austria. The information contained in the following paragraphs is mainly based on the following sources: reports of the *Österreichisches Volksgruppenzentrum* [Austrian Ethnic Minority Centre], academic research on Roma in Austria including master theses of students, documents related to ECRI, CERD and the CoE Framework Convention for the Protection of National Minorities. Other relevant governmental as well as non-governmental reports which do not explicitly refer to Roma are drawn upon in so far as they give relevant information on housing issues in general. Interviews conducted with representatives of Roma or social counselling organisations also serve as a vital source.

However, Roma organisations have only anecdotal evidence on discrimination against Roma, which they do not document in a systematic way as their resources are rather limited and their main focus is not on combating discrimination.

Exemplary cases are partly taken from reports of Roma organisations/representatives and partly from the annually published Racism Reports by ZARA – *Zivilcourage und Anti-Rassismus-Arbeit* as well from the media.

1.3.1. Quality of housing available to Roma and Travellers

Available research studies on Roma in Austria primarily focus on the history and situation of the Burgenland-Roma. Nevertheless, the research findings can give an idea of the situation of Roma in Austria in general. 'Roma in Austria face many common problems, regardless of when they arrived to this country and where they came from.'⁷²

In essence, the existing research reveals that the Burgenland-Roma have faced social discrimination, institutional exclusion, geographic segregation and economic deprivation throughout their history. The discriminations against the group reached a peak in the 1980s. At that time, Roma youngsters were prohibited access to bars and clubs; the *Arbeitsmarktservice (AMS)* [Labour Market Service] 'accepted the requests of employers "not to place gypsies" for

⁷² T. Leoni (2004) *The Roma in Austria – A Historical Perspective*, WIFO-Working Papers 222/2004, p. 25, available at: [http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_222\\$.PDF](http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_222$.PDF) (17.03.2009).

job openings’;⁷³ and the municipality of Oberwart put up a topographic sign with the name of the town short of the addition “am Anger”, which is the name of the Roma settlement, as if to deny that the Roma settlement is part of Oberwart.⁷⁴

There is ample evidence of discrimination and difficulties Roma have faced in regard to housing such as legislative measures that pushed Roma to the outskirts of towns and villages.⁷⁵ The situation on the housing market in the 1970s can be exemplified by the following case: In 1975, J. Horwath wanted to buy property in the city centre of Oberwart. The neighbours had revolted against a Rom purchasing the property until the municipality revoked the agreement. The neighbours did not ‘want a gypsy as a neighbour’.⁷⁶ The most tragic event in the recent past is the killing of four Roma in Oberwart through a bomb explosion in 1995. This event made the general public more aware of the Roma, including the desperate housing situation and poverty of many Roma. Hence, in the aftermath of the Oberwart killings, several initiatives were started to improve the housing and particularly the educational, vocational and employment situation of the Burgenland Roma. Although not all initiatives proved to be successful, they fostered cultural identity and self-esteem of the Roma population and at the same time triggered greater public awareness of the situation of Roma on the national as well as international level.⁷⁷

Initiatives and measures in the housing sector specifically tailored to the particularities of the situation of Roma remain sporadic and are mainly to be found in connection to Roma travelling through Austria (see sections 1.4. and 1.5.).

At present, the Burgenland-Roma are the main group which are thought to be living in rather rural and less densely populated areas. However, this group also showed a strong migratory trend towards Vienna and other urban areas. Those

⁷³ T. Leoni (2004) *The Roma in Austria – A Historical Perspective*, WIFO-Working Papers 222/2004, p. 39, available at: [http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_222\\$.PDF](http://www.wifo.ac.at/www/servlet/www.upload.DownloadServlet/bdoc/WP_2004_222$.PDF) (17.03.2009).

⁷⁴ H. Samer (2001) *Die Roma von Oberwart. Zur Geschichte und aktuellen Situation der Roma in Oberwart*, Oberwart, p. 171.

⁷⁵ G. Baumgartner, F. Freund (2003) ‘Daten zur Bevölkerungsgruppe der burgenländischen Roma und Sinti 1945-2001, in: *Zeitgeschichte*, Vol. 2/2003, p. 97-98, available at: http://www.erinnern.at/e_bibliothek/roma/389_Baumgartner_Freund_Daten_Roma.pdf (18.03.2009). Respective acts and decrees mainly date back to the time after World War II.

⁷⁶ C. Mayerhofer (1987) *Dorfzigeuner : Kultur und Geschichte der Burgenland-Roma von der Ersten Republik bis zur Gegenwart*, Vienna: Picus-Verlag, p. 171.

⁷⁷ For example, Austria, together with Slovakia and the Czech Republic, participated in the EU funded project ‘Rombase’ which offers a comprehensive database on the historical and socio-cultural situation of Roma in the participating countries. Rombase provides a set of didactic tools to reduce prejudice and combat stereotypes. It furthermore aims at improving the educational situation of the Roma by giving them an opportunity to seriously deal with their own culture and history. See: <http://ling.kfunigraz.ac.at/~rombase/> (20.03.2009).

who have migrated to the cities largely have assimilated into the majority population, and often they deny their Roma identity or do not regard themselves as Roma.⁷⁸ Those who remained in the Burgenland live at the periphery of small towns or villages. Their housing conditions are not necessarily worse than those of other families. The Roma neighbourhoods are not separated from the towns or villages (with the exception of the Roma settlement ‘am Anger’ in Oberwart).⁷⁹

However, there are instances when Roma face prejudices when looking for a flat.⁸⁰ Stereotypes like being lazy, dirty, unemployed and all of them being thieves are still very common today. As put by a representative of a Viennese counselling service: ‘If anything is gone – it’s clear that the gypsy has taken it’.⁸¹ A woman who graduated from a higher vocational school and who worked for a lawyer did not want to reveal her Roma identity. She was afraid that she would be accused if anything was stolen in the office.⁸² In January 2007, a Burgenland-Rom was denied access to a discotheque in Oberwart.⁸³ In 2008, a visitor of a high school prom in Oberwart did not accept the instruction of a security man of Roma origin. He told her that she was not allowed to enter the premises of the school ball with bottles or plastic cups. She looked at him condescendingly and stated: ‘What do you think of yourself? A gypsy can’t tell me anything!’⁸⁴

According to the experience of a representative of a Viennese social counselling service older Roma mostly inhabit flats in old buildings consisting of room-kitchen-cabinet and a common toilet in the hallway. The social status of most of

⁷⁸ T. Leoni (2004) *The Roma in Austria – A Historical Perspective*, WIFO-Working Papers 222/2004, p. 24, available at: [http://www.wifo.ac.at/wwa/servlet/wwa.upload.DownloadServlet/bdoc/WP_2004_222\\$.PDF](http://www.wifo.ac.at/wwa/servlet/wwa.upload.DownloadServlet/bdoc/WP_2004_222$.PDF) (17.03.2009).

⁷⁹ Interview with a representative of a counselling service in Burgenland (19.02.2009).

⁸⁰ Interview with a representative of a counselling service in Burgenland (19.02.2009). The interviewee mentioned that in the 1990s residents of the *Andreas-Hofer-Siedlung* collected signatures in order to prevent Roma from moving into the houses (see also: <http://burgenland-roma.at/kids/his-b-021.htm> (23.03.2009)). Furthermore, she mentioned that, for example, Sinti would not want to live in the same house with a medical doctor because of traditional cleanliness rules. The Sinti would therefore refrain from revealing their identity, because if their neighbours discovered they were Sinti, they might try to get a medical doctor to rent a flat.

⁸¹ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

⁸² Interview with a representative of a counselling service in Burgenland (19.02.2009).

⁸³ Österreichisches Volksgruppenzentrum (2007) 2. *Bericht zur Durchführung des Europäischen Rahmenübereinkommens zum Schutz nationaler Minderheiten in der Republik Österreich*, p. 158, available at: <http://www.minelres.lv/reports/austria/NGOberichtII2007deutsch.pdf> (17.03.2009); ZARA, *Racism Report 2007*, p. 57, available at: <http://www.zara.or.at/materialien/rassismus-report/racism-report-2007.pdf> (24.03.2009).

⁸⁴ *kurier.at* (05.11.2008), ‘Mit Sicherheit Diskriminierung’ available at: <http://www.kurier.at/nachrichten/burgenland/256027.php> (03.12.2008).

the older Roma is comparatively low, with a low level of education. They get old and ill earlier than the majority population. People rather want to remain within their current flats as long as possible, because they are sub-standard and therefore very cheap.⁸⁵

A representative of a Roma organisation in Upper Austria reported about the housing situation of Roma living in that federal province, especially in its capital Linz. In Linz most of the Roma and Sinti live in flats that have a lower standard than others. After World War II there were barrack camps in the area of Linz, where refugees, foreigners, Sudeten Germans, Roma and Sinti and other homeless people lived. They were resettled in specifically built settlements, most of them in the newly founded settlement area called *Neue Heimat* [New Homeland] owned by the city of Linz. There are other groups of Roma and Sinti living scattered throughout Linz, most of them in comparatively small flats, but not necessarily sub-standard.⁸⁶

Other interviewees, however, describe the housing situation of Roma to be quite good or comparable to the housing situation of migrants.⁸⁷ However, one of them pointed out that Roma are the ‘underdogs’ among the migrants. Roma have large families – several generations live together in one flat. The flats are often too small for these large families and the flats are usually in a bad condition.⁸⁸

1.3.2. Issues of spatial and social segregation

Segregation is connected to the segmentation of the Austrian housing market that offers more freedom of choice to natives than to foreign nationals. This segmentation results partly from legal provisions, economic factors and discrimination on the housing market. According to the Federal Chancellery there are no segregated Roma settlements except for the settlement “am Anger” in Oberwart mentioned above, which has however not been segregated by any legal provisions but which has resulted from historical developments.⁸⁹ In Linz there is a settlement area that is primarily inhabited by Roma and Sinti, who after World War II were resettled there in communal buildings.

⁸⁵ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

⁸⁶ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

⁸⁷ Interview with a civil society representative in Vienna (27.02.2009); Interview with a board member of a Roma organisation in Burgenland (17.02.2009); Interview with a representative of a civil society organisation in Vienna (25.02.2009).

⁸⁸ Interview with a civil society representative in Vienna (27.02.2009).

⁸⁹ Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationersuchen RAXEN Focal Point -- Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript, p. 4.

1.3.3. Access to private housing

A master thesis focusing on Roma in Vienna gives evidence that especially non-Austrian Roma have to cope with serious problems on the private housing market.⁹⁰ On the one hand, Roma are largely forced to rent low standard dwellings due to financial constraints. On the other hand, prejudice and direct discrimination ('we don't rent to gypsies')⁹¹ among landlords and agents makes it additionally difficult for Roma to find accommodation on the private housing market. These factors can result in the exploitation of Roma and fraudulent practices on the housing market, i.e. some landlords requesting disproportional sums for too small and sub-standard dwellings.⁹² This practice is confirmed by reports from Roma organisations/initiatives.⁹³

The general attitude of Austrians towards foreigners on the housing market was explored by a survey in 1998, which showed that 46 per cent of the respondents (N = 2,000) thought that the presence of foreigners would cause problems on the housing market.⁹⁴ In the framework of a study, which was part of the European Value Survey (August to October 1999), 1,400 people were asked to identify all the groups of people they would NOT like to live next to.⁹⁵ The level of rejection of Roma (called "gypsies" in the survey) almost equalled the responses mentioning people that had previously been convicted and homosexuals (see Annex 2 Table 14). Women and men display the same level of rejection of Roma, and the respondents from the two federal provinces in the west (the Tyrol/Vorarlberg) showed a higher level of rejection of Roma than in the other federal provinces. The respondents in towns with a population of 20,000 to 100,000 displayed a higher rate of rejecting Roma than the population of small villages and bigger cities (see Annex 1 Table 15). These regional differences might be important indicators for the housing situation of Roma in different cities and in rural areas.

⁹⁰ V. Brandt, St. Rutkowski (2003) *Nationalismus und Diskriminierung am Beispiel von Roma in Wien*, Vienna, master thesis, pp. 111-116.

⁹¹ Contribution of the Initiative THARA Haus in: ZARA, *Racism Report 2005*, pp.34-35, available at: <http://www.zara.or.at/materialien/rassismus-report/racism-report-2005.pdf> (20.03.2009).

⁹² V. Brandt, St. Rutkowski (2003) *Nationalismus und Diskriminierung am Beispiel von Roma in Wien*, Vienna, master thesis, pp. 111-116.

⁹³ Contribution of the NGO Romano Centro in: ZARA, *Racism Report 2002*, pp. 44-45, available at: <http://www.zara.or.at/materialien/rassismus-report/racism-report-2002.pdf> (20.03.2009); Contribution of the Initiative THARA Haus in: ZARA, *Racism Report 2005*, pp.34-35, available at: <http://www.zara.or.at/materialien/rassismus-report/racism-report-2005.pdf> (20.03.2009); Interview with a civil society representative in Vienna (27.02.2009).

⁹⁴ G. Lehart, R. Münz (1999) *Migration und Fremdenfeindlichkeit. Fakten, Meinungen und Einstellungen zu internationaler Migration, ausländischer Bevölkerung und staatlicher Ausländerpolitik in Österreich*, Wien: Verlag der österreichischen Akademie der Wissenschaften, p. 63.

⁹⁵ P. M. Zulehner, C. Friesl, R. Zuba, H. Denz were responsible for the project: *Die Wertewelt der ÖsterreicherInnen im europäischen Kontext. Europäische Wertestudie – Österreichteil 1999*.

1.3.4. Access to social housing

Roma often have to resort to council housing.⁹⁶ However, besides legal obstacles,⁹⁷ council housing has become less attractive especially for the natives; the waiting periods have become very long because of the huge number of applicants. In addition, communal flats have become quite expensive and are no longer affordable for people in need of a low priced flat.⁹⁸ A representative of civil society concluded that the housing situation of Roma is in fact comparable to the situation of migrants in general.⁹⁹

In urban areas neighbourhood conflicts have been identified as quite prevalent. In 2008, ZARA, the Vienna based anti-racism NGO, observed a considerable increase of neighbourhood conflicts between migrants and native Austrians in Viennese council housing apartment complexes.¹⁰⁰ In many recorded cases complaints about noise and dirt escalated to racist conflicts. A study on social conflicts and local counselling centres in Viennese apartment complexes commissioned by the MA 50 – Wohnbauförderung und Schlichtungsstelle für wohnrechtliche Angelegenheiten [Municipal Department 50 – Housing Subsidy and Settlement Board in Housing Issues] in 2007 found that conflicts have mostly been caused by complaints about noise (e.g. children playing too loudly), dirt (e.g. tenants leaving garbage in the hallway), the use of the wash-kitchen (e.g. using the washing facilities not only for their own laundry but also for their relatives) and disturbances caused by bad smell (e.g. when migrants cook). Conflicts were identified to arise mainly between different generations (retirees and youngsters), between “old” and “new” tenants as well as between “natives” (*Inländer*) and “aliens” (*Ausländer*). Migrants were always perceived

⁹⁶ V. Brandt, St. Rutkowski (2003) *Nationalismus und Diskriminierung am Beispiel von Roma in Wien*, Vienna, master thesis, pp. 111-112.

⁹⁷ Vienna implemented the Directive 2003/109/EC on Long Term Residence of Third Country Nationals in January 2006. Since then third country nationals with a residence status *Daueraufenthalt-EG* [Permanent Residence – EC] according to the Permanent Settlement and Residence Act, BGBl 100/2005 last amended by BGBl 103/2008 (07.07.2008) enjoy access to communal housing just like Austrian citizens. Other third-country nationals can apply for communal housing provided that they have been legally residing in Austria for five years and that they have been registered at the same main residence address in Vienna for a consecutive period of two years; see: Wiener Wohnen (2006) *Richtlinien für die Vergabe von Wohnungen*. Furthermore, a regular and verifiable income of a minimum of € 400,- per month is requested.

⁹⁸ Interview with a civil society representative in Vienna (27.02.2009).

⁹⁹ Interview with a civil society representative in Vienna (27.02.2009); Interview with a representative of a Roma organisation in Vienna (25.02.2009).

¹⁰⁰ ZARA (2008) *Presseaussendung, Wien 20. März 2008, (Vergebene) Chancen im Umgang mit Diskriminierungen und Vorurteilen an Schulen; Rassismus Report 2008: Erfahrungen aus Schul-Workshops belegen: Wende in der Integrationspolitik dringend nötig – Nachbarschaftskonflikte größtes Thema bei ZARABeratungsstelle, Leiter Wolfgang Zimmer: „Das besonders zermürbende daran ist, dass Menschen in ihrem letzten Rückzugsraum angegriffen werden“*, available at: http://www.zara.or.at/_wp/wp-content/uploads/2009/03/presstext_rassismusreport2008_homepage.pdf (24.03.2009); ZARA, *Rassismus Report 2008*, available at: http://www.zara.or.at/_doc/2009/ZARA_RassismusReport2008.pdf (24.03.2009).

to be the main problem. According to the interviewed inhabitants, migrants remain aliens and are the ones who are loud, dirty and not willing to adhere to Austrian customs.¹⁰¹ Roma and civil society representatives confirmed that these problems are also true for Roma.¹⁰²

To counter neighbourhood conflicts, ZARA suggested establishing (obligatory) arbitration processes.¹⁰³ The authors of the study on social conflicts in Viennese apartment complexes also formulated several recommendations to improve the situation. Among others they suggested the setting up of strict rules, the strict compliance with these rules, the strengthening of the role of janitors (*Hausmeister*) especially when conflicts occur and the facilitation of meetings and events to bring together the inhabitants of an apartment complex and foster their relationships and group cohesion.¹⁰⁴

The city of Vienna decided to tackle the problems in council housing apartment complexes with rigorous security measures. In 2008, video surveillance systems were installed for test purposes in eight apartment complexes – in and around garages, garbage areas and elevators – with the aim to prevent thefts and vandalism. At the end of 2009, the use of video surveillance will be evaluated. Then it will be decided whether it is reasonable to continue and to install video surveillance systems in the remaining council housing apartment complexes.¹⁰⁵ In order to prevent misuse of the washing facilities access to wash-kitchens shall be controlled with chip-cards.¹⁰⁶ In August 2008, respective equipment was installed in two apartment complexes. By 2010, all Viennese council housing apartment complexes shall be equipped accordingly.

¹⁰¹ B. Haller, E. David, K. Lercher, H. Schranz, W. Tomaschitz (2008) „Hot spots“ sozialer Konflikte und Gebietsbetreuung in Wiener Wohnhausanlagen, available at: http://www.ikf.ac.at/pdf/hot_spots.pdf (24.03.2009).

¹⁰² Interview with a representative of a Roma organisation in Vienna (25.02.2009); Interview with a representative of a Roma organisation in Upper Austria (03.03.2009); Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009). The interviewees reported that complaints about noise, music, arguments, violence and complaints about the number of people living in flats inhabited by Roma were the main reasons for conflicts.

¹⁰³ ZARA (2008) *Presseaussendung, Wien 20. März 2008*, available at: http://www.zara.or.at/_wp/wp-content/uploads/2009/03/presstext_rassismusreport2008_homepage.pdf (24.03.2009)

¹⁰⁴ B. Haller, E. David, K. Lercher, H. Schranz, W. Tomaschitz (2008) „Hot spots“ sozialer Konflikte und Gebietsbetreuung in Wiener Wohnhausanlagen, pp. 122-127, available at: http://www.ikf.ac.at/pdf/hot_spots.pdf (24.03.2009).

¹⁰⁵ *diepresse.com* (25.03.2008) 'Gemeindebau: Überwachung kommt, Probleme bleiben', available at: <http://diepresse.com/home/panorama/oesterreich/372177/index.do> (21.03.2009).

¹⁰⁶ *kurier.at* (25.08.2008) ‚Waschküchen als Hochsicherheitstrakt‘, available at: <http://www.kurier.at/nachrichten/wien/193107.php> (26.08.2008); *ORF ON* (25.08.2008) ‚Waschküchen als Hochsicherheitstrakt‘, available at: <http://oesterreich.orf.at/wien/stories/302667/> (24.03.2009).

1.3.5. Forced evictions

There is absolutely no qualitative data on forced evictions of Roma.

In 2007, the Federal Ministry of Labour, Social Affairs and Consumer Protection, commissioned a study on the extent of homelessness in Austria.¹⁰⁷ The authors of the study contacted 120 institutions in all federal provinces offering help and assistance to homeless people or people who are threatened with possible homelessness.¹⁰⁸ 73 of them returned completed questionnaires revealing information on the clients making use of their services. The services include *inter alia* prevention from eviction, procurement of housing/living space, provision of temporary housing opportunities, legal and social counselling, provision of emergency sleeping places, crisis intervention and street work. According to the completed questionnaires, approximately 32 per cent of the clients were third-country nationals and six per cent were non Austrian EU citizens in 2005. Of these, ten per cent were clients from former Yugoslavia and six per cent from Turkey. However, the study does not give any evidence on which services the third-country nationals made use of.¹⁰⁹ To sum up, no research/information exists on the extent of homelessness of migrants in Austria, not to mention Roma, especially due to the lack of relevant data.¹¹⁰ Many institutions do not record the nationality of their clients and none of them record ethnic belonging.¹¹¹

¹⁰⁷ Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers*, Wien, unpublished manuscript.

¹⁰⁸ According to the authors the notion “homelessness” is to be understood in three categories including acute, imminent and potential homelessness. Acute homelessness is given when there is no housing space available; imminent homelessness means that somebody is faced with the loss of housing and is not able to care for subsequent housing space on his/her own; potential homelessness refers to persons who are living in either over-crowded dwellings or dwellings posing a risk to health and therefore are faced with the constant fear to loose their housing space. A. Schoibl, H. Schoibl (2006) *Wohnungslosigkeit in Österreich: Grundausswertung der quantitativen Angaben, aus der Fragebogenerhebung ,Wohnungslosenhilfe und gesundheitsbezogene Dienstleistungen für wohnungslose Menschen'*, p. 23, available at: http://www.helixaustria.com/uploads/media/Kurzbericht_zu_Wohnungslosigkeit_in__sterreich_h_06-12.pdf (19.03.2009).

¹⁰⁹ A. Schoibl, H. Schoibl (2006) *Wohnungslosigkeit in Österreich: Grundausswertung der quantitativen Angaben, aus der Fragebogenerhebung ,Wohnungslosenhilfe und gesundheitsbezogene Dienstleistungen für wohnungslose Menschen'*, p. 8, available at: http://www.helixaustria.com/uploads/media/Kurzbericht_zu_Wohnungslosigkeit_in__sterreich_h_06-12.pdf (19.03.2009).

¹¹⁰ H. Schoibl (2008) *Mutual Progress on Homelessness through Advancing and Strengthening Information Systems – Nationales Positionspapier Österreich*, p. 10, available at: http://www.bawo.at/fileadmin/user_upload/public/Dokumente/Projekte/M-Phasis/mphasis_-_short_report_-_austria.pdf (19.03.2009).

¹¹¹ Asylum seekers in Austria are accommodated in state or province provided facilities.

1.3.6. Legality and legalization of settlements

As mentioned above there are two settlements in Austria. The settlement “am Anger” is in Oberwart (Burgenland) and has resulted from historical developments.¹¹² In Linz there is a settlement area that is primarily inhabited by Roma and Sinti, who after World War II were resettled there in communal buildings. Hence, legality and legalization of settlements is of no relevance in the Austrian context.

1.3.7. Movement, encampment and the use of private land

In the region of Vöcklabruck in Upper Austria, in the municipality of Attnang-Puchheim, there has been a conflict about camping opportunities for Roma and Sinti who have been travelling through Austria in the summer months for over two years between 2005 and 2007. Roma had placed their caravans on a parking site of a leisure centre. Gates were built to deny them access. On the initiative of a member of the municipal council a working group was established in cooperation with the Roma organisation *Ketani* in order to find a solution – and a site, where Roma and Sinti could park their caravans. Fifty mayors were supposed to take part, but there was little response and the few who participated said: ‘We don’t have anything against Roma and Sinti, but we do not want them to be close to our communities.’ Finally, a place was found, the *Aga Insel* in Vöcklabruck. However, the mayor of Vöcklabruck did not authorise the water supply. There was also a meeting with the inhabitants living in the neighbourhood, where racist hatred and prejudice were prevailing. Statements like: ‘If the site is built, we will have to put five door locks in place to protect ourselves against the Roma’ were reported. The negotiations were discontinued. Currently, a site close to the highway is under debate. Inhabitants in the neighbourhood of the potential campsite are already complaining because they are afraid that the value of their land will decrease.¹¹³

In 2005, a sign saying ‘*Kein Platz für Zigeuner, Nessun posto per i gypsies*’ [No place for gypsies] was spotted on a camp site in Eastern Tyrol. The owner argued that he aimed at protecting his guests against ‘gypsies’.¹¹⁴ The competent *Bezirksverwaltungsbehörde* [district administration authority] fined

¹¹² Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen RAXEN Focal Point -- Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript, p. 4.

¹¹³ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

¹¹⁴ ZARA, *Racism Report 2005*, p. 16, available at: <http://www.zara.or.at/materialien/rassismus-report/racism-report-2005.pdf> (20.03.2009); *ORF ON* (31.08.2005) “Kein Platz für Zigeuner“ auf dem Zeltplatz’, available at: <http://tirol.orf.at/stories/55065/> (24.03.2009); *derstandard.at* (26.08.2005) “Kein Platz für Zigeuner“ auf Osttiroler Campingplatz, available at: <http://derstandard.at/?url=/?id=2155379> (24.03.2009).

the owner of the campsite € 450. The second instance court approved the fine (see Annex 2, case no 2).

In the years 2001 to 2003, a large group of about 50 Roma temporarily stayed on a field in Amras.¹¹⁵ The owner of the field, a representative of the regional Freedom Party, agitated against them and finally organised slurry to be dumped on the field, where the Roma settled. The owner concluded that the slurry showed its effect, the Roma went away within one hour but left a lot of garbage and a field with € 500 of damage.¹¹⁶

1.3.8. Access to public utilities

There is no data or information available on this issue.

1.3.9. Access and quality of housing for third country Roma/Travellers immigrants (especially for Roma/ Travellers EU nationals)

The quality of housing for immigrant Roma is generally described to be quite good or comparable to the housing situation of migrants.¹¹⁷ However, some voices also point out the rather bad housing situation of Roma immigrants living in sub-standard and over-crowded dwellings.¹¹⁸ One civil society representative referred to the immigrant Roma as ‘underdogs’ among the migrants.¹¹⁹ For details see section 1.3.1. As regards access to private and social housing see sections 1.3.3 and 1.3.4.

1.3.10. Campaigns undertaken by authorities on their right to adequate housing

As mentioned above and as will be shown in the following chapters, hardly any initiatives, measures and policies explicitly refer to or are tailored to the needs of Roma. Hence, the concerns expressed by the CoE Committee of Ministers on

¹¹⁵ Interview with a representative of a civil society organisation in Tyrol (03.03.2009).

¹¹⁶ *Tiroler Tageszeitung*, ‘Mit Jauche Wildcamper vertrieben’, without date and page.

¹¹⁷ Interview with a civil society representative in Vienna (27.02.2009); Interview with a board member of a Roma organisation in Burgenland (17.02.2009); Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹¹⁸ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009); Interview with a representative of a Roma organisation in Upper Austria (03.03.2009); Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹¹⁹ Interview with a civil society representative in Vienna (27.02.2009).

the implementation of the Framework Convention for the Protection of National Minorities by Austria can also be seen in this light. The body acknowledges the initiatives which have been implemented by Austria to improve the situation of the Roma, especially in the education and employment field.¹²⁰ However, it highlighted that there are ‘no comprehensive policies, programmes and resources to promote equal opportunities for them or for their effective participation in society.’¹²¹ In this context, the body recommended the development and implementation of comprehensive measures to ensure equal opportunities for the Roma minority in all aspects of life (including housing), in close consultation with their representatives. Particular attention should be paid to the situation of Roma women and youth.¹²²

ECRI and CERD repeatedly concluded that Roma in Austria, especially non-autochthonous Roma are exposed to prejudices and social disadvantages in the fields of education, employment and housing.¹²³ ECRI suggested ‘that the Austrian authorities consider including the non-autochthonous Roma among the categories of persons that make up the Roma national minority’. However, the Austrian authorities have underlined that non-autochthonous Roma may also benefit, in practice, from projects financed by the authorities for national

¹²⁰ A number of initiatives in the education and employment field are listed in: Austria/Bundeskanzleramt (2006) *2nd Report by the Republic of Austria pursuant to Article 25 paragraph 2 of the Framework Convention for the Protection of National Minorities*, available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_SR_Austria_en.pdf (20.03.2009).

¹²¹ CoE Committee of Ministers, Resolution CM/ResCMN(2008)3 on the implementation of the Framework Convention for the Protection of National Minorities by Austria, Adopted on 11 June 2008, available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_CM_Res_Austria_en.pdf (20.03.2009).

¹²² CoE Committee of Ministers, Resolution CM/ResCMN(2008)3 on the implementation of the Framework Convention for the Protection of National Minorities by Austria, Adopted on 11 June 2008, available at: http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_CM_Res_Austria_en.pdf (20.03.2009).

¹²³ ECRI (2001) *Second Report on Austria, Adopted on 16 June 2000*, pp. 13-14, available at: http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-austria-eng.pdf (20.03.2009); ECRI (2005), *Third Report on Austria, Adopted on 25 June 2004*, pp. 21-22, available at: http://hudoc.ecri.coe.int/XML/Ecri/ENGLISH/Cycle_03/03_CbC_eng/AUT-CbC-III-2005-1-ENG.pdf (20.03.2009); CERD (2008) *Concluding Observations, Austria*, CERD/C/AUT/CO/17, 22 September 2008, paras. 10, 23, available at: <http://daccessdds.un.org/doc/UNDOC/GEN/G08/441/71/PDF/G0844171.pdf?OpenElement> (20.03.2009); CERD (1999) *Concluding Observations, Austria*, CERD/C/304/Add.64, 16 March 1999, para. 7, available at: <http://sim.law.uu.nl/SIM/CaseLaw/UNCom.nsf/fe005fcb50d8277cc12569d5003e4aaa/9506e0a224b25246c125678a002c6fca?OpenDocument> (20.03.2009).

minority Roma.’¹²⁴ For projects (partly) relating to housing issues see sections 1.5 and 1.6.

An actor in the field identified low-threshold legal and social counselling free of charge as the most important tool to improve the housing situation of Roma.¹²⁵

One project to be mentioned at this stage – although it has not been specifically designed for the housing sector – was implemented in the framework of the EQUAL initiative THARA. A brochure was published, which explains difficult legal and administrative terms concerning the welfare system, the system of taxation, the labour market and education in German and Romani. Its target groups are migrants of Roma origin, who like other migrants are rather frequently in contact with public authorities and counselling services. Representatives of these institutions often use terms that are very difficult to understand. The brochure explains these terms in German and Romani and also makes suggestions for asking relevant questions in order to really understand the pre-conditions for getting access to certain benefits and the consequences of official notifications or other legal acts.¹²⁶

1.3.11. Impact of housing deprivation on the overall situation of Roma

Based on the analysed sources (including the interviews) it is not possible to draw conclusions on the impact of housing deprivation on the overall situation of Roma and in particular on the situation of Roma women, children, elderly and persons with disabilities. The interviews rather indicate the impact of the social status of Roma on their housing situation.

One interviewee described the social status of most of the older Roma to be comparably low, with a low level of education. They get old and ill earlier than the majority population. Women marry earlier, have more kids, experience more violence in their marriages and many have been working in cleaning services. They suffer from chronic illnesses and depression. Men are more often affected by physical impairments caused by hard manual work (e.g. in construction). Furthermore, the rate of illiteracy is high, especially among women, who did not attend school for even a single year, because they had to take care of their younger brothers and sisters. This is valid not only for older women but also for younger ones. People want to remain within their current

¹²⁴ ECRI (2005) *Third Report on Austria, Adopted on 25 June 2004*, para. 59, available at: http://hudoc.ecri.coe.int/XML/ECRI/ENGLISH/Cycle_03/03_CbC_eng/AUT-CbC-III-2005-1-ENG.pdf (20.03.2009).

¹²⁵ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹²⁶ M. Widder, M. Heinschink, G. Horvath (s.a) *Amtsdeutsch leicht gemacht*, available at: <http://www.volkshilfe.at/1070,52,,2.html> (25.03.2009).

flats as long as possible, because they are sub-standard and therefore very cheap.¹²⁷

A representative of the civil society organisation *Romano Centro* in Vienna pointed out that problems such as illness, unemployment or imprisonment lead to a situation in which rents can't be paid anymore. Often clients turn to the organisation quite late because they do not plan ahead adequately. And she referred to the problem of large families living in small flats which makes it very difficult for the children to do their homework.¹²⁸

With regard to the autochthonous minority of Roma and Sinti in Upper Austria, an interviewee reported that the level of education of those who were born after WW II has remained very low. The low educational level is transferred to the next generation. Due to the poor educational level the social and economic upward mobility is very low among autochthonous Roma.¹²⁹

¹²⁷ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹²⁸ Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹²⁹ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

1.4. Case law and complaints

Generally, the district courts are competent for any kind of conflicts in the area of housing. They are responsible for any questions and proceedings that are regulated by the Tenancy Act,¹³⁰ which includes decisions about the legitimacy of evictions as well as decisions about unlawful attitudes of tenants and landlords.

At the federal level, the public bodies that promote equal treatment and anti-discrimination are the *Gleichbehandlungskommission (GBK)* [Equal Treatment Commission (ETC)] and the *Gleichbehandlungsanwaltschaft (GAW)* [Ombudsman for Equal Treatment (OET)].¹³¹ Victims of discrimination can decide freely if they want to file a court claim, or an application with the ETC, or to make use of the counselling services of the OET. Similar institutions have been introduced on the level of the federal provinces, which can be approached, e.g. in cases of discriminatory treatment in the area of communal housing.

If someone feels discriminated against on grounds of his/her disability, the person is obliged to reach a *Schlichtung* (settlement) with the *Bundesamt für Soziales und Behindertenwesen (BSB)* [Federal Office for Social and Disability Issues]. This is valid also for cases of multiple discrimination (if one of the grounds is disability). Only if the Federal Office declares that no settlement can be achieved can the applicant file a claim before a court.¹³²

Complaints according to article III EGVG can be addressed to the *Bezirksverwaltungsbehörden* [District Administrative Authorities], who have to issue a fine amounting up to € 1,090 in case of discriminatory treatment. They could even act according to a provision included in the *Gewerbeordnung* [Trade License Act]¹³³ providing for the withdrawal of a trade license if the entrepreneur commits a serious offence contrary to the legal regulations and the protected interests of the trade concerned, in particular offences contrary to the maintenance of professional reputation, and thus no longer displaying the reliability essential to the exercise of the trade. Non-discrimination on grounds of race or ethnic origin is one of the protected interests explicitly mentioned in

¹³⁰ *Bundesgesetz vom 12. November 1981 über das Mietrecht (Mietrechtsgesetz – MRG)*, Austria/BGBI 520/1981 (01.12.1981) as last amended by BGBI II 295/2008 (22.08.2008) (Betraganpassung durch K).

¹³¹ The OET consists of three units: OET I is responsible for equal treatment between men and women in the employment area, OET II is responsible for equal treatment irrespective of ethnicity, religion, belief, age and sexual orientation in employment and OET III is responsible for equal treatment irrespective of ethnicity and/or gender in other areas (the non-employment scope).

¹³² *Behinderteneinstellungsgesetz*, Austria/BGBI 22/1970 (20.01.1970) as last amended by BGBI. I Nr. 67/2008 (07.05.2008).

¹³³ Article 87 para 1 no 3/5, *Gewerbeordnung 1994 – GewO 1994*, Austria/BGBI 194/1994 (18.03.1994) as last amended by BGBI I 68/2008 (18.03.1994).

the law. This provision does however constitute a source of legal possibilities that has never been used according to the knowledge of the authors.

One single case can be reported: In 2005, a sign saying ‘Kein Platz für Zigeuner, Nessun posto per i gypsies [No place for gypsies]’ was spotted on a camping site in Eastern Tyrol. The owner argued that he aimed at protecting his guests against ‘gypsies’, whom he considered to be a threat. According to the Tyrolean Act on Camping, owners of camping sites are obliged to protect people residing on the site against threats.¹³⁴ The competent Bezirksverwaltungsbehörde [district administration authority] issued a fine of € 450 to the owner of the campsite according to Article IX EGVG¹³⁵, a decision that was confirmed in a subsequent trial by the Independent Administrative Tribunal. The case caused a request by the Ombudsman for Equal Treatment to the Equal Treatment Commission to clarify the question of whether the wording ‘Zigeuner’ [gypsy] was discriminatory as such. The ETC issued an opinion, in which it clearly stated that the use of the word ‘Zigeuner’ was considered to be discriminatory.¹³⁶ (see Annex 2.1.)

No other cases or complaints were filed with the competent authorities or were reported by the interviewees.

¹³⁴ *Gesetz vom 21. März 2001 über die Regelung des Campingwesens in Tirol (Tiroler Campinggesetz 2001)*, Tyrol/LGBI 37/2001 (01.06.2001).

¹³⁵ *Einführungsgesetz zu den Verwaltungsverfahrensgesetzen*, Austria/BGBI. I 87/2008, now Article III para 1 no 3.

¹³⁶ Austria/GBK III, Gutachten gemäß § 11 Abs. 1 GBK/GAW-Gesetz – GBK III/7, available at: <http://www.frauen.bka.gv.at/DocView.axd?CobId=21410> (19.03.2009)

1.5. Identifying good practices

Generally, there are not many projects implemented that would qualify as good practice in terms of contributing positively to the housing situation of Roma and Sinti. The projects we decided to report on are all very successful, but they are all small scale projects run by civil society organisations. However, they do show that public administration is somehow aware of the situation of Roma, especially within small municipalities, and that it is possible to bring about some change even with limited means.

1.5.1. RoSi – Rastplatz für durchreisende Roma und Sinti [Halting site for travelling Roma and Sinti]

In 2002, triggered by massive conflicts, a model for establishing a new basis of coexistence between the local population and travelling Roma and Sinti was developed in Upper Austria. An adequate halting site equipped with sanitary facilities for up to 25 caravans was set up. This measure was funded by the municipality of Braunau and the association *Ketani* was involved in consultation. The costs of the installation were € 147,000, the yearly costs amount to € 8,000-9,000, of which € 5,000-6,000 are obtained as income in form of renting fees. The management of the halting site is administrated by the intercultural NGO network *Roma and Sinti (RoSi)*. The network coordinates several activities connected with the temporary residence of groups travelling through Upper Austria. The activities include providing information, facilitating contact with Roma and Sinti residing in the area, locals in the neighbourhood, local authorities, the police, etc. In case of conflicts, alternative conflict resolution is provided.¹³⁷

Difficulties and limitations encountered: The construction of the place was started only after a careful procedure of decision making managed by a working group consisting of competent NGOs had been launched and after an agreement by all political parties represented in the municipal council had been reached. The search for an appropriate place was quite difficult as it had to be big enough, with a good connection to the public road system, not too close to the city centre to avoid conflicts and not too far from the city centre to avoid exclusion.

¹³⁷ Statement by the province of Upper Austria included in Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript and G. Kücher (2006) *Fahrende Roma und Sinti in Österreich im beginnenden 21. Jahrhundert*, Vienna, master thesis, pp. 14-31, statement on request by the mayor of Braunau/Inn (25.03.2009).

Any impact assessment or other evaluation: No formal impact assessment procedures have been established. The project however is managed by the intercultural network Roma and Sinti (RoSi), which coordinated the introduction of the halting site and is responsible for adaptations of the original concept to changing requirements on an ongoing basis.

Sustainability: The halting site was set up in 2002 and has been running since then. According to the interviewees the establishment of the site has contributed to a decrease in conflict potential and to an increased atmosphere of mutual respect. Furthermore the halting site served as a good practice model to be applied when establishing another halting site in the municipality of Linz, which is to be carried out in 2009..

Possibilities for transferability and mainstreaming: The halting site served as a good practice model to be applied when establishing another halting site in the municipality of Linz, which is to be carried out in 2009. It could serve for the establishment of similar projects in the future.

- Title: RoSi – Rastplatz für durchreisende Roma und Sinti [Halting site for travelling Roma and Sinti]
- Organisation (English and original language): Netzwerk Roma und Sinti [Network Roma and Sinti]
- Government/ Civil society/ Social Partners: Civil Society
- Type of initiative (training, awareness raising, legal advocacy, etc.): Provision of adequately equipped halting facilities, advocacy
- Total budget and sources of funding: Costs of installation: € 147,000/ yearly costs: € 8,000-9,000, income renting fees: € 5,000-6,000
- Municipality of Braunau/Inn, Upper Austria
- Rationale: Conflicts between travellers and local population
- Objectives: Creating a new basis for co-existence of travelling Roma and Sinti and the local population
- Target group: Roma and Sinti
- Time frame and location: Started in 2002, open ended, Municipality of Braunau/Inn, Upper Austria
- Brief description of main activities: In 2002, triggered by massive conflicts, a model for establishing a new basis of co-existence between the local population and travelling Roma and Sinti was elaborated. An adequate halting site for up to 25 caravans equipped with sanitary facilities was set up. This measure was funded by the municipality of Braunau and the association Ketani was involved in consultation. The management of the halting site is administrated by the intercultural NGO network Roma and Sinti (RoSi). The network coordinates several activities connected with the temporary

residence of groups travelling through Upper Austria. The activities include providing information, facilitating contact to Roma and Sinti residing in the area, locals in the neighbourhood, local authorities, the police, etc. In case of need conflict management by ways of alternative conflict resolution is provided.

- Involvement of Roma and Travellers : The project was designed involving the association Ketani, an organisation run by Roma and Sinti and offering services to them.
- Focus on Roma women, children, the elderly or persons with disabilities: There is no specific focus on women, children, the elderly or persons with disabilities.
- Difficulties and limitations encountered: The construction of the place was started only after a careful procedure of decision making managed by a working group consisting of competent NGOs had been launched and after an agreement by all political parties represented in the municipal council had been reached. The search for an appropriate place was quite difficult as it had to be big enough, with a good connection to the public road system, not too close to the city centre to avoid conflicts and not too far from the city centre to avoid exclusion.
- Any impact assessment or other evaluation: No formal impact assessment procedures have been established. The project however is managed by the intercultural network Roma and Sinti (RoSi), which coordinated the introduction of the halting site and is responsible for adaptations of the original concept to changing requirements on an ongoing basis.
- Sustainability: The halting site was set up in 2002 and has been running since then. According to the interviewees the establishment of the site has contributed to a decrease in conflict potential and to an increased atmosphere of mutual respect. Furthermore the halting site served as a good practice model to be applied when establishing another halting site in the municipality of Linz, which is to be carried out in 2009..
- Possibilities for transferability and mainstreaming: The halting site served as a good practice model to be applied when establishing another halting site in the municipality of Linz, which is to be carried out in 2009. It could serve for the establishment of similar projects in the future.

1.5.2. Wohncontainer für Wanderarbeiter mit Roma Hintergrund [Housing containers for Temporary Workers]

The *Caritas Integrationshaus* provides housing containers for a group of casual workers originating from Slovakia. They usually come to Innsbruck in search for temporary employment, stay for three weeks and then go back to Slovakia. The group consists of 12 persons, who have been coming to Innsbruck for several years. Until two years ago they used to sleep in cars. Then the *Caritas Integrationshaus* started to support them by providing accommodation facilities. In the beginning they were offered a chapel to sleep in, and later housing containers were built by *Caritas* to provide them with a place to sleep.¹³⁸

Roma or Travellers were not involved in the planning of the project. There is no specific focus on women, children, the elderly or persons with disabilities. No impact assessment procedures or other forms of evaluation have been implemented. Furthermore, accommodation is provided only for a very limited number of people. The project can be assessed as a good starting point for further initiative but can not be considered as sustainable in itself. The project however could be easily transferred to other municipalities.

- Title: Wohncontainer für Wanderarbeiter mit Roma Hintergrund [Housing containers for Temporary Workers with Roma Background]
- Organisation: *Caritas Integrationshaus – Diözese Innsbruck* [Caritas House of Integration]
- Government/ Civil society/ Social Partner: Civil Society
- Contact/ Internet link : <http://www.caritas-integrationshaus.at/mambo/index.php>
- Type of initiative (training, awareness raising, legal advocacy, etc.): Provision of accommodation
- Total budget and sources of funding: Funded by the *Caritas*.
- Rationale: Lack of accommodation for temporary workers of Roma background
- Objectives: Provide adequate accommodation
- Target group: Group of temporary workers with Roma background originating from Slovakia
- Time frame and location: Since 2006, ongoing.

¹³⁸ Interview with a representative of a civil society organisation in Tyrol (03.03.2009) and http://www.caritas-integrationshaus.at/mambo/index.php?option=com_content&task=view&id=353&Itemid=163 (03.03.2009).

- Brief description of main activities: The *Caritas Integrationshaus* provides housing containers for a group of temporary workers originating from Slovakia. They usually come to Innsbruck in search for casual employment, stay for three weeks and then go back to Slovakia. The group consists of 12 persons, who have been coming to Innsbruck for several years. Until two years ago they used to sleep in cars. Then the *Caritas Integrationshaus* started to support them by providing accommodation facilities. In the beginning they were offered to sleep in a chapel; then housing containers were built by the *Caritas* to provide them with a place to sleep.
- Involvement of Roma and Travellers : No involvement of Roma and Travellers in the planning of the project.
- Focus on Roma women, children, the elderly or persons with disabilities: There is no specific focus on women, children, the elderly or persons with disabilities.
- Difficulties and limitations encountered: The project is limited by the resources of the Carites
- Any impact assessment or other evaluation: No impact assessment procedures or other forms of evaluation have been implemented.
- Sustainability: Accomodation is provided only for a very limited number of people. The project can be assessed as a good starting point for further initiative but can not be considered as sustainable on itself.
- Possibilities for transferability and mainstreaming: The project could be easily transferred to other municipalities.

1.6. Major national projects

There are no major national projects, state-funded or otherwise, that target the housing situation of Roma, nor are there any mainstream policies that positively affect large numbers of Roma and their housing conditions (that haven't been already reported in chapter 1.1.4). Statements by the responsible Federal Ministry for Labour, Social Affairs and Consumer Protection as well as by the federal provinces refer to projects targeting Austrians with a migrant background and groups with a high at-risk-of-poverty rate.¹³⁹ The lack of specific policies and projects targeted at Roma or at the elimination of discrimination of Roma is justified by the non-existence of discrimination against Roma in the area of housing.

In the framework of the drafting of a National Action Plan against Racism coordinated by the *Bundesministerium für europäische und internationale Angelegenheiten* [Federal Ministry for European and International Affairs] a sub-working group on housing had been established. The City of Vienna was chairing this group and – based on statements of the federal provinces – started to develop an expert paper on measures to combat discrimination in housing, which was planned to be included in the National Action Plan.¹⁴⁰ The drafting process was stopped, however, because of early national elections. There is no information available either on the content of the draft or on the composition of the working group.

A National Action Plan on Integration is currently elaborated. This NAP is referred to in the government programme of November 2008.¹⁴¹ In Upper Austria a so-called *Integrationsleitbild* [Mission Statement on Integration]¹⁴² has been elaborated, which aims at building the basis for the development of a future-oriented, process based strategy for integration and co-existence of residents of Austrian as well as migrant backgrounds. It especially focuses on eliminating structural barriers resulting in social inequalities and at equality of opportunity for all. The process of drafting the mission statement was characterised by a mainstreaming as well as a participatory approach aimed at tackling all areas of societal life and involving all relevant stakeholders including regional authorities. Representatives of a Linz based Roma

¹³⁹ Austria/Bundeskanzleramt (2009) *Rückmeldung zum Informationsersuchen RAXEN Focal Point – Fragenkatalog Housing Conditions of Roma and Travellers; österreichische Gesamtstellungnahme*, Wien, unpublished manuscript.

¹⁴⁰ Austria/Bundeskanzleramt (2008) *Informationsersuchen RAXEN Focal Point – Fragenkatalog 2008*; österreichische Gesamtstellungnahme, unpublished manuscript.

¹⁴¹ Austria (2008) *Regierungsprogramm für die XXIV. Gesetzgebungsperiode*, November 2008, available at: www.austria.gv.at/DocView.axd?CobId=32966 (03.03.2009)

¹⁴² Land Oberösterreich (2008) *Einbeziehen statt einordnen. Integrationsleitbild des Landes Oberösterreich*, available at: http://www.land-oberoesterreich.gv.at/cps/rde/xbcr/SID-7E9996CD-A4D69099/ooe/So_Integrationsleitbild.pdf (21.03.2009).

organisation¹⁴³ have been involved in this process and will be involved in the ongoing implementation procedures.¹⁴⁴ A working group for housing, housing environment and living together was established, which is responsible for the development of recommendations and projects in the field of housing within the overall strategic planning. There are no Roma representatives in this specific group, however.

2. Field research - Interviews

2.1. Brief description of methodology

We conducted seven interviews. The interviewees were located in four federal provinces – Vienna, Burgenland, Upper Austria and Tyrol. The interviews therefore provide analyses of situations and experiences gained in these four provinces. Interviewees located in Burgenland and in Upper Austria primarily reported on the situation of autochthonous Roma, whereas interviewees in Vienna and Tyrol focused on Roma of migrant origin. These different emphases might result from the focus of the organisations themselves but also from the number of different Roma living in these federal provinces. Another federal province to conduct interviews in might have been Styria, but we were not able to locate any organisation or individual feeling sufficiently competent to talk to us about the housing situation of Roma in Graz and Styria.

Two of the interviewees were working for public authorities in Vienna but did not want to give us an interview as official representatives of these authorities but rather as private persons. It would have been too time consuming to get permission for such an interview, which might relate to the services offered by the respective authorities: Either they did not have a focus on housing or Roma were not specified as an explicit target group for their services. Their answers of course take their experiences gained in their work for the respective public authority into account but do not reflect the official opinion of these authorities.

We further contacted five organisations either doing counselling on housing issues in general or focusing on the labour market integration of Roma who told us that they did not have sufficient information on the housing situation of Roma. Either they had no statistics including ethnic origin or they did not know enough about the housing situation of their clients.

We exclusively used the questionnaire targeting civil society representatives. Four of the seven interviews were conducted on the telephone. Four of our

¹⁴³ Verein Ketani, <http://www.sinti-roma.at/>

¹⁴⁴ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

interviewees were women; at least two were members of the Roma communities. Interviews lasted between thirty minutes and one hour and were conducted by two women, who are among the three authors of this study. We started doing the interviews on 17.02.2009, and the last interview was conducted on 13.03.2009.

2.2. Summary of main points including exemplary illustrative quotes

Four interviewees said that Roma would rather not identify as Roma. They would rather identify as Slovaks or Serbians in order to protect themselves against prejudice, stereotyping and discrimination.¹⁴⁵ One interviewee stated that Roma would therefore not use Romani in public.¹⁴⁶ Another woman observed that not many Roma in Burgenland saw it as important to pass Burgenland Romani on to their children and therefore not many would be interested in learning Romani.¹⁴⁷

The most common stereotypes faced by Roma are that they are 'lazy, dirty, unemployed and thieves.' 'If anything is gone – it's clear that the gypsy has taken it.'¹⁴⁸ That is why Roma continuously swear that they tell the truth and that they are not lying.¹⁴⁹ One interviewee was told by a Rom of former Yugoslavian origin: 'It has never helped us to reveal our Roma identity, it has always been better to say that we are "Yugos".'¹⁵⁰ Another interviewee revealed another reason for not revealing Roma or in this case Sinti identity: Traditional Sinti families have strict cleanliness rules, which make it impossible for them to live in the same house as a medical doctor or somebody working in a hospital. If their neighbours discovered they were Sinti, they might try to get a medical doctor to rent a flat in the apartment complex so that the Sinti family would have to move out.¹⁵¹

¹⁴⁵ Interview with a civil society representative in Vienna (27.02.2009), Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009), Interview with a representative of a counselling service in Burgenland (13.03.2009) and Interview with a representative of a civil society organisation in Tyrol (03.03.2009).

¹⁴⁶ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹⁴⁷ Interview with a representative of a counselling service in Burgenland (19.02.2009).

¹⁴⁸ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009). Also see: Interview with a representative of a counselling service in Burgenland (19.02.2009).

¹⁴⁹ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹⁵⁰ Interview with a representative of a civil society organisation in Tyrol (03.03.2009).

¹⁵¹ Interview with a representative of a counselling service in Burgenland (19.02.2009).

It is difficult to describe the general housing and accommodation situation of Roma in Austria. The housing situation is influenced by socio-economic factors (like education, employment, etc.) which determine social upward mobility,¹⁵² and besides there are also regional differences.¹⁵³

Burgenland: The two interviewees agreed that the housing situation of the autochthonous Roma was very similar to the Austrian majority population. The Roma neighbourhoods are not separated from the towns or villages. The only exception is the Roma settlement in Oberwart, where about 15 to 17 Roma families live. It is about one kilometre away from the town of Oberwart. The settlement was built at the beginning of the 1970s. It was built for Roma who were forced to move, as a new hospital was built in the spot where they used to live. The houses were not structurally sound. When four Roma of the settlement in Oberwart were killed by a bomb in February 1995, the federal government in cooperation with the municipality started to re-construct and renovate the buildings of the settlement.¹⁵⁴ Heating costs, unpaid bills and problems in school were the most common problems among the community.¹⁵⁵

There are hardly any Roma of migrant origin in Burgenland. Beggars of Romani origin from Slovakia sometimes come to the southern part of Burgenland, where there are no emergency shelters for the homeless.

Vienna: Two interviewees stated that the housing situation of Roma is comparable to the housing situation of other migrants. They live all over Vienna; the share of Roma is higher in districts with higher shares of migrants. They live in overcrowded and sub-standard flats, children often do not have peace and quiet to do their homework for school. Many people nevertheless would like to remain in these sub-standard flats as they are rather cheap.¹⁵⁶

Many clients of one of the organisations lived in community housing.¹⁵⁷ However, community housing has become quite expensive and is no longer affordable for people in need of a low-priced flat.¹⁵⁸ Access to community housing depends on legal residence status. Preconditions for access to community housing are five years of legal residence in Austria and two years of continuous residence at one specific address. This latter provision constitutes a decisive barrier for obtaining reasonably priced and standardised accommodation. Furthermore, a regular and verifiable income of a minimum of

¹⁵² These factors are mentioned in: Interview with a representative of a counselling service in Burgenland (19.02.2009), Interview with a civil society representative in Vienna (27.02.2009) and Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

¹⁵³ Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹⁵⁴ Interview with a board member of a Roma organisation in Burgenland (17.02.2009).

¹⁵⁵ Interview with a representative of a counselling service in Burgenland (19.02.2009).

¹⁵⁶ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹⁵⁷ Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹⁵⁸ Interview with a civil society representative in Vienna (27.02.2009).

EUR 400 per month is requested. In addition, visas of spouses are required by *Wiener Wohnen* [Viennese community housing organisation] even if they do not live in Austria. There are quite a few cases in which the request for obtaining a community flat was rejected due to 'unsettled family relationships'.¹⁵⁹

Sometimes clients have not been able to pay their electricity or gasoline bills or their rent for quite a long time. Such problems often occur in connection with other problematic situations like illness, unemployment or imprisonment. In rather few cases clients are about to lose their flat. These are very drastic and hopeless cases. Some do expect the state to care about them not losing their flat. Clients lack understanding of this system. The system is quite complicated as it includes many different institutions competent for different aspects of housing.¹⁶⁰

Upper Austria: In Linz most of the Roma and Sinti live in flats of a lower standard than others. After World War II they were resettled in specifically built settlements, most of them in the newly founded settlement area owned by the city of Linz. There are other groups of Roma and Sinti living scattered throughout Linz, most of them in comparably small flats, but not necessarily sub-standard. The living conditions of Roma and Sinti are inter alia also related to the lack of inherited land and/or houses. Some members of the community are semi-sedentary; they do have a flat but travel during the summer months.¹⁶¹

Groups of Roma have been passing through Upper Austria. Usually they are tolerated when they park their caravans in parking areas. Some approach campsites, where they are admitted access on a casual basis by the campsite owners. The interviewee mentioned three cities, where Roma regularly stopped when passing through: Linz, Braunau and Attnang-Puchheim. These sojourns often cause conflicts within municipalities because of complaints by local residents.¹⁶²

Tyrol: Roma of migrant origin live especially in the municipalities of Telfs, Imst, Zirl, Arzl and Innsbruck. Some live with their extended families. There are about 12 Roma from Slovakia, who search for temporary work in Innsbruck. They stay for about three weeks and then go back to Slovakia. They used to sleep in their cars; two years ago the *Caritas Integrationshaus* [Caritas Integration House] built containers where they can sleep. There are other Roma from Romania, Italy and Slovakia who travel back and forth and also seek temporary employment and/or want to stay in Austria, but they are not provided with temporary accommodation. They have access to emergency

¹⁵⁹ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹⁶⁰ Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹⁶¹ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

¹⁶² Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

accommodation, which is provided according to the principle first come, first serve. Most of the Roma are early-arrivals, they are sober and there are no drug addicts among them, which improves their access to such accommodation facilities.¹⁶³

Lately, there have been no groups of Roma passing through Tyrol on their traditional travelling routes through Europe. This happened for the last time in 2003, when about 50 people tried to park their caravans in Amras.

None of the organisations we addressed for interviews have a real focus on housing issues. Some of them provide assistance in gaining access to social and housing benefits by e.g. disseminating information, filling in forms, accompanying or referring clients to other competent organisations. The Roma organisations additionally involve themselves in awareness raising and empowerment activities, they are in contact with mayors and regional administrative authorities on a case by case basis and they deal with questions of general interest for the Roma population either in an informal or a formal way.¹⁶⁴ One organisation involves itself in neighbourhood conflicts and has supported Roma and Sinti when seeking accommodation.

None of the interviewees identified any national, regional or local housing and accommodation policies targeted at Roma. The only exception was in 1995 when a bomb killed four Roma in Oberwart. Then Federal Chancellor Franz Vranitzky of the Austrian Social Democratic Party visited the Roma settlement after the bomb attack and was quite shocked about the housing conditions. The federal government and then mayor Michael Racz of the Austrian People's Party started an initiative to improve the housing conditions. This housing initiative has generated envy among the Roma. Roma living in other villages did not understand why the Roma in Oberwart received so much money.¹⁶⁵ Programmes especially targeted at Roma would carry the risk of causing jealousy.¹⁶⁶ The most important measure to improve the housing situation of Roma is low-threshold legal and social counselling free of charge.¹⁶⁷

No examples of good practice were mentioned regarding the improvement of the housing situation of Roma. One interviewee said that some efforts have been undertaken to revitalise some houses in the Burgenland. These were private initiatives especially in those villages where mayors are more open-minded. Sometimes improving the housing situation would not be of much help as there were so many other problems that needed fixing.¹⁶⁸ Another

¹⁶³ Interview with a representative of a civil society organisation in Tyrol (03.03.2009).

¹⁶⁴ Interview with a board member of a Roma organisation in Burgenland (17.02.2009) and interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

¹⁶⁵ Interview with a representative of a counselling service in Burgenland (19.02.2009).

¹⁶⁶ Interview with a board member of a Roma organisation in Burgenland (17.02.2009).

¹⁶⁷ Interview with a representative of a counselling service for social affairs in Vienna (13.03.2009).

¹⁶⁸ Interview with a representative of a counselling service in Burgenland (19.02.2009).

interviewee mentioned a project aiming at the establishment of a ‘Passing Through Site’ in the city of Linz. The project was initiated as Linz is one of the cultural capitals of Europe in 2009 and the site should be an active sign of hospitality. In most other cases cultural capital cities had tried to translocate their Roma settlements to the outskirts in the course of the preparations for becoming cultural capital cities. In Vöcklabruck negotiations over the establishment of such a site had to be discontinued due to prevailing prejudice and racist hatred.¹⁶⁹

Almost all interviewees said that housing discrimination was an issue, although not all of them were able to identify specific examples. Sometimes it might be difficult for a Roma family – just like for aliens in general – to find accommodation because of prejudices.¹⁷⁰ One interviewee called the Roma the ‘underdogs among the migrants’.¹⁷¹ Although nobody in Burgenland would dare say in public that they would not rent their flat to a Roma family. There are no adverts stating that a flat would not be rented to Roma. Roma prefer living in the neighbourhood of Roma. In the 1990s the residents of the *Andreas-Hofer-Siedlung* in *Oberwart* collected signatures in order to prevent Roma from moving into houses in the neighbourhood.¹⁷² Some interviewees knew of neighbourhood conflicts. Roma are said to be too loud and leave their garbage on the hallway.¹⁷³ This was confirmed by another interviewee: Neighbourhood conflicts were mostly caused by complaints about noise, music, arguments, violence and by the mere number of people living in a flat. Many people of the Roma community live in intergenerational families, which results in seven to ten people living in a flat that would usually be inhabited by an Austrian family of four. Specific conflicts in community housing buildings were reported when Roma tenants overused common wash-kitchens,¹⁷⁴ using the washing facilities not only for their own laundry but also for their relatives.¹⁷⁵

Some of the interviewees reported discriminatory incidents affecting Roma travelling through Austria. One interviewee from Tyrol told us about an incident in 2003: A large group of about 50 Roma temporarily stayed on a field in Amras.¹⁷⁶ The owner of the field, a representative of the regional Freedom Party agitated against them and finally organised slurry to be dumped on the

¹⁶⁹ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

¹⁷⁰ Interview with a representative of a counselling service in Burgenland (19.02.2009), Interview with a civil society representative in Vienna (27.02.2009) and Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

¹⁷¹ Interview with a civil society representative in Vienna (27.02.2009).

¹⁷² See: <http://burgenland-roma.at/kids/his-b-021.htm> (21.03.2009).

¹⁷³ Interview with a representative of a civil society organisation in Vienna (25.02.2009).

¹⁷⁴ *presse.com* (25.03.2009) ‘Gemeindebau: Überwachung kommt, Probleme bleiben’, available at: <http://diepresse.com/home/panorama/oesterreich/372177/index.do> (21.03.2009)

¹⁷⁵ *kurier.at* (25.08.2008) ‘Waschküchen als Hochsicherheitstrakt’, available at: <http://www.kurier.at/nachrichten/wien/193107.php> (26.08.2008); *ORF ON* (25.08.2008) ‘Waschküchen als Hochsicherheitstrakt’, available at: <http://oesterreich.orf.at/wien/stories/302667/> (24.03.2009).

¹⁷⁶ Interview with a representative of a civil society organisation in Tyrol (03.03.2009).

field, where the Roma settled, on 10.06.2003.¹⁷⁷ Another interviewee mentioned conflicts about camping opportunities for Roma and Sinti travellers in the municipality of Attnang-Puchheim in the district of Vöcklabruck in Upper Austria. First they were shut out from a parking site of a leisure centre. A member of the municipal council established a working group in cooperation with a Roma organisation. Few people participated and stated they were not against Roma and Sinti, but they did not want them to be close to their communities. When a space had been found, the mayor denied authorising the water supply and the local residents agitated against it: 'If the site is built, we will have to put five door locks in place to protect ourselves against the Roma.' The negotiations had to be discontinued. Currently, a site close to the highway is in debate. Local residents are already complaining because they are afraid that the value of their property might severely depreciate.¹⁷⁸

¹⁷⁷ *Tiroler Tageszeitung*, 'Mit Jauche Wildcamper vertrieben', without date and page.

¹⁷⁸ Interview with a representative of a Roma organisation in Upper Austria (03.03.2009).

Annexes

Annex 1 – Statistical data and tables

Table 1: Population by nationality (2000-2007).....	53
Table 2: Population on 01.01.2008 by nationality and country of birth	54
Table 3: Quality of a flat according to furnishing categories	56
Table 4: Furnishing category of dwellings used as main residence by nationality (2001)	57
Table 5: Furnishing category of dwellings used as main residence by nationality (1991)	58
Table 6: Furnishing category of dwellings used as main residence by country of birth and by nationality (2001).....	59
Table 7: Legal status as regards housing by citizenship (in per cent) (2004-2007).....	62
Table 8: Financial restrictions on basic requirements and consumer goods by citizenship (in per cent) (2004-2007)	63
Table 9: Housing problems by citizenship (in per cent) (2004-2007)	65
Table 10: Satisfaction with living conditions by citizenship (in per cent) (2004-2007)....	66
Table 11: Declared Romani speakers in Austria, census 2001	67
Table 12: Furnishing category of dwellings used as main residence by language (2001).	68
Table 13: Evictions 2001-2005.....	70
Table 14: Groups people would not like to live next to by gender and federal province ..	71
Table 15: Groups, people would not like to live next to by size of place of residence.....	71
Case No 1 – ‘No gypsies at the campsite’	73
Case No 2 – ‘Only roadworthy caravans are caravans’	75

Annex 1 – Statistical data and tables

Table 1: Population by nationality (2000-2007)

Year	Total	Austria		Former Yugoslavia		Turkey		Other nationals	
		Absolute	Per cent	Absolute	Per cent	Absolute	Per cent	Absolute	Per cent
2000	8,011,566	7,309,798	91.2	322,240	4.0	127,264	1.6	252,264	3.1
2001	8,043,046	7,324,787	91.1	316,905	3.9	126,865	1.6	274,489	3.4
2002	8,083,797	7,340,542	90.8	314,088	3.9	126,830	1.6	302,337	3.7
2003	8,117,754	7,358,178	90.6	313,925	3.9	124,841	1.5	320,810	4.0
2004	8,174,733	7,398,586	90.5	311,067	3.8	119,971	1.5	345,109	4.2
2005	8,233,306	7,431,685	90.3	310,195	3.8	115,473	1.4	375,953	4.6
2006	8,281,948	7,464,412	90.1	305,656	3.7	110,994	1.3	400,886	4.8
2007	8,315,379	7,475,132	89.9	301,775	3.6	109,295	1.3	429,177	5.2

Source: Statistik Austria, *Statistisches Jahrbuch 2009*, Table 2.14: *Bevölkerung im Jahresdurchschnitt seit 1981 nach ausgewählten Staatsangehörigkeiten und Bundesländern*, pp. 49-50, available at: http://www.statistik.at/web_de/services/stat_jahrbuch/index.html (17.03.2009), and own calculations.

Table 2: Population on 01.01.2008 by nationality and country of birth

Nationality/ country of birth	Nationality		Country of birth	
	Absolute	Per cent	Absolute	Per cent
Total	8.331.930	100,0	8.331.930	100,0
Austria (natives)	7.477.178	89,7	7.066.507	84,8
Non-Austrians (aliens)	854.752	10,3	1.265.423	15,2
Europe	741.319	8,9	1.083.271	13,0
EU-Member States (14)	174.807	2,1	250.762	3,0
EU-Member States since 01.02.2004 (10)	90.093	1,1	182.655	2,2
Poland	36.775	0,4	57.301	0,7
Slovakia	16.255	0,2	21.011	0,3
Slovenia	7.131	0,1	16.012	0,2
Czech Republic	8.559	0,1	50.525	0,6
Hungary	19.938	0,2	35.856	0,4
EU-Member States since 01.01.2007	36.792	0,4	66.354	0,8
Bulgaria	8.080	0,1	11.878	0,1
Rumania	28.712	0,3	54.476	0,7
Former Yugoslavia	292.169	3,5	375.609	4,5
Bosnia and Herzegovina	85.215	1,0	133.023	1,6
Croatia	56.695	0,7	35.512	0,4
Macedonia	16.567	0,2	17.496	0,2
Serbia and Montenegro	133.692	1,6	189.578	2,3
Other European countries	147.458	1,8	207.891	2,5
Russian Federation	20.064	0,2	24.482	0,3
Ukraine	5.093	0,1	6.604	0,1
Turkey	109.716	1,3	156.435	1,9
Africa	21.486	0,3	39.579	0,5
America	17.748	0,2	28.913	0,3
Asia	58.361	0,7	101.873	1,2
Oceania	1.360	0,0	2.551	0,0

Stateless	2.920	0,0	--	
Unsettled	9.528	0,1	--	
Unknown	2.030	0,0	9.236	0,1

Source: Statistik Austria, *Statistisches Jahrbuch 2009*, Table 2.15: *Bevölkerung am 1.1.2008 nach Staatsangehörigkeit und Bundesländern* and Table 2.16: *Bevölkerung am 1.1.2008 nach Geburtsland und Bundesländern*, pp. 51-52, available at: http://www.statistik.at/web_de/services/stat_jahrbuch/index.html (17.03.2009), and own calculations.

Table 3: Quality of a flat according to furnishing categories¹⁷⁹

	Category A	Category B	Category C	Category D
Acceptable condition	✓	✓	✓	--
Minimum size	30 m ²	--	--	--
One room	✓	✓	--	--
Kitchen/kitchenette	✓	✓	--	--
Hallway	✓	✓	--	--
Toilet	✓	✓	✓	X
Bathroom/bathing facility	✓ (of contemporary standard)	✓ (of contemporary standard)	--	--
Heating	Central heating or self-contained central heating or an equivalent kind of heating	--	--	--
Water from the tap	Self-contained water heater	✓	✓	X
Amount of € per m ²	3.08	2.31	1.54	0.77

✓ required, -- not required, X alternatively required

¹⁷⁹ These furnishing categories are defined in art 15a, Tenancy Act (*Mietrechtsgesetz*) – Austria/BGBl 520/1989 (01.12.1989) last amended by Austria/BGBl II 295/2008 (22.08.2008).

Table 4: Furnishing category of dwellings used as main residence by nationality (2001)

Nationality of the representative of the household	Total	Category A	Category B	Category C	Category D
	Absolute	in per cent			
Total	3,307,780	86.7	9.0	1.0	3.3
Austria	3,069,617	87.9	8.6	1.0	2.5
EU	46,782	89.8	7.6	0.6	2.0
Germany	32,309	89.6	8.1	0.6	1.7
Italy	4,812	88.5	8.0	0.9	2.6
Other EU-Member States	9,661	90.9	5.8	0.6	2.7
Non-EU	191,381	67.8	14.8	1.3	16.2
Bosnia and Herzegovina	34,296	71.2	16.5	0.9	11.5
Serbia and Montenegro	47,413	55.2	15.8	2.2	26.8
Croatia	19,589	74.0	13.0	1.0	12.0
Macedonia	4,142	60.7	17.8	0.9	20.6
Slovenia	2,450	75.0	13.6	1.6	9.8
Poland	7,886	73.3	10.6	0.9	15.3
Romania	5,323	76.6	15.4	0.7	7.3
Switzerland	2,528	88.4	9.1	0.4	2.1
Slovakia	2,281	82.0	7.5	1.0	9.5
Czech Republic	2,218	81.5	9.1	1.4	8.0
Turkey	35,489	61.5	19.0	1.2	18.4
Hungary	3,770	83.1	9.0	1.0	6.9
USA	2,388	91.2	6.6	0.3	1.8
Other states, unknown	21,608	80.2	9.3	1.1	9.4

Source: Statistik Austria (2007) Hauptwohnsitzwohnungen 2001 und 1991 nach Ausstattungskategorien und Staatsangehörigkeit des Haushaltsrepräsentanten, available at:

http://www.statistik.at/web_de/statistiken/wohnen_und_gebaeude/bestand_an_gebaeuden_und_wohnungen/hauptwohnsitz-wohnungen/index.html
(17.03.2009)

Table 5: Furnishing category of dwellings used as main residence by nationality (1991)

Nationality of the representative of the household	Total	Category A	Category B	Category C	Category D
	Absolute	in per cent			
Total	2,972,222	67.2	16.6	4.8	11.4
Austria	2,819,501	68.7	16.6	4.7	10.0
Germany	24,454	70.8	16.8	3.6	8.8
Italy	3,465	67.0	16.2	4.8	12.0
(Former) Yugoslavia	59,503	23.6	15.4	9.8	51.2
Liechtenstein	168	79.8	14.3	1.2	4.8
Switzerland	1,894	73.0	14.5	3.5	9.1
(Former) Czechoslovakia	2,770	52.5	18.8	6.3	22.4
Hungary	2,673	57.0	17.4	4.2	21.4
Other European states	15,107	53.6	17.0	4.4	25.0
Turkey	27,744	22.6	21.4	8.2	47.8
Other states, unknown	14,943	56.4	14.5	3.8	25.4

Source: Statistik Austria (2007) Hauptwohnsitzwohnungen 2001 und 1991 nach Ausstattungskategorien und Staatsangehörigkeit des Haushaltsrepräsentanten, available at:

http://www.statistik.at/web_de/statistiken/wohnen_und_gebaeude/bestand_an_gebaeuden_und_wohnungen/hauptwohnsitz-wohnungen/index.html
(17.03.2009)

Table 6: Furnishing category of dwellings used as main residence by country of birth and by nationality (2001)

Country of birth of the representative of the household	Total	Category A	Category B	Category C	Category D
	Absolute	in per cent			
Total					
Total	3,307,780	86.7	9.0	1.0	3.3
Austria	2,865,547	88.1	8.6	1.0	2.4
EU	94,544	87.8	9.3	0.9	2.0
Germany	65,804	89.0	8.4	0.8	1.9
Italy	15,117	80.6	16.2	1.3	2.0
Other EU-Member States	13,623	90.5	6.2	0.6	2.7
Non-EU	347,689	75.6	11.9	1.2	11.3
Bosnia and Herzegovina	52,826	72.9	14.7	0.9	11.5
Serbia and Montenegro	65,038	63.1	13.9	1.9	21.1
Croatia	17,458	79.7	10.9	1.1	8.3
Macedonia	5,211	63.7	15.8	0.9	19.7
Slovenia	10,615	82.3	11.9	1.3	4.5
Poland	20,095	82.0	8.5	1.0	8.5
Rumania	18,046	84.2	10.6	0.8	4.4
Switzerland	4,871	89.6	8.1	0.6	1.7
Slovakia	7,261	86.4	7.0	1.2	5.4
Czech Republic	32,372	85.8	8.8	1.4	4.0
Turkey	49,264	65.4	16.6	1.2	16.8
Hungary	14,870	85.6	9.1	1.1	4.3
USA	2,630	91.0	6.5	0.4	2.1
Other states, unknown	47,132	85.0	7.3	1.0	6.7
Austrians					
Total	3,069,617	87.9	8.6	1.0	2.5
Austria	2,855,244	88.1	8.6	1.0	2.4
EU	54,415	86.0	10.9	1.1	2.0
Germany	38,496	88.0	9.0	1.0	2.0
Italy	10,834	77.5	19.3	1.5	1.7

Other EU-Member States	5,085	89.5	7.3	0.7	2.6
Non-EU	159,958	84.8	8.5	1.2	5.6
Bosnia and Herzegovina	8,730	81.0	9.3	0.8	8.9
Serbia and Montenegro	19,800	81.4	9.0	1.3	8.3
Croatia	8,014	86.5	7.9	0.9	4.7
Macedonia	1,049	76.0	7.9	0.7	15.4
Slovenia	8,313	84.3	11.3	1.3	3.1
Poland	11,687	87.6	7.2	1.1	4.1
Rumania	12,148	87.8	8.3	0.8	3.0
Switzerland	2,993	89.8	8.0	0.8	1.4
Slovakia	4,909	88.2	6.8	1.4	3.6
Czech Republic	29,268	86.2	8.7	1.5	3.7
Turkey	15,246	74.9	10.9	1.2	13.0
Hungary	10,760	86.7	8.9	1.1	3.3
USA	815	89.6	7.2	0.9	2.3
Other states, unknown	26,226	87.8	6.4	1.0	4.8
Aliens					
Total	238,163	72.1	13.4	1.2	13.4
Austria	10,303	78.1	12.0	0.9	9.0
EU	40,129	90.3	7.2	0.6	2.0
Germany	27,308	90.3	7.5	0.5	1.6
Italy	4,283	88.5	8.1	0.8	2.6
Other EU-Member States	8,538	91.2	5.6	0.5	2.7
Non-EU	187,731	67.9	14.8	1.3	16.1
Bosnia and Herzegovina	44,096	71.3	15.8	0.9	12.0
Serbia and Montenegro	45,238	55.0	16.0	2.2	26.7
Croatia	9,444	73.8	13.5	1.3	11.4
Macedonia	4,162	60.5	17.7	1.0	20.8
Slovenia	2,302	74.8	13.8	1.7	9.7
Poland	8,408	74.1	10.5	0.9	14.6
Rumania	5,898	76.8	15.2	0.8	7.2
Switzerland	1,878	89.1	8.3	0.3	2.2

Slovakia	2,352	82.4	7.3	0.9	9.3
Czech Republic	3,104	82.3	9.8	1.4	6.6
Turkey	34,018	61.1	19.2	1.2	18.5
Hungary	4,110	82.7	9.4	1.0	6.8
USA	1,815	91.6	6.2	0.2	2.0
Other states, unknown	20,906	81.6	8.4	0.9	9.1

Source: Statistik Austria (2007) *Hauptwohnsitzwohnungen 2001 nach Ausstattungskategorien, Geburtsland und Staatsangehörigkeit des Haushaltsrepräsentanten*, available at:
http://www.statistik.at/web_de/statistiken/wohnen_und_gebaeude/bestand_an_gebaeuden_und_wohnungen/hauptwohnsitz-wohnungen/index.html
(17.03.2009)

Table 7: Legal status as regards housing by citizenship (in per cent) (2004-2007)

	2004			2005			2006			2007		
	Total	Aliens	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens
Owner of the house	49	11	dna	48	8	14	49	11	13	49	13	16
Owner of the flat	10	5	dna	10	11	11	10	8	13	10	10	18
Communal housing	7	11	dna	6	10	19	7	12	21	6	12	24
Co-operative flat	11	11	dna	12	11	17	12	13	14	12	14	17
Other main/sub-tenancy	18	57	dna	17	57	36	16	53	37	17	49	22
House/flat without rent	6	4	dna	6	3	(2) ¹⁸⁰	6	2	(2)	6	2	(3)

Source: Statistik Austria (2006) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2004*, p. 146, available at: http://www.statistik.at/web_de/Redirect/index.htm?dDocName=009803 (19.03.2009), Statistik Austria (2007) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2005*, p. 155, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=312 (19.03.2009), Statistik Austria (2008) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2006*, p. 162, available at: http://www.statistik.gv.at/web_de/dynamic/services/publikationen/6/publdetail?id=6&listid=6&detail=459 (19.03.2009), Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 154, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009)

¹⁸⁰ Numbers in brackets are based on a very small number of cases.

Table 8: Financial restrictions on basic requirements and consumer goods by citizenship (in per cent) (2004-2007)

Cannot afford ...	2004			2005			2006			2007		
	Total	Aliens	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens
going on vacation	25	44	38	25	37	33	26	46	36	26	42	38
eating meat/ fish every second day	9	22	14	9	16	12	9	16	16	8	13	12
buying new clothes	8	23	20	7	16	11	5	10	6	7	15	12
adequate heating of flat	2	6	4	3	6	7	4	8	(2) ¹⁸¹	3	6	7
making unexpected payments	20	47	43	25	60	49	26	63	50	29	65	54
to make payments which have already been due	3	9	9	3	6	6	3	11	7	4	10	11

Source: Statistik Austria (2006) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2004*, p. 110, available at: http://www.statistik.at/web_de/Redirect/index.htm?dDocName=009803 (19.03.2009), Statistik Austria (2007) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2005*, p. 116, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=312 (19.03.200), Statistik Austria (2008) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2006*, p. 124, available at: http://www.statistik.gv.at/web_de/dynamic/services/publikationen/6/publdetail?id=6&listid=6&detail=459 (19.03.2009), Statistik Austria (2009)

¹⁸¹ Numbers in brackets are based on a very small number of cases.

*Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007, p. 114, available at:
http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514
(19.03.2009)*

Table 9: Housing problems by citizenship (in per cent) (2004-2007)

Housing problems	2004			2005			2006			2007		
	Total	Aliens	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens
Overcrowded	7	40	29	6	40	27	7	44	26	7	42	27
No bath room/toilet	3	14	8	2	9	(5) ¹⁸²	1	7	(2)	2	8	6
Humidity, mould	10	19	16	10	11	12	10	20	15	9	17	10
Dark rooms	6	13	11	7	14	16	7	12	11	6	10	12
Vermin	nda	nda	nda	nda	nda	nda	nda	nda	nda	3	(4)	7
Noisy neighbourhood	21	24	21	21	24	30	19	27	24	20	25	36
Pollution of air and environment	10	9	10	9	8	13	8	9	14	8	10	17
Neighbourhood with high crime rate	10	12	13	13	8	17	12	8	14	11	10	18

Source: Statistik Austria (2006) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2004*, p. 114, available at: http://www.statistik.at/web_de/Redirect/index.htm?dDocName=009803 (19.03.2009), Statistik Austria (2007) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2005*, p. 120, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=312 (19.03.2009), Statistik Austria (2008) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2006*, p. 128, available at: http://www.statistik.gv.at/web_de/dynamic/services/publikationen/6/publdetail?id=6&listid=6&detail=459 (19.03.2009), Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 118, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009)

¹⁸² Numbers in brackets are based on a very small number of cases.

Table 10: Satisfaction with living conditions by citizenship (in per cent) (2004-2007)

	2004			2005			2006			2007		
	Total	Aliens	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens	Total	Aliens (outside EEA)	Naturalised citizens
very/quite unsatisfied	3	15	8	3	9	(9) ¹⁸³	3	11	(6)	3	12	10
rather unsatisfied	5	14	10	5	14	8	5	15	10	4	11	11
rather satisfied	13	21	14	14	24	20	12	19	19	14	25	20
very/quite satisfied	79	50	68	79	54	63	80	56	65	78	51	58
Median	5.1	4.2	4.7	5.1	4.4	4.6	5.1	4.3	4.6	5.1	4.3	4.5

Source: Statistik Austria (2006) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2004*, p. 116, available at: http://www.statistik.at/web_de/Redirect/index.htm?dDocName=009803 (19.03.2009), Statistik Austria (2007) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2005*, p. 122, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=312 (19.03.2009), Statistik Austria (2008) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2006*, p. 130, available at: http://www.statistik.gv.at/web_de/dynamic/services/publikationen/6/publdetail?id=6&listid=6&detail=459 (19.03.2009), Statistik Austria (2009) *Einkommen, Armut und Lebensbedingungen: Ergebnisse aus EU-SILC 2007*, p. 120, available at: http://www.statistik.at/web_de/dynamic/statistiken/soziales/armut_und_soziale_eingliederung/publdetail?id=152&listid=152&detail=514 (19.03.2009)

¹⁸³ Numbers in brackets are based on a very small number of cases.

Table 11: Declared Romani speakers in Austria, census 2001

Country of origin	Total population		German only		Romani	
	Absolute	per cent	Absolute	per cent	Absolute	per cent
Total	8,032,926	100.0	7,115,780	100.0	6,273	100.0
Born in Austria	6,913,512	86.1	6,745,701	94.8	1,732	27.6
Born abroad	408,488	5.1	245,687	3.5	2,616	41.7
Aliens	710,926	8.9	124,392	1.7	1,925	30.7

Source: Statistik Austria (2002) *Volkszählung 2001. Hauptergebnisse I – Österreich, Wien: Verlag Österreich, Table 14: Bevölkerung nach Umgangssprache, Staatsangehörigkeit und Geburtsland*, pp. 76-77, available at: http://www.statistik.at/web_de/dynamic/statistiken/bevoelkerung/volkszaehlungen/publdetail?id=22&listid=22&detail=30 (17.03.2009), and own calculations.

Table 12: Furnishing category of dwellings used as main residence by language (2001)

Language of the representative of the household	Total	Category A	Category B	Category C	Category D
	Absolute	in per cent			
Total					
Total	3,307,780	86.7	9.0	1.0	3.3
German	2,995,968	88.0	8.6	1.0	2.4
Croatian spoken By Croats in the Burgenland	9,425	86.3	10.2	0.6	2.9
Romani	2,017	79.9	11.5	1.2	7.4
Slovakian	3,459	83.9	7.3	1.1	7.7
Slovenian	10,405	80.2	13.3	1.5	5.0
Czech	7,462	85.4	7.6	1.5	5.5
Hungarian	16,756	85.2	9.0	1.0	4.9
Slovenian spoken by Carinthian Slovenes	310	73.2	17.7	2.6	6.5
Bosnian	10,523	74.7	15.1	0.6	9.5
Croatian	44,144	74.8	13.4	0.9	10.8
Macedonian	1,693	66.0	12.7	1.1	20.3
Serbian	65,954	61.2	13.7	2.0	23.1
Turkish	50,718	65.4	16.4	1.2	17.0
Kurdish	595	82.5	10.3	1.8	5.4
English	22,414	88.9	6.6	0.7	3.8
French	3,718	89.6	6.5	0.8	3.1
Italian	4,626	88.4	8.4	1.0	2.2
Albanian	6,497	66.0	19.9	0.9	13.2
Bulgarian	1,907	85.1	8.1	0.5	6.4
Danish	277	94.9	3.6	0.4	1.1
Finish	304	90.5	6.3	0.3	3.0
Greek	1,213	86.7	6.4	0.6	6.3
Dutch/Flemish	1,342	91.2	6.1	0.7	1.9
Norwegian	195	91.8	6.7	0.5	1.0

Polish	11,940	80.0	8.3	0.8	10.8
Portuguese	960	87.6	8.8	0.5	3.1
Rumanian	5,386	78.7	13.4	0.7	7.2
Russian, Ukrainian, Belorussian	2,661	88.2	6.0	0.9	4.9
Swedish	848	93.0	5.3	0.5	1.2
Spanish	3,048	89.6	6.8	0.7	2.9
Other European languages	612	86.1	8.7	0.7	4.6
Arabian	5,811	80.2	8.4	1.7	9.6
African languages	556	79.9	7.9	1.8	10.4
Chinese	2,847	83.4	5.6	0.9	10.1
Hebrew	324	86.4	8.0	0.3	5.2
Indian ¹⁸⁴	1,072	78.1	6.3	1.0	14.6
Indonesian	913	88.7	6.5	0.5	4.3
Japanese	481	88.1	4.2	0.6	7.1
Korean	3,343	85.9	6.5	0.9	6.7
Persian	1,678	90.2	3.8	0.7	5.4
Thai	292	78.1	12.3	0.7	8.9
Vietnamese	779	85.8	6.9	1.2	6.2
Other Asian languages	2,300	79.3	8.1	1.1	11.5
Other languages	7	85.7	0.0	14.3	0.0

Source: Statistik Austria (2007) *Hauptwohnsitzwohnungen 2001 nach Ausstattungskategorien und Umgangssprache des Haushaltsrepräsentanten*, available at: http://www.statistik.at/web_de/statistiken/wohnen_und_gebaeude/bestand_an_gebaeuden_und_wohnungen/hauptwohnsitzwohnungen/index.html (17.03.2009)

¹⁸⁴ This category is used by *Statistics Austria*, although there is no Indian language.

Table 13: Evictions 2001-2005

Year	Number of proceedings	Number of executed evictions (estimated)	Number of households affected (estimated)	Number of homeless as a consequence of evictions (estimated)
2001	27,740	12,483	11,235	22,807
2002	45,731	20,579	18,521	37,598
2003	46,671	21,002	18,902	38,371
2004	48,036	21,616	19,454	39,492
2005	47,912	21,560	19,404	39,390
2006	42,514	13,460	12,120	224,500

Source: A. Schoibl, H. Schoibl (2006) Wohnungslosigkeit in Österreich: Grundausswertung der quantitativen Angaben, aus der Fragebogenerhebung, Wohnungslosenhilfe und gesundheitsbezogene Dienstleistungen für wohnungslose Menschen, available at: http://www.helixustria.com/uploads/media/Kurzbericht_zu_Wohnungslosigkeit_in__sterreich_06-12.pdf (19.03.2009) and H. Schoibl (2008) Mutual Progress on Homelessness through Advancing and Strengthening Information Systems – Nationales Positionspapier Österreich, available at: http://www.bawo.at/fileadmin/user_upload/public/Dokumente/Projekte/M-Phasis/mphasis_-_short_report_-_austria.pdf (19.03.2009)

Table 14: Groups people would not like to live next to by gender and federal province

Not as neighbours	Total N = 1,400	Gender		Federal province				
		Men n = 667	Women n = 733	Vienna n = 289	Lower Austria/ Burgen- land n = 315	Styria/ Carinthia n = 308	Upper Austria/ Salzburg n = 319	Tyrol/ Vorarl- berg n = 169
Right wing extremists	60	63	56	68	60	53	58	60
People that are often drunk	53	49	56	57	54	55	52	41
Drug addicts	53	54	52	59	53	53	47	52
Left wing extremists	50	52	47	50	53	46	50	49
People previously convicted	27	25	28	27	27	26	28	26
'Gypsies'	25	24	26	20	23	26	30	23
Homosexuals	25	31	21	13	31	34	22	25
People that are mentally ill	18	19	18	20	17	20	18	16
People having AIDS	17	20	15	11	16	20	20	21
Muslims	15	16	15	9	13	19	17	22
Foreigners	12	13	11	10	12	16	12	9
Guest workers	9	10	8	10	8	11	8	6
Jews	8	9	8	7	8	13	8	5
People of a different skin colour	7	7	6	4	7	9	8	4
People with many kids	4	5	3	6	4	5	2	3
No answer	10	9	10	9	11	11	11	6
Total	393	406	380	380	397	417	391	368

Source: Wertestudie 1999, Question 7: Could you name all groups of people you would NOT like to live next to?, available at: <http://www.pastoral.univie.ac.at/studien/werte-data/pdf/frage7.pdf> (17.03.2009)

Table 15: Groups, people would not like to live next to by size of place of residence

Not as neighbours	Total N = 1,400	Size of place of residence (number of inhabitants)							
		Up to 2,000	2,001- 5,000	5,001- 10,000	10,001 -20,000	20,001- 50,000	50,001- 100,000	100,001- 500,000	More than 500,000
		n = 291	n = 322	n = 142	n = 97	n = 85	n = 56	n = 119	n = 289
Right wing extremists	60	56	59	49	51	64	54	67	68
People that are often drunk	53	49	46	50	59	62	58	58	57
Drug addicts	53	55	52	43	48	60	47	49	59
Left wing extremists	50	50	51	43	41	59	47	54	50
People previously convicted	27	31	27	27	16	35	21	21	27
'Gypsies'	25	30	29	28	16	27	26	16	20
Homosexuals	25	36	31	28	10	28	24	14	13
People that are mentally ill	18	23	17	15	11	15	28	16	20
People having AIDS	17	24	19	21	10	22	26	5	11
Muslims	15	20	19	17	7	19	22	10	9
Foreigners	12	17	11	12	7	18	21	6	10
Guest workers	9	10	6	9	4	11	17	8	10
Jews	8	15	8	4	3	11	15	2	7
People of a different skin colour	7	10	6	7	3	10	19	4	4
People with many kids	4	4	3	2	1	4	19	3	6
No answer	10	8	11	12	13	9	19	5	9
Total	393	438	395	367	309	454	463	338	380

Source: Wertestudie 1999, Question 7: Could you name all groups of people you would NOT like to live next to?, available at: <http://www.pastoral.univie.ac.at/studien/werte-data/pdf/frage7.pdf> (17.03.2009)

Annex 2 – Court, specialised body or tribunal decisions

Case No 1 – ‘No gypsies at the campsite’

Case title	‘No gypsies at the campsite’
Decision date	29.11.2006
Reference details (type and title of court/body; in original language and English [official translation, if available])	<i>Unabhängiger Verwaltungssenat</i> (UVS) Tirol [Independent Administrative Tribunal Tyrol] GZ 2006/20/0477-3
Key facts of the case (max. 500 chars)	In 2005, a sign saying ‘Kein Platz für Zigeuner, Nessun posto per i gypsies [No place for gypsies]’ was spotted on a camping site in Eastern Tyrol. The owner argued that he aimed at protecting his guests against ‘gypsies’, whom he considered as a threat. According to the Tyrolean Act on Camping, owners of camping sites are obliged to protect people residing on the site against threats. ¹⁸⁵ The competent <i>Bezirksverwaltungsbehörde</i> [district administration authority] fined the owner of the campsite € 450 according to Article IX EGVG, ¹⁸⁶ a decision he appealed to the Independent Administrative Tribunal.
Main reasoning/argumentation (max. 500 chars)	The tribunal referred to the penal administrative provision the district administration authority had based the fine on, stating that any treatment of persons in a discriminatory manner without justification on the sole ground of their race, colour, national or ethnic origin, religion, creed or disability or preventing them from entering places or making use of services which are intended for the general public use is an administrative offence, which can be fined with up to € 1,090.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The tribunal made clear that the signs that had been put up at the campsite, which was open to the public, clearly excluded Roma from accessing the site. The wording ‘gypsies’ was addressing a specific group of people based on their ethnic origin and therefore prevented them from entering a public ground. The tribunal took into account that the camp site owner had had bad experiences with Roma and nonetheless assessed the

¹⁸⁵ *Gesetz vom 21. März 2001 über die Regelung des Campingwesens in Tirol (Tiroler Campinggesetz 2001)*, Tyrol/LGBI 37/2001 (01.06.2001).

¹⁸⁶ *Einführungsgesetz zu den Verwaltungsverfahrensgesetzen*, Austria/BGBI. I 87/2008, now Article III para 1 no 3.

	<p>exclusion of a whole group of people only on grounds of their ethnic origin as discriminatory and unlawful.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The tribunal reaffirmed the fine that was imposed on the campsite owner by the district administration authority amounting to € 450 and imprisonment in lieu of payment. The case caused a request by the Ombudsman for Equal Treatment to the Equal Treatment Commission on clarifying the question of whether the wording ‘Zigeuner’ [gypsy] was discriminatory as such. The ETC issued an opinion, in which it clearly stated that the use of the word ‘Zigeuner’ was considered to be discriminatory.¹⁸⁷</p>

¹⁸⁷ Austria/GBK III, Gutachten gemäß § 11 Abs. 1 GBK/GAW-Gesetz – GBK III/7, available at: <http://www.frauen.bka.gv.at/DocView.axd?CobId=21410> (19.03.2009)

Case No 2 – ‘Only roadworthy caravans are caravans’

Case title	‘Only roadworthy caravans are caravans’
Decision date	16.01.1995
Reference details (type and title of court/body; in original language and English [official translation, if available])	<i>Unabhängiger Verwaltungssenat</i> (UVS) Burgenland [Independent Administrative Tribunal Burgenland] GZ 10/01/94004 <i>Verwaltungsgerichtshof (VwGH)</i> [Administrative Court] Slg 9772 A/1979
Key facts of the case (max. 500 chars)	The appellant had placed a ‘caravan’ on a piece of land and was fined for this according to provisions on the protection of nature and landscape, ¹⁸⁸ which prohibits the placing of caravans or mobile homes outside officially authorised campsites. He argued that the ‘caravan’ was not to be considered as a caravan in the meaning of the legislation in force as it was not roadworthy.
Main reasoning/argumentation (max. 500 chars)	The tribunal in its argumentation referred to a previous judgement of the Administrative Court, in which the Court had stated that a caravan had only then to be considered a caravan in the meaning of the provisions if it fulfilled the criteria of registration (according to the <i>Kraftfahrzeuggesetz</i> [Act on Motor Vehicles]) ¹⁸⁹ in Austria. The fact that the ‘caravan’ in question was not equipped with a system of brakes and did not have functioning lights was taken into account in the decision and the caravan was therefore not considered to be a caravan.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	A caravan has only then to be considered a caravan according to the provisions of the legislation in force, when it fulfils the criteria of registration (according to the <i>Kraftfahrzeuggesetz</i> [Act on Motor Vehicles]) ¹⁹⁰ in Austria.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The appeal was accepted by the tribunal, the fine was cancelled and the proceedings were terminated. The case can serve for clarifications, which legislation is applicable, in cases, in which the legal qualification of a building, mobile home or a caravan is doubtful.

¹⁸⁸ Article 12 para 1, *Gesetz vom November 1990 über den Schutz und die Pflege der Natur und Landschaft im Burgenland* (*Burgenländisches Naturschutz- und Landschaftspflegegesetz - NG 1990*), Burgenland/LGBI 27/1991 as last amended by LGBI 27/1991 (26.02.2009).

¹⁸⁹ *Bundesgesetz vom 23. Juni 1967 über das Kraftfahrwesen* (*Kraftfahrzeuggesetz 1967 – KFG. 1967*), Austria/BGBI 267/1967 as last amended by BGBI I 6/2008 (28.07.1967).

¹⁹⁰ *Bundesgesetz vom 23. Juni 1967 über das Kraftfahrwesen* (*Kraftfahrzeuggesetz 1967 – KFG. 1967*), Austria/BGBI 267/1967 as last amended by BGBI I 6/2008 (28.07.1967).

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