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# Annual Report 2014

## Imprint

Litigation Association of NGOs Against Discrimination

(Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopiern)

Address: see above

## Bank Details

Bank Austria

IBAN: AT34 12000507 8666 9801

BIC: BKAUATWW

Translation: Alexandra Mitterer

The Litigation Association is financially supported by:



Gefördert vom  
Fonds Soziales Wien,  
aus Mitteln der Stadt Wien.

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## **FOREWORD**

### **Dear Readers,**

No respite. We are writing history. That was the motto of the 10<sup>th</sup> anniversary of Klagsverband in 2014. At the same time, we took a look back at ten years of the “new” Equal Treatment Act. It should be clear that, for us, it was not about kicking back and relaxing, but about our refusal to be satisfied with the status quo. After ten years, Klagsverband seems to have become an institution, a part of the framework of Austria – or even Europe. There is some danger in this sort of situation when you are also fighting for equality and the implementation of anti-discriminatory laws. After all, our goal has to be not to integrate ourselves in discriminatory systems, or even to accept them. However, this danger is extremely small in the case of Klagsverband. The given legal situation and implementation are such that we cannot even have a short period of respite. Lawmakers have neglected necessary reforms and logical improvements for far too long, and too many courts struggle to implement the law in a consistent and effective manner.

However, we can still make use of existing law. For example, in 2014, lawsuits brought forth or supported by Klagsverband resulted in the Tyrolean school assistance aid program and the Lower Austrian commuter tax allowance program also benefitting so-called “third-country nationals” in conformity with the law, provided that these individuals meet standard requirements for these benefits.

In the tenth year of its existence, Klagsverband has kept its pioneering spirit in other ways as well: as the first Austrian institution, it filed a complaint with the Convention on the Rights of Persons with Disabilities (CRPD) of the United Nations. If any new opportunities to utilize or interpret the law should arise, we will seize them. That four new members have joined our organization shows that Klagsverband has not yet exhausted its own potential for future growth.

There is one important thing you can do to help us keep going: Keep the faith – without respite!

Best regards,  
Dieter Schindlauer, President

## **10 YEARS OF KLAGSVERBAND**

In 2004, the Austrian Equal Treatment Act was substantially expanded. Up to that point, only discrimination on account of gender was prohibited in the workplace. Yet this amendment considerably extended the list of grounds for discrimination. For about ten years now, it has been illegal to discriminate against individuals because of their ethnicity, their religion and beliefs, their sexual orientation, or their age in the workplace. Moreover, the law's scope was expanded. Discrimination-free access to goods and services – for example, when shopping, going to a club, or renting an apartment – is also covered by the law. However, this protection has one major limitation: It only applies to people with disabilities – the legislative package on the Equalization of Persons with Disabilities came into effect in 2006 – and for gender and ethnicity as grounds of discrimination. Outside of the workplace, discrimination based on sexual orientation, religion and beliefs, and age is still legal.

So if you want to go out on Saturday evening and then have problems with the bouncer when you try to enter a club because of your ethnicity, you can sue the club in accordance with civil law. However, a woman who greets her girlfriend with a kiss in a café and has to leave the premises because of that cannot take legal action.

Despite this restriction, which most European countries consider no longer relevant and which has been repeatedly criticized by both the UN and the Council of Europe, the expansion of the Equal Treatment Act created a completely new realm of law in 2004. Dedicated members of civil society soon realized that experts would be needed to make this law effective.

For this reason, the organizations BIZEPS – Independent Living Center Vienna, ZARA – Civil Courage and Anti-Racism Work, and HOSI – Homosexual Initiative Vienna, founded Klagsverband in that same year.

Since then, Klagsverband has ceaselessly helped to shape the history of the Austrian Equal Treatment Act. As part of a conference in May 2014, a large number of participants had the opportunity to take a critical look at the development of Austrian anti-discrimination and equal treatment legislation and to take stock of the work of Klagsverband during the previous ten years.

You can get an overview of the last decade through our conference documentation:

**INTERNET** <http://www.klagsverband.at/archives/9042>

## **Goals**

The work of Klagsverband is focused on several goals:

- To provide legal representation to victims of discrimination and to enforce their rights.
- To establish, through the help of these court cases, the legal framework that interprets the right to equal opportunity in Austria for the protection of all involved parties.
- To provide information and seminars regarding the contents, possible applications, and limits and deficits to Austria's equal opportunity law.
- To promote the ongoing development of and improvement to the discrimination safeguards in Austria through written opinions, shadow reports, and participation in expert committees (such as the state monitoring commissions).
- To collect and document all relevant laws, judicial decisions, and other information regarding equal opportunity and anti-discrimination law in Austria.

Klagsverband has developed its services and range of activities based on these goals. These will be discussed in detail in the following pages.

## **Team**

Three employees worked part-time at Klagsverband in 2014: a secretary general, a lawyer in charge of judicial process, and a public relations consultant.

In addition to the three employees, several other people volunteer their services to Klagsverband: board members, an internal committee, and interns who work for a specified period of time at Klagsverband.

Many thanks to all the volunteers for your valuable support!

## **Members**

Four new member organizations joined Klagsverband in 2014. Klagsverband now has a total of 39 members.

These new members stated that they were motivated to join “an alliance for human rights” that “through its know-how and experience” “fights discrimination” and “calls attention to the issues of [their] clients.”

### **New members 2014**

#### **• Austrian Federation of the Blind and Partially Sighted (BSVÖ)**

*“The BSVÖ is firmly convinced that taking a stand on human rights must be of utmost importance. It is often easier and more efficient to pursue such a goal within the framework of a broad, strong, well-organized alliance of organizations committed to this goal. We also believe that the BSVÖ, as the largest advocacy group for people with sensory disabilities in Austria, will be able to make an important contribution to the achievement of our common goals.”*

Dr. Markus Wolf, President

#### **• TIGRA (Tiroler Gesellschaft für rassismuskritische Arbeit)**

*“Even though we are still in our start-up phase, we already receive messages every day. We also receive enquiries about personal consultation, which is very important for legal support. For that reason, our counsellors must acquire the necessary legal know-how. We want to be able to help affected persons assert their rights in the most effective way possible. We view this as a shared goal and a great source of opportunity for cooperation. Our membership with Klagsverband offers dual benefits: We will be able to draw on the knowledge and experience of the association, and at the same time Klagsverband will have a partner in Tyrol that people seeking counsel can turn to.”*

Team of TIGRA

#### **• Independent Living Styria**

*“Independent Living Styria has become a member of Klagsverband in order for us to be able to give people with disabilities the opportunity to receive legal representation and to enforce the Convention on the Rights of Persons with Disabilities of the UN in individual cases as well. Together with Klagsverband, we want to fight the discrimination of people with*

*disabilities in Styria and to improve the conditions for our members so they can lead independent lives.”*

Josef Mikl, former chairman

• **Ninlil**

*“Discrimination - in terms of what is understood by the categories ‘disability’ and ‘woman’ - is a frequent issue in our clients’ daily lives and thus in our daily work as well. Because of such experiences, we hope to be able to benefit from joining Klagsverband, but we also hope to participate actively in the work of Klagsverband by making visible the specific topics that concern clients who come to us for consultation.”*

Mag.<sup>a</sup> Elisabeth Udl, chief executive

Klagsverband’s work is significantly influenced by its member organizations. They are the ones who have the know-how in all areas of discrimination covered by law (gender, ethnicity, religion and beliefs, disability, sexual orientation, and age) and who, prior to a court case, provide individuals comprehensive counselling regarding their legal and out-of-court options.

**Full members**

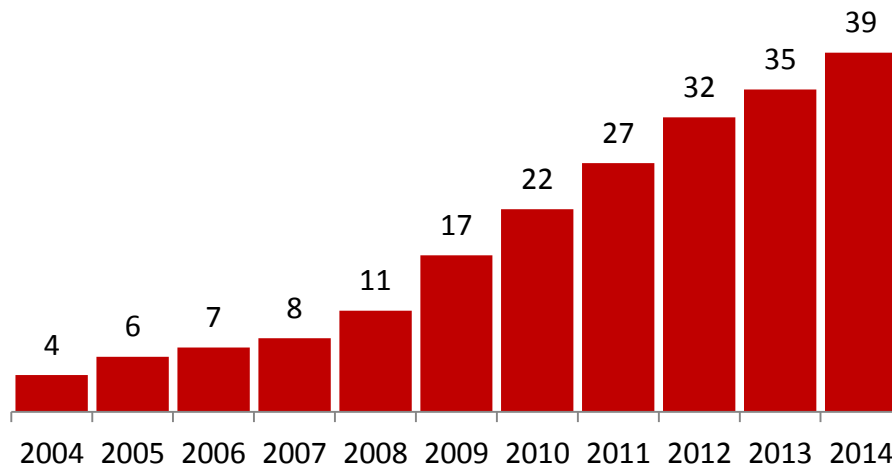
- AIDS Hilfe Wien
- Amnesty International Austria
- Anti-discrimination Agency Salzburg
- Anti-discrimination Office Styria
- atempo
- BIZEPS - Independent Living Center Vienna
- dabei Austria
- ETC Graz
- Institute for Age Competences (entschleunigung und orientierung – Institut für Alterskompetenzen)
- Integration Tirol
- WOMEN’S SERVICE Graz
- Helping Hands Graz
- HOSI Vienna - Homosexual Initiative Vienna

- ISOP - Innovative social projects
- LEFÖ - Counseling and Education Centre for Migrant Women
- Ludwig Boltzmann Institute for Human Rights - Research Association (BIM-FV)
- maiz – organization by and for migrant women
- ÖZIV Tirol
- migrare – Center for migrants Upper Austria
- Austrian National Association of the Deaf
- ÖSB - Austrian Umbrella Organization for Hard-of-Hearing People
- Platform Human Rights Salzburg
- Peregrina – educational, counseling and therapy centre for immigrant women
- Reiz - Independent Living
- Romano Centro
- Independent Living Innsbruck
- Independent Living Upper Austria
- Independent Living Austria
- SOMM - Self-organization of migrants and Muslim women
- SOPHIE – Place of education for sex workers
- SOS Menschenrechte Österreich
- TransX – the Austrian Transgender Association
- Association of Austrian Female Lawyers
- Uniability
- ZARA - Civil Courage and Anti-Racism Work

**Supporting member:** Tyrol Service Center for Equal Treatment and Anti-discrimination

**Members from 2004 to 2014**





Klagsverband members receive the following services:

- Legal counselling
- Support during arbitration proceedings and in appeals before commissions
- Legal representation in court, when legally possible
- Counsellor training
- Networking and legal expertise for lobbying
- Opinions on legislation

NGOs and non-profits that work to combat discrimination may become full members of Klagsverband.

For more information concerning membership, please contact [info@klagsverband.at](mailto:info@klagsverband.at) or by phone: +43-(0)1/961-0585-13

Organizations also have the possibility of assisting Klagsverband as a supporting member. Supporting members receive all counselling services, but are not given a vote at the general assembly.

## **Financing**

Klagsverband is financed by membership dues, projects, donations, and public subsidies.

**2014 Sponsors**

- Federal Ministry of Labour, Social Affairs and Consumer Protection
- Federal Ministry of Education and Women's Affairs
- Fonds Soziales Wien
- The State of Salzburg Section for Cultural Affairs, Education and Society, Department of Women's Affairs, Diversity and Equality (Department 2)

## **JUDICIAL PROCESS**

### **Complaint to the Committee on the Rights of Persons with Disabilities**

For the first time, a complaint on the grounds of a violation of the Convention on the Rights of Persons with Disabilities of the United Nations has been filed by an Austrian plaintiff. Mr. F. lives in Linz and regularly uses the public transit system of the city. Since 2004, Linz's public transit system has equipped most of its stops with voice output technology. Mr. F. is blind and always carries a little portable transmitter that reads passenger information on display boards to him. But at a new section of tram route 3 his portable transmitter is useless because this stop was not equipped with voice output technology.

Mr. F. feels discriminated against by this and seeks a settlement with the Linz public transit system, but is unsuccessful. With the support of Klagsverband, Mr. F. subsequently sues for damages because there is no provision for the removal of barriers within the Disability Equality Act.

The discrimination suit failed in both the District Court and the Regional Court of Linz. Mr. F. decided to make use of the procedure for individual complaints and to file a complaint with the UN. This option is provided within the framework of the Optional Protocol to the Convention on the Rights of Persons with Disabilities if all instances at the national level are exhausted. Klagsverband supported Mr. F. in this endeavour. Now the members of the committee in Geneva are called upon to examine if Austria fulfils the Convention on the Rights of Persons with Disabilities.

If the Geneva committee reaches the conclusion that one or more articles of the Convention on the Rights of Persons with Disabilities have been violated in this case, it will make a recommendation to Austria to conform to the Convention in the future. Unfortunately, there are no provisions for penalties. Mr. F. will, however, be affirmed by the highest possible instance that he has been discriminated against.

## **Decisions with long-term results**

In 2014, we saw the positive effects of two Klagsverband lawsuits concerning the equal rights of third-country nationals.

Both lawsuits were successful in bringing down discriminatory provisions at the state level that not only affected individuals, but entire groups of persons as well. These decisions have had ground-breaking ramifications on the granting of state benefits. The governments of all states are now called upon to examine their allocation practices in order to ascertain that they are free of discrimination.

Here are the two cases in detail:

### **Tyrolean school assistance benefit: Third-country nationals also entitled**

In Tyrol, the state government grants the so-called school assistance benefit at the start of September. Annually in autumn, families who do not exceed a certain net income can apply for this benefit, amounting to about 145 euros. Mr. G., a widower and single father of three children who lives in the district of Kufstein, applied for the school assistance benefit for his 11-year-old son. But even though he met all requirements, his application was rejected. The reason: his Croatian citizenship. At the time, Croatia was not yet a member of the European Union.

For this reason, Mr. G. filed a lawsuit with the support of Klagsverband in 2012, which, two years later, was successful. The District Court of Innsbruck adheres to its verdict that the school assistance benefit is a family-friendly policy which, in conformance with the EU Directive on third-country nationals who are permanent residents, must be granted to this group of citizens.

As early as the start of the next school year, in September 2014, this decision showed positive effects. The Tyrolean state government began granting benefits free of discrimination and extended the range of people entitled to the school assistance benefit. Citizenship no longer matters; instead, it is only mandatory that people have their principal residence in Tyrol.

**Commuter tax allowance in Lower Austria: Residency is decisive**

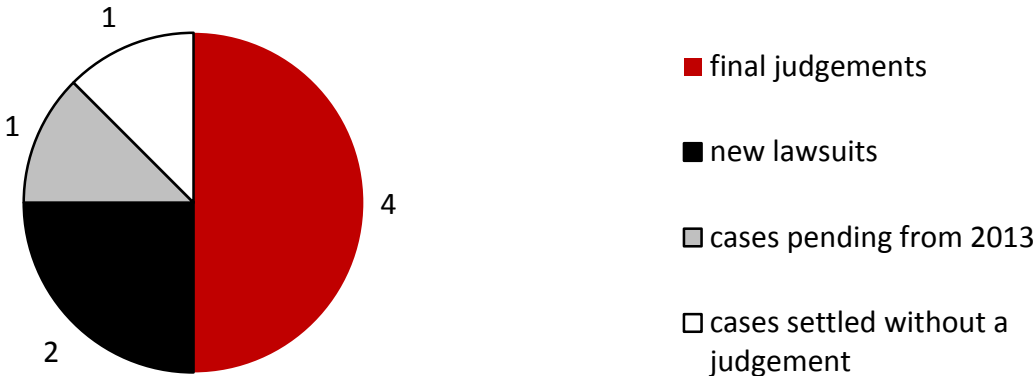
This lawsuit also dealt with the granting of state benefits, and once again the decision will have long-term effects on the equality of third-country nationals. This is the first lawsuit by Klagsverband that has been pursued on the basis of anti-discrimination law of a state.

In Lower Austria, persons who commute more than 25 km to work every day have the option of receiving a commuter tax allowance. Mr. S. is a citizen of Turkey. He has been continuously working in Austria for 40 years and fulfils all requirements pertaining to the granting of this Lower Austrian social benefit. But when he submits an application for commuter tax allowance in 2012, his application is rejected. The reason: his Turkish citizenship.

Subsequently, Klagsverband takes up Mr. S.’s case and files a lawsuit on the grounds of discrimination due to his ethnicity. In April 2013, the Regional Court of St. Pölten ruled in favour of Mr. S. He received damages in the amount of 300 euros as well as the unallocated commuter tax allowance in the amount of 450 euros.

Even more important than this rather small amount of damages are the effects this verdict will have on third-country nationals in Lower Austria. As of January 1, 2014, the state has changed its directives for the granting of the commuter tax allowance, following the verdict. Citizenship is no longer a prerequisite for being granted the benefit; instead, along with other requirements, one must only have one’s main residence in Lower Austria.

**2014 court cases**



\*The case settled without a judgment refers to the lawsuit in which the defendant paid damages after the suit was filed.

## **Completed proceedings**

### **No improvement in living conditions despite damages**

This lawsuit, which was concluded in 2014, once again reveals the flaws in the Austrian Federal Act on the Equalization of Persons with Disabilities (BGstG):

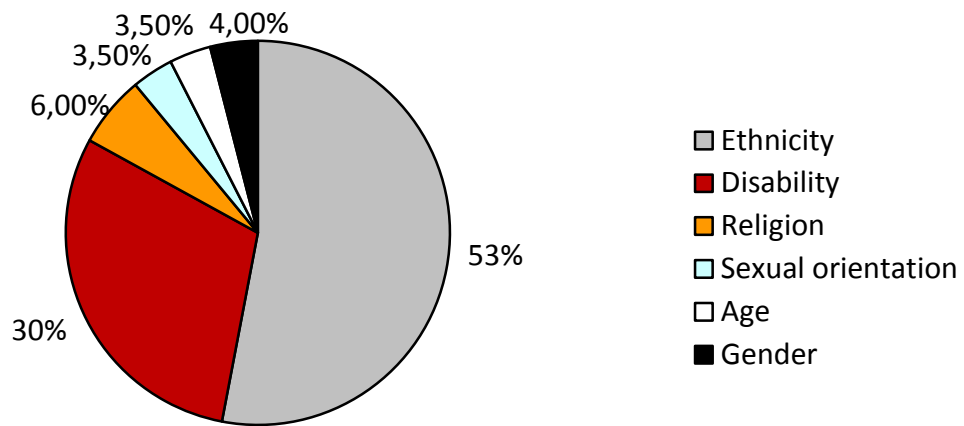
Mr. G. has been paraplegic since his early childhood. In 2011, his parents buy an apartment in a newly built complex in Upper Austria. There, he should be able to live alone without being constantly dependent on their assistance. To make this possible, the apartment is fitted for Mr. G.'s needs after consultation with the building contractor. But when he finally receives the key to his apartment, he is severely disappointed. He cannot even access the building since the door cannot be opened from a wheelchair. The stair lift does not work, either, and because of a steep slope, he is also unable to use the communal garden.

Mr. G. first turned to the media and addressed the issue of a lack of accessibility in the ORF program "Bürgeranwalt" ["Citizen's Advocate"]. When he was still unable to come to an agreement with the building contractor, he contacted Klagsverband, which filed a lawsuit on his behalf in 2012. Two years later, Mr. G. and the building contractor agreed to a settlement, and Mr. G. received 2,000 euros in damages. However, this sum is of little more than symbolic value. The 30-year-old wheelchair user still cannot fulfill his wishes or those of his parents, who have dug deep into their pockets: living independently in an accessible apartment remains a dream. By the conclusion of the lawsuit, he was unable to move into the apartment, and the amount of damages awarded in this sort of lawsuit in Austria is so low that it would not even be possible for Mr. G. to finance the necessary adaptations on his own.

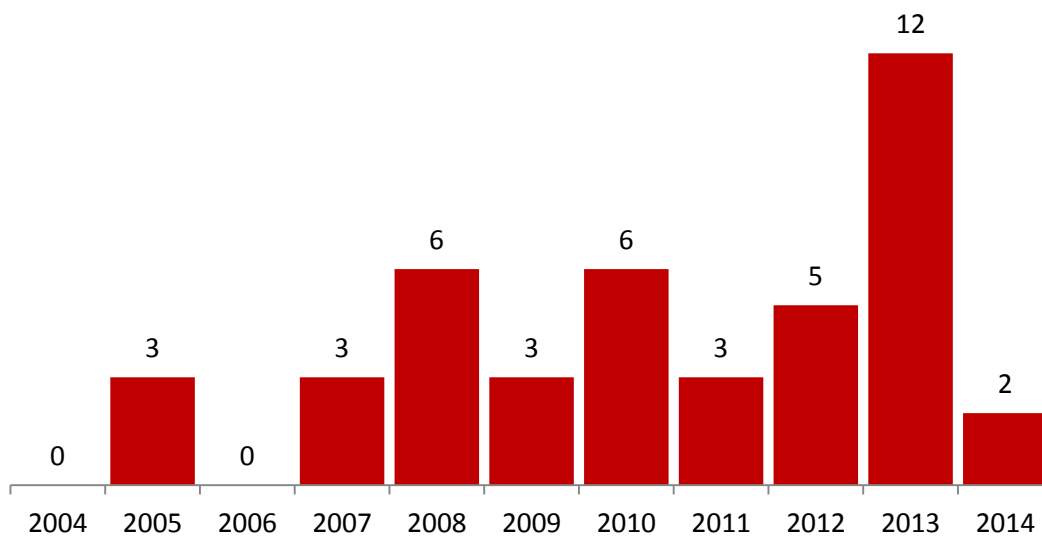
### **HIV-positive patient experiences discriminatory treatment at the dentist**

Mr. M. contacts Klagsverband early this year: He wanted to be treated by a new dentist and stated truthfully that he is HIV-positive on the medical history questionnaire. Subsequently, the dental assistant informed him that he would have to make a new appointment for his treatment since his infection required special hygienic measures. Mr. M., however, feels that the hygienic measures should prevent risks of infection during all dental treatments – regardless of the type of infectious disease. Unfortunately, the District Court of Vienna did not share this opinion, and the lawsuit was unsuccessful.

### Cases according to type of discrimination



### Court cases from 2004 to 2014



Klagsverband represents in court persons who have been discriminated against. The persons concerned usually turn to Klagsverband after they have been counselled by one of our member organizations and have decided to go to court. Solid legal knowledge is necessary in order to enable our members to recognize during their consultation if their clients' issues are cases of discrimination. To this end, Klagsverband has established seminars and workshops to advise our members.

## **Inquiries**

Klagsverband received around 80 inquiries in 2014. The first order of business for Klagsverband is to determine whether the problem at hand falls within the area of anti-discrimination and equal opportunity law. If this is not the case, the parties will be referred, if possible, to other organizations that may be able to help or supply counselling. The spectrum of issues that are brought before Klagsverband, yet lie outside of its scope, is considerable. These include family and labour law, social services, and tenancy law. One of the reasons for this is that discrimination is frequently understood in general and not in legal terms.

## **A case for Klagsverband**

If an issue has to do with anti-discrimination, it must first be determined whether the case is suitable for a lawsuit. During a personal consultation, Klagsverband determines if going to court will help the aggrieved person to reach a sense of closure with his or her experiences. Prior to legal proceedings, a series of questions must be answered: Which type of law is being dealt with? How high are the projected litigation costs? What does the aggrieved party expect from a trial? Above and beyond the particular case, will the verdict also be suitable for raising awareness of Klagsverband and its member organizations?

Such questions are examined by the Klagsverband lawyer, who then makes a recommendation on whether it is worthwhile to go to court. An internal board has the final decision.

## **New lawsuits**

### **No job for a Muslim woman with headscarf**

Ms. B. applied for a service job in a Viennese confectionery. On her job application photo, she was depicted with her headscarf. The manager of the confectionery informed her that she would only be able to get the part-time job if she would not wear her headscarf. When Ms. B. refused, she was informed by phone that she was ineligible for the job. Ms. B. felt that it was only because of her headscarf and that her qualifications did not matter in the application process. She turned to the Equal Opportunities Commission, which, in 2014, determined that this was a case of discrimination and recommended the confectionery chain to pay damages. After the decision of the Equal Opportunities Commission, Ms. B. decided to sue the confectionery with the support of Klagsverband.

The second new lawsuit was decided in the very same year. The lawsuit in question is that of Mr. M., who experienced discriminatory treatment at the dentist (see page 14).



## **Proceedings pending from the previous years**

### **Racism at a dance club entrance**

This lawsuit was filed by Klagsverband on behalf of a group of eight people in 2013 who were denied entrance into a Vienna club because of racist motives. The facts of the case are as follows: Mr. M. wants to celebrate his birthday with his friends, but problems arise at the entrance to the club. The bouncer does not let two of the young men in because neither has Austrian parents. A discussion ensues, and two young women who had already been inside of the club also come to the entrance. However, the bouncer doesn't give in and tells the entire group to leave the premises. The two women have to get their coats and leave as well. As of the end of 2014, there was no hearing of this lawsuit because the defendant claimed to never have received the default summons due to a postal delivery error.

### **Lawsuit after decision**

The court already decided the lawsuit of Mr. C. in 2013: He has received 1,000 euros in damages due to his being barred entrance to a club on account of race. However, the owners of the club are insolvent; the lawsuit is pending and the outcome is uncertain.

## ISSUES OF 2014

### **Where does the BGStG fail? How can it be improved?**

The team at Klagsverband has pursued this question with a series of online articles. This was sparked by several lawsuits that Klagsverband filed regarding the Austrian Federal Act on the Equalization of Persons with Disabilities (BGStG) and that have made the shortcomings of the law in its present form readily apparent.

In April, the lawsuit of a wheelchair user from Upper Austria concluded with a settlement. In a lawsuit against the building contractor, Klagsverband represented the young man who was unable to live in an apartment that had been adapted for his individual needs because parts of the building were not accessible. In the settlement, the building contractor agreed to pay damages of 2,000 euros to the plaintiff. However, the plaintiff's disappointment was still substantial since the results of the suit did not succeed in improving his situation. He was still unable to fully access the building, and yet the sum of the damages was too low to pay for the needed adaptations himself.

The non-existence of any right to the removal of barriers in the BGStG repeatedly leads to a situation in which lawsuits are decided in favour of the plaintiff, but the barriers are still not removed. For that reason, one of Klagsverband's central demands for the improvement of the BGStG is to introduce an entitlement to injunctions and barrier removal.

The series of articles started with the case of the Upper Austrian wheelchair user on April 2, 2014. Subsequently, the following articles were published up to September 2014 at [www.klagsverband.at](http://www.klagsverband.at):

June 18: Legal analysis of the BGStG by Martin Ladstätter and Andrea Ludwig

June 24: Problems of transition periods: illustrated by the case of an inaccessible federal service centre

July 8: First complaint to the Convention on the Rights of Persons with Disabilities of the United Nations by an Austrian plaintiff

August 30: Questions in regards to the protection from discrimination by association: illustrated by the case of an exhibition visit with barriers

September 3: Questions in regards to the protection of historic buildings and monuments: illustrated by the case of an inaccessible tourist office in Tyrol

September 17: Class actions as a successful example of legal protection within the BGStG

Internet: <http://www.klagsverband.at/archives/9023>

## **Evaluation of the Equal Treatment Act (GIBG)**

Both the Federal Act on the Equalization of Persons with Disabilities and the Equal Treatment Act show a need for improvement. For this reason, the Ministry of Social Affairs has initiated working groups to evaluate the Equal Treatment Act. Volker Frey and Andrea Ludwig are representing the Klagsverband.

### **Discriminatory allocation of homes**

Particularly in Upper Austria, there have been repeated attempts to link the allocation of homes with knowledge of the German language. In May 2014, the responsible member of the state government of Upper Austria changed the regulations for the allocation of charitable building associations and municipalities. Knowledge of the German language is now a requirement for the allocation of housing subsidies.

Klagsverband already pointed out in a statement in 2012 that knowledge of German for third-country nationals in possession of permanent visas and for officially recognized displaced persons must not be a requirement for housing subsidies. In the study “Equality in Housing”, conducted within the framework of the PROGRESS project of the same name, Volker Frey, author of the study, called attention to the discriminatory aspects of such allocations. Linking the allocation of housing subsidies to language skills contravenes both article 11 of the long-term residents directive and article 32 of the directive on refugee status of the EU.

Klagsverband reacted to the change of the regulations for housing allocation with a press release and subsequently addressed an open letter to Upper Austrian governor Mr. Pühringer and to the president of the Upper Austrian state parliament, Mr. Sigl. In this letter, Klagsverband demanded that migrants in Upper Austria should not be treated like second-class human beings and called upon the politicians to make a statement in the Upper Austrian state parliament regarding the discriminatory motives of the new allocation directives.

Internet: <http://www.klagsverband.at/archives/8776>

## **WORKSHOPS AND TRAINING**

**Workshops for member organizations:** Most members of Klagsverband are first exposed to the association's range of training seminars through its introduction to anti-discrimination law, in which the principles of anti-discrimination law are discussed and examined by using specific examples that Klagsverband has encountered. This introductory seminar is a good opportunity for member organizations to learn how to recognize forms of discrimination while counselling their clients and to discover which kinds of support there are for such issues. The introductory workshop provides basic legal information on how to offer competent initial counselling services and discuss possibilities for out-of-court settlements. In 2014, for example, ÖZIV Tyrol made use of our services. And for the organization TransX, Andrea Ludwig organized an introduction to anti-discrimination law for transgender people.

**Workshops for non-members:** In addition to legal enforcement, the work of Klagsverband is directed towards communicating basic knowledge of Austrian anti-discrimination law and raising of overall awareness. Through workshops and training seminars, the employees of Klagsverband share their know-how with different audiences. Among these are mainly counsellors of a variety of social institutions and organizations, lawyers, legislators, as well as trainers, teachers and many others.

In 2014, for example, seminars on anti-discrimination law were organized for ZARA. Volker Frey gave a talk on the Equal Treatment Act at the Third Annual Conference for Migration and Integration Research, and Andrea Ludwig took part at a round table discussion of the European Union Agency for Fundamental Rights (FRA) on the Charter of Fundamental Rights of the European Union. Since 2008, Klagsverband has cooperated with Amnesty Academy. In 2014, a workshop on the topic "Islam – Life with Prejudices – Strategies Against" was offered as part of Amnesty's continuing education series.

## **PUBLIC RELATIONS**

[www.klagsverband.at](http://www.klagsverband.at): The Klagsverband website is our most important public relations instrument. On average in 2014, a new article was posted online more than once a week. In addition to reporting on Klagsverband's court decisions, all statements and shadow reports written by the organization are also published on the website. On the website's news page, current information is continually updated on national and international decisions, as well as news of legal policy and comments.

A special service for anyone not visiting [www.klagsverband.at](http://www.klagsverband.at) regularly is the Klagsverband alert. If you register for our mailing list, you will receive an email whenever a relevant article is posted on the website.

**Series of articles on the flaws in the Federal Act on the Equalization of Persons with Disabilities (BGStG):** From April to September 2014, a series of articles on the Federal Act on the Equalization of Persons with Disabilities (BGStG) was published (see page 18). Based on specific lawsuits, the seventh part of this series has discussed the flaws the act currently reveals. The individual articles have been accompanied by comments from experts and are now available at [www.bizeps.or.at](http://www.bizeps.or.at) as well.

Internet: <http://www.klagsverband.at/archives/9023>

**No respite. We are writing history. Ten years of the expanded Equal Treatment Act and 10 years of Klagsverband – Symposium:** On the occasion of these two anniversaries, Klagsverband convened a symposium in May 2014. The event was meant to offer a look back at the last ten years while also venturing a look ahead into the future of anti-discrimination and equal treatment legislation. Federal Minister Rudolf Hundstorfer opened the event with words of welcome. The founding members Dieter Schindlauer and Martin Ladstätter recalled how Klagsverband was founded in 2004, the difficulties they had to face, and the success stories Klagsverband could celebrate during the last 10 years.

In the following speech, Klagsverband's head of legal enforcement, Andrea Ludwig, and the association's secretary general, Volker Frey, outlined the principles of Austrian anti-discrimination law. They both concentrated on the human rights aspects of equal treatment and anti-discrimination.

In the afternoon, those present had the opportunity to participate in one of four workshops and get a closer look at one specific aspect of equal treatment law.

**2014 closed meeting:** The annual closed meeting of Klagsverband was also characterized by the 10-year anniversary. On the first day, non-members had a chance to learn more about

Klagsverband's work and the organization's ten-year history. The second day was reserved for communication between member organisations.

**Inquiries:** Part of PR includes answering the many inquiries concerning issues of equal rights, anti-discrimination, and diversity. Klagsverband gladly offers its experience and expertise to students, researchers, employees of public institutions, political parties, and interested citizens. The dissemination of experience in judicial process for national and EU studies is especially important for the sustainability of verdicts and the political debates on improving the legal framework.

**Documentation and commentary:** The services of Klagsverband include documenting and commentating on national and international legislature. Numerous documents can be downloaded at the website: [www.klagsverband.at](http://www.klagsverband.at). These include federal and state laws, courts rulings, decisions handed down by the Equal Treatment Commissions, as well as decisions by the European Court of Human Rights (ECHR) and the Court of Justice of the European Union. Out-of-court settlements in discrimination cases are also published and commented upon.

## NETWORKING

Klagsverband lives from the vitality of its member organizations and from contacts to other organizations and NGOs that work towards abolishing discrimination. There is an ongoing exchange with the National Equality Body, the National Disability Body, state anti-discrimination bureaus, federal ministries, and other social partners. Since 2013, Klagsverband has also been a member of the Monitoring Committee of Lower Austria.

Within a European context, membership in the Fundamental Rights Platform of the European Fundamental Rights Agency (FRA) is of special importance. Since it has a central counseling function regarding human rights and anti-discrimination for the European Commission, experiences of Klagsverband can be relayed to relevant decision-making bodies.

## OPINIONS

In 2014, Klagsverband submitted eight statements concerning planned legislation amendments. All of these statements can be found online at:

<http://www.klagsverband.at/politik/stellungnahmen-klav>

### **Styrian Disability Act**

Regarding the amendment to the Disability Act, the State of Styria has planned to establish a so-called Monitoring Committee. This independent authority will oversee the implementation of the Convention on the Rights of Persons with Disabilities of the United Nations in Styria. With the ratification of the Convention in 2008, Austria has committed itself to establishing such committees both on a federal level and within the states. In our statement, Klagsverband has emphasized that the planned monitoring committee in Styria does not conform to the Paris Principles, and that subsequent improvements, especially in relation to autonomy and independence, are urgently required.

### **ÖNORM A 1080: Guidelines for text layout**

In March 2014, Klagsverband was one of the first organizations to submit a statement on the planned revision to the ÖNORM A 1080 – the guidelines for the layout of texts. Not only has Klagsverband unequivocally condemned the proposal to abandon female forms of nouns, but the association has also criticized the lack of transparency during the development of the norms. Subsequently, countless organizations, government agencies, and individuals have also given their statements and comments. The planned norm was also debated in the media for months. Since then, the standards body Austrian Standards has decided to stop the standardization process of ÖNORM A 1080 for now. Klagsverband considers this a success since language is one of the most important instruments for equality.

### **Anti-discrimination law of Vorarlberg**

One of the central issues of the statement of Klagsverband on the amendment of the anti-discrimination law of Vorarlberg was the organization of a monitoring authority. As with most state drafts, the authority in Vorarlberg established to monitor the implementation of the Convention on the Rights of Persons with Disabilities of the United Nations did not conform to the Paris Principles, which particularly call for independent personnel and financing. Moreover, increasing the minimum compensation amount to 1,000 euros is part of the demands.

### **Lower Austrian Building Regulations**

The draft of an amendment to the Lower Austrian building code was, in the eyes of Klagsverband, sorely lacking in regards to modern accessibility requirements. In order to make the Lower Austrian lawmakers reconsider their position on the draft, Klagsverband broadcasted its concerns about the amendment to the press. Many regional media organs addressed the topic, but, unfortunately, our efforts were unsuccessful.

### **National Action Plan on Human Rights**

In the government program for 2013 to 2018, the federal government has announced the development of a National Action Plan on Human Rights. In its statement, Klagsverband has mentioned several points to be considered if this action plan is to successfully promote human rights in Austria. Once again, part of this is the organization of human rights authorities on the federal level, which must conform to the Paris Principles just like those on the state level. Another important issue is the demand for uniform protection against discrimination. In Austria, outside of the workplace all grounds of discrimination are still not protected. Comprehensive accessibility and inclusive education, as well as easier legal enforcement in cases of discrimination, are also essential components of a National Action Plan on Human Rights. Finally, Klagsverband has also called for enhanced anti-discrimination efforts in regards to the police and the judicial system.

### **“Islam Law”**

This draft law has been discussed widely in the media as well. Klagsverband views the draft for a so-called “Islam Law” as a violation to the principle of equality. Instead of enforcing prejudices, Klagsverband aims to emphasize equality and participation.



## **OUTLOOK FOR THE YEAR 2015**

Klagsverband plans to intensify its work in regards to legal policy in 2015. While up until now we have mainly submitted statements on planned draft laws, in the future we want to concentrate on lobbying for legislation amendments. This means that necessary amendments and reforms will be encouraged.

We also plan to intensify our work with those international conventions that are essential for the area of anti-discrimination. Since Klagsverband has filed the first Austrian complaint regarding the Convention on the Rights of Persons with Disabilities, it only seems natural to use the instrument of individual complaints in other cases as well.

One part of international anti-discrimination efforts are the shadow reports that NGOs can submit to international conventions. Klagsverband has submitted shadow reports in the past, including one in regards to the Universal Periodic Review of the United Nations (UPR), and we will intensify this highly effective aspect of our work in the future.

On the national level, we have planned a training initiative on anti-discrimination law. The concerns counseling centers have in addressing the issue of discrimination are still substantial, largely because counsellors do not feel confident about the legal aspects of an issue. Klagsverband wants to share its know-how with counseling centers through a targeted range of seminars, in the hopes that counselors will gain confidence.