



## **Media Monitoring**

### **Situation Report January 1<sup>st</sup> – January 4th, 2010**

#### **1. Introduction**

The year 2010 has begun in Austria with the discussions that had already started in the month of December concerning the construction of a new reception center for asylum seekers in the South of the country, concretely, in the village of Eberau (District of Güssing, near the Hungarian border, *Bundesland* Burgenland). The projected centre, encouraged by the Minister of Home Affairs, Ms. Maria Fekter (People's Party) and most of the federal authorities of the People's Party, is based on the coalition agreements that have constituted the current government between the People's Party and the Social Democratic Party. According to *Die Presse* from January 3<sup>rd</sup>, 2010, the coalition agreement asserts: „As to alleviate the capacities in the existing reception centers, one new and additional reception center will be created in the South of Austria.“ The lack of precision on the place of construction is one of the big concerns. The authorization for the construction was signed by the same mayor of Eberau (People's Party) without knowledge of the local legislative body, but has been rejected by the Governor of Burgenland (social-democratic), Mr. Hans Niessl. An administrative regulation of the District of Güssing has stopped the construction decision by declaring it null and void. On December 22<sup>nd</sup>, 2009, *Der Standard* published partially the reasoning of the decision: "besides other formal mistakes, particularly, the violation of the construction plan of the village of Eberau ..."

Two referenda have been planned after the discussions on the construction of the center: one in the village of Eberau and the other one, organized by Burgenland, in Southern Burgenland (Districts of Güssing, Oberwart and Jennersdorf), for March 21<sup>st</sup>, 2010. Asylkoordination (NGO coalition in asylum and refugee matters), as well as the Evangelical Church, had expressed its opinion that the new reception center is not necessary, as asylum applications have reduced

# International Protection

and had also criticized the planned referenda, for giving the signal to the people that they could decide who lives in their neighborhood, what is not recognized in under Austrian administrative law in construction permits' matters, that is the current legal problem behind the political discussion. Moreover, the theologian Mr. Fuerlinger has asserted in *Der Standard* of December 23<sup>rd</sup>, 2009, that „when the social-democrats, the people's party and the freedom's party are now talking in Burgenland now about 'referenda' concerning the topic reception center, this reminds the recent referendum in Switzerland where it was permitted that the majority could decide about basic rights of a minority, as to restrict them. Here you find the dangers of direct democracy: when the 'people's will' is above the *Etat de Droit* and constitutional law, democracy loses. This applies also to the right to asylum and the concrete granting asylum by the State.”

According to statistics as of December 1<sup>st</sup>, 2009, published by *Der Standard* on December 22<sup>nd</sup>, 2009, there are 21.858 persons in the so-called *Grundversorgung* (basic provisioning) in Austria (almost all of them are asylum-seekers). Most asylum-seekers are in Vienna (5.790) and Lower Austria (4.035). The quotas have been agreed through a treaty between the Federal State and the *Bundeslaendern*. Burgenland hosts 672 persons. The agreed quotas are only respected in Vienna (137,26 %) and Upper Austria (100,99 %). Burgenland is 11% away from its obligations: this *Bundesland* should count with 755 persons, or 3,46 % of the asylum-seekers. On the other hand, Carinthia should host 1.522 persons, though it actually counts with only 1.075 (-29,37 %). Tirol also is far from the quota: -19,52 % (1.475 instead of 1.833 persons). Lower Austria (-4,07 %) and Vorarlberg (-4,84 %) are near the requested amount of persons hosted. However, Salzburg (-11,59 %) und die Steiermark (-10,58 %) are also far from the requested quota. There is no mechanism to sanction such a failure.

At the moment, there are two initial reception centers for asylum-seekers: Traiskirchen (Lower Austria), about 30 km South from Vienna, and Thalham (Upper Austria, between Linz and Salzburg. Traiskirchen hosts 700 asylum-seekers; Thalham, about 150 asylum-seekers (pursuant to *Der Standard*, January 4th, 2010).

On December 27<sup>th</sup>, 2009, Irene Brickner, in her blog at *Der Standard* had asserted, summing up the situation: „The image of enemy of the refugee is part of the local folklore, and it is apt for exercising political



pressure. Who is not against 'asylum-seekers' is threatened to be punished by the voter." 2010 will count with several elections: Federal President, provincial elections in Vienna, Steiermark and Burgenland, and city legislative elections in Lower Austria, Tirol, Vorarlberg and Steiermark.

At the end of December 2009, a people's movement, independent of parties, has been constituted as to oppose the construction of the reception center in Burgenland. They are also gathering signatures as to push for the performance of the announced referendum. Moreover, the Freedom's Party has announced the "Action Eberau" including a demonstration on January 15<sup>th</sup>, 2010, led by the same Heinz-Christian Strache, the party leader.

## **2. The "Eberau" Project**

On January 1st, 2010, the Bishop Michael Bünker, from the Evangelic/Lutheran Church, addressed the population through the public television chain ORF 2 as to criticize the conditions of administrative detention for immigrants and refugees and to call Austrians to follow policies that protect the rights and interests of migrants, refugees and ethnic minorities. Moreover, he mentioned that refugees in Austria have to face always the suspicion of misuse of the asylum system and links with criminality, that isolated cases are generalized and that there are used as ammunition as to cause animosity and bad humor "against foreigners." He insisted that seeking refuge is no crime.

Thomas Prior has also published in *Die Presse* an article after a visit to Eberau, including the following paragraph: " ... the old major Helmut Sabara, ...78 years old... who supports the People's Party... he was at the Youth of Hitler ... asserts: 'The thieves are already behind the borders, now they have to be picked up from the Black Sea'... 'If 300 asylum-seekers come, than we cannot allow our children to go out' fears the grandfather. 'Two-thirds are surely good, but there are always a couple of rotten tomatoes there.'" Moreover, the journalist cites Mr. Josef Walter, local people's party chef and agricultural producer on the bad humor of the people concerning the new center, asserting that the people fear robberies in houses and businesses, as well as fights and sexual crimes: "When men have not seen a woman

# International Protection

for a long time, they are predisposed.” In addition, Prior includes the following paragraph: “... Edith Hofer manages a shop that sells aliments and provisions for travelers. She was born in Eberau, 53 years ago, now she thinks of the scenarios for he future, and starts crying: ‘If the asylum center comes, then I sell everything and I move with my family away’ Many would have said the same in the village: that they would abandon their home, for fear what could come.”

On Saturday 2<sup>nd</sup>, 2010, the daily newspaper *Oesterreich* published an interview to the Governor of Burgenland, who announced that legal counsel was intending to find out how to declare industrial again the parcel now dedicated by administrative decision to the new asylum-seeker camp.

On January 2<sup>nd</sup>, 2010, the constitutional law professor Heinz Meyer asserted to *Der Standard* that the Ministry was right on one issue: the interpretation of the Austrian Administrative Court would be that no institution with private clients would be allowed in the land at stake. Consequently, the asylum center would be possible However, the lack of public hearing or the lack of involvement of the environment prosecutor could be big failures of the proceeding performed, for the benefit of the local authorities.

On January 2<sup>nd</sup>, 2010, constitutional law experts declared to *Krone Zeitung* that they believe that the Constitutional Court will give the reason to the local authorities, as the land affected to the project was considered construction land that could be affected to “social institutions for the benefit of the local population.” Under the current praxis, this would not include an asylum center. Compare with Meyer, *supra*.

The same day, *Profil* published an article of Christian Reiner, critical to the opinion of *Krone Zeitung* of December 31<sup>st</sup>, 2009, where the journalist, Mr. Gnam asserted that „Most Austrians“do not want the asylum center, referring to those who come to Austria and want refugee status, as mostly liars and criminals, point of view that would have some reason per se. The same weekly publication reviewed published an article justifying why Arigona Zogaj, the young Kosovo girl and failed asylum-seeker whose family was partially deported in September 2007 should be the person of year 2009 in Austria.

# International Protection

On January 3<sup>rd</sup>, 2010, *Krone Zeitung* published an interview to the governor of Carinthia, Mr. Doerfler, who repeated his position that his province will not host a "second Traiskirchen."

The same day, *Kurier* presented an interview to Mr. Puehringer, Governor of Upper Austria, who asserted that Thalham and Traiskirchen are very near, and that in the long term Upper Austria and Lower Austria cannot sustain this situation. The same article asserts that Steiermark would be discarded, as of the big contribution given by this Bundesland by counting with the administrative detention center of Vordernberg.

The same day, Mr. Hofer, President of the Freedom's Party and representative to the Parliament for Burgenland issued a press release asserting that "The Freedom's Party has clearly spoken against a reception center and will present massive opposition to it... The limits of the tolerable have been overcome since long for the Austrians. Instead of thinking of new reception centers, asylum law should be more restrictive. Austria should not be any more an attractive objective for the misuse of asylum."

Today January 4<sup>th</sup>, 2010, the Governor of Burgenland has sent a letter to local authorities of the South of the province asserting that "The reception center can not be built NOW." Moreover, the FPOe (Freedom's Party) has announced to present a motion for a vote of non-confidence based on this topic against the Ministry of Home Affairs on January 29<sup>th</sup>, 2010 at the meeting of the Austrian parliament.

In addition, the General Secretary of the BZOE (Coalition for the Future of Austria), Mr. Petzner has indicated that "Since days the BZOE asserts that a third reception center is unnecessary is, if we would use all the possibilities of legal drafting and consequently deport" [the asylum-seekers].

On January 4<sup>th</sup>, 2010, the *Tiroler Tageszeitung* published a comment written by Irene Heisz entitled "Krokodile im Südosten" („Cocodriles in the South-East") with the following text: "300 Asylum-seekers are not fair for Eberau, and Eberau is not fair for them...the real and existent asylum policy in Austria is (...) that the persons that seek asylum Austria, are not under the general suspicion that they have a need of special protection and help, but under the general suspicion of criminality and parasitic life...However, almost nobody has mentioned, that Eberau would not be fair for asylum-seekers..." mentioning the



lack of medical, psychological and legal counseling for persons with health and trauma concerns.

For any question or comment, please, contact:  
[mediamonitoring@international-protection.org](mailto:mediamonitoring@international-protection.org)

International Protection (ZVR Zahl: 271109246)  
Wagramer Strasse 25, Vienna, 1220.