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**Report by the Republic of Austria
pursuant to Article 25 paragraph 1 of the
Framework Convention for the Protection of
National Minorities**

Vienna, 30 June 2000

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PART I: General Remarks

1. Introduction

The Framework Convention for the Protection of National Minorities of the Council of Europe was ratified by Austria on 31 March 1998 and, in accordance with Article 28 para. 1, entered into force on 1 July 1998. Under Article 25 para. 1, the present report is to provide comprehensive information on the situation of the minorities in Austria. In doing so reference is made in compliance with the requirements set out by the Council of Europe on 24 March 1998 to the individual Articles of the Framework Convention.

Austria believes that the variety of minorities living on its territory benefits society as a whole.

Under Section 1 para. 2 of the Minorities Act (Volksgruppengesetz), national minorities (Volksgruppen) are defined as "groups of Austrian nationals living and residing in parts of the federal territory whose mother tongue is not German and who have their own traditions and folklore".

The Act does not say which groups fulfil these requirements and are thus recognised as national minorities. In order to answer this question, we must look into a number of ordinance regulations, in particular the Ordinance governing the Advisory Councils for National Minorities (Volksgruppenbeiräte).

The requirements of Section 1 para. 2 are considered to be fulfilled for the following national minorities:

- the Croat minority in Burgenland
- the Slovene minority
- the Hungarian minority
- the Czech minority
- the Slovak minority
- the Roma minority

As regards the "recognition" process in practice, see our comments to Article 15.

The term "Volksgruppe", which is now widely used in Austria and in international meetings and discussions, was chosen in 1976 primarily for the purpose of avoiding the so far common term "Minderheit", which was often considered to have a somewhat discriminatory tinge. Although this term was introduced into the Austrian legal system by the Treaty of St. Germain, State Law Gazette No. 303/1920 (Article 62 et seqq.), and is also to be found in the State Treaty for the Re-establishment of an Independent and Democratic Austria, Federal Law Gazette No. 152/1955 (Article 7), we nevertheless speak of "Volksgruppen" as this is now the common legal expression in Austria*. However, replacing an apparently outdated expression by a modern and more common one, will certainly not alter Austria's above-mentioned international obligations.

* In the English text, the term "national minorities" is used in compliance with the wording of the Framework Convention.

On 24 June 1997, the Austrian minorities submitted to the Federal Government and the Nationalrat (the lower house of the Austrian Parliament) a memorandum under the motto "For a Variety in our Country". The memorandum contains a general statement as well as a comprehensive catalogue of demands concerning Austria's minority policy. A major demand is the "adoption of a provision of constitutional standing that defines the pertinent aims of the State and contains a commitment by the Republic of Austria to its cultural, linguistic and ethnic variety which has evolved in the course of time". Such a special provision has already been approved by the competent Human Rights Committee in Parliament and will be adopted by the Nationalrat on 7 July 2000 (for further details see our comments to Article 4, para. 2). The provision is to enter into force on 1 August 2000.

The Croat minority in Burgenland

More than 450 years ago, Croats settled in what was then Western Hungary (and today comprises the Burgenland, the border region of Western Hungary, parts of Lower Austria, Slovakia and the Czech Republic). After 1848 the development of a Croat sense of identity became apparent. The fact that many people in Burgenland commute to Vienna every day or week, a development which started as early as between the two World Wars, and the increasing exodus from these areas have encouraged assimilation tendencies among many Croats. In order to counteract the danger of losing their identity in a city as big as Vienna, the "Croatian-Burgenland Cultural Association in Vienna" (Kroatisch-Burgenländischer Kulturverein in Wien) was established in 1934, and - like the Vienna-based "Croatian Club of Academics" (Kroatischer Akademikerklub) - has been able to increase its influence in the last few decades and has been given a say in matters concerning the Burgenland-Croats. It was at a very early stage that the Croats embarked on the path of integration and did so in every respect, be in the social, economic, professional and political fields. This enabled them to implement many measures required for preserving and cultivating their language and culture. Since the Seventies, more and more Croats, in particular young students, are becoming aware of their own identity, and since the Eighties, this has gradually and considerably improved their linguistic and cultural situation and has led to a strengthening of the Croat identity.

Today, around 30,000 Croats live in approximately 50 places in Burgenland, which is one of the nine Austrian "Länder". Their settlements are linguistic islands dispersed throughout this *Land*. There is no closed settlement area (see the map of the Burgenland with a sketch of its minorities and the distribution of the Croat communities in the Annex to the State Report). Moreover, around 12,000 Burgenland Croats live in Vienna.

In the last few years, many scientific studies have investigated the situation of the Croats in Burgenland (see Article 12). Below is an outline of the relevant results:

As far as the age structure is concerned, Burgenland-Croats are by far older than the remaining population (8 years on the average) - which is mainly due to the fact that the younger generation does not learn Croatian any more.

For Burgenland Croats, the most important distinguishing feature of their identity, is their language.

The younger the respondents were, the more evident was their appreciation of bilingualism and thus also of the Croatian language.

The last three generations have seen a dramatic decline in the command of the Croatian language within the family - only 27% of the parents who grew up bilingual, speak Croatian with their children.

Croats have a very strong "desire to live in harmony", and an overwhelming majority (82%) refer to their relations with other people as being "unproblematic and harmonious".

There are different views within the minority regarding the effect of place name signs: while 47% consider them "important because otherwise the Croat identity would not be recognised", 46% think that this is not so.

Bilingualism is considered by many Croats to have a positive effect on their lives - 48% of those commuting to work say that being bilingual helped them in their career, only 2% consider this to be an obstacle, and 50% believe that bilingualism has "no influence" at all.

Almost two thirds believe "it has become fashionable again to speak Croatian with their children".

Around one fifth of the Croats consider "Croatian to be a language for the old" - a view which is very common in the south of the country.

It is also a very common view shared by 68% of the Croats that bilingual children have fewer learning difficulties at school.

50% of those surveyed want their children to be instructed in Croatian.

The Slovene minority

Around 1,400 years ago, the first Slovenes (the Slovenes of the Alps) settled, inter alia, in the regions of Carinthia and Styria; however, as a result of the immigration and settlement of farmers from Bavaria and Franconia, which was supported from the 9th century onwards by East Franconian rulers, more and more Slovenes had to retreat in the Middle Ages to south and south-east Carinthia and to the lower part of Styria in the course of mutual assimilation processes.

In the 15th century, a language boundary was thus established in Carinthia running along the line of Hermagor-Villach-Maria Saal-Diex-Lavamünd; it largely remained in existence until the mid-19th century.

The Nationalist tendencies which in the mid-19th century became evident also in Carinthia, created the basis for ethnic-motivated conflicts. Apart from ethnic differences, there were also

ideological ones; while the Slovenes found strong support in the Roman Catholic Church, the Germans considered liberal ideas to be of central importance. The development of tourism, industry and trade in the second half of the 19th century fostered the use of the German language and enhanced the assimilation process. Closer contacts between the Slovenes in Carinthia and Slovenes in Carniola and other crown lands also contributed to an increased ethnic separation. With the breakdown of the Austro-Hungarian Empire, the question of national assignment and of re-defining the boundaries of Carinthia became topical issues. The Treaty of Saint-Germain stipulated that two Carinthian regions settled exclusively (Seeland) or largely (Mieß valley) by Slovenes, be ceded to Yugoslavia; it also called for a plebiscite be held for determining the most important issue, viz. whether South Carinthia should be part of Austria or Yugoslavia. The result of the plebiscite held on 10 October 1920, showed a 59% vote for Austria, meaning that the territorial unity of Carinthia was essentially preserved. Prior to the plebiscite, the Provisional Regional Assembly of Carinthia, in a resolution adopted on 28 September 1920, appealed to the Carinthian Slovenes, committing itself to "preserving the linguistic and national identity of the Slovene fellow citizens here and now and forever, and to showing the same care in promoting their intellectual and economic prosperity as for the country's German inhabitants". According to estimates, around 12,000 Slovenes voted for Austria in the plebiscite.

From that time onwards, Austria's minority policy - apart from concentrating on the Czechs in Vienna, focused on Slovene issues in Carinthia; complaints were also submitted to the League of Nations. Several years of negotiations in the second half of the 1920s that were aimed at creating a cultural autonomy of Carinthian Slovenes, which implied, inter alia, a declaration of one's affiliation to the "Slovene community" (as a "community of a public law nature") through an entry into the "book of the Slovene people" (slowenisches Volksbuch), brought not positive results. During the Nazi period, the Slovenes were persecuted, and from 1942 onwards many were forced to emigrate.

During the Post-war Period, a broad ideological and political gap within the group soon became apparent, which was due, inter alia, to the conflict between Catholicism and Communism and to the territorial claims that were repeatedly raised by Yugoslavia in respect of South Carinthia until 1949, whereby the existence of the Slovene minority was used as a justification. The latter issue was not finally resolved until 1955. Efforts aimed at implementing and extending the rights of minorities and their protection as enshrined in Article 7 of the State Treaty of 1955 and a modern interpretation of this provision, have frequently been a topic on the political agenda. Although it clearly emanates from the wording of the Treaty that these rights do not only relate to the Slovenes in Carinthia but to "the Slovene and Croat minorities in Carinthia, Burgenland and Styria", disputes of a more spectacular nature have so far been confined to the Carinthian region; here we would like to mention in particular the school strike of 1958 against the hitherto - since 1945 - obligatory bilingual instruction, the conflict regarding place-name signs of 1972 and the protests against the secret native language survey of 1976. The historic roots of the greater conflict potential apparently lie in the territorial disputes outlined above.

Estimates about the number of Slovenes in Austria vary considerably. At the last census conducted in 1991, a total of 20,191 Austrian nationals said they spoke Slovenian in everyday life. The reasons for the inaccuracy of census results will be discussed later on. Here, it must be noted that the latest scientific investigations into the "command of Slovenian" in Carinthia's

political districts, show that around 59,000 persons over 15 have such a command. This does not mean, however, that these persons all belong to the Slovene minority. According to estimates of Slovene organisations, there are around 50,000 Slovenes living in Austria.

According to estimates by the Artikel-VII-Verein für Steiermark (Article-VII-Association for Styria), the organisation representing the Slovenes in Styria, around 3,000 to 5,000 Slovenes live in Styria, most of them in a few villages in the Radkersburg area in the south-east as well as around Leutschach and in the Soboth region; in the course of the industrialisation process, some Slovenes also settled in the Styrian capital of Graz.

The Hungarian minority

The predecessors of today's Hungarian minority were early settlers whose task was to protect the western border for the Hungarian kings. So-called settlements of border guards still exist along the Hungarian border; place names such as Oberwart and Siget in der Wart (Wart meaning border guard) remind us of their existence. In 1921, the Burgenland became part of Austria and the Hungarians living in that region a minority.

While the minority was free to maintain contacts with Hungary between the two wars, this was not so after World War II. As it was the case with the Croats in Burgenland, the economic changes after 1945 led to an increased rural exodus and commuting; there was also a general tendency of doing part-time farming or seeking industrial work. This social change - in the same way as the Iron Curtain - called into question the established value of Hungarian as a mother tongue and led to a strong linguistic assimilation, which could only be counteracted through intensive private education. Since many 30-to-60-year-olds no longer have a command of Hungarian today, the emphasis is rather on the bilingual work with young children and juveniles.

The fall of the Iron Curtain has had a very positive effect for the Hungarians in Burgenland. The fact that it was now easier for them to get in contact with friends and relatives in Hungary, has strengthened their identity .

The present settlement area comprises the regions of Oberwart (Oberwart, Unterwart, Siget in der Wart) and Oberpullendorf (Oberpullendorf, Mittelpullendorf). Burgenland Hungarians also live in larger places and towns such as Eisenstadt and Frauenkirchen. Hungarian families have been living in Graz and Vienna already for many centuries. Today, the number of Hungarians in Vienna exceeds by far those in Burgenland.

The situation of the Hungarian linguistic community in Vienna was strongly influenced by three big waves of emigrants and refugees from Hungary in 1945, 1948 and 1956. In 1992, the Hungarians living in Vienna were recognised as part of the Hungarian minority, and since then have their own representatives in the Hungarian Minority Advisory Council established as early as in 1977 in accordance with the pertinent legal provisions.

According to estimates of Hungarian organisations, approximately 20,000 to 30,000 Hungarians live in Austria.

The Czech minority

Since the days when king Premysl Otakar ruled the country, Czechs have settled in Vienna. So enormous were the waves of immigrants at the end of the 18th century that proclamations also had to be published in Czech in the Vienna suburbs. The immigration wave reached its climax between 1880 and 1890 when more than 200,000 Czechs, in particular workers and craftsmen, came to Vienna. The majority of the Czech associations still in existence today were founded between 1860 and 1890. The Czech heyday in Vienna was certainly after the turn of the century. At that time, Vienna was also the second-largest Czech city in the world, its Czech population being outnumbered only by that of Prague. Despite strong political resistance, the first independent Czech schools were established in that period. It was thanks to the great variety of Czech industries, crafts, associations, banks, newspapers and the political parties as well as to the extensive social activities pursued by numerous associations that in those days Czech invariably became the language that was used almost exclusively by the minority in every day life.

Two big waves of returnees after World War II reduced the number of Czechs in Vienna by 50% each. Until the 1960s, the number further declined, reaching its lowest point in 1968. As a result of the situation in Czechoslovakia in 1968 and 1969, many Czechs settled in Vienna. The Czech linguistic community increased again after the quelling of the "Prague Spring" of 1968/69 when 10,000 Czechoslovak citizens applied for political asylum in Austria.

Since 1945, the situation of the Czechs in Vienna has been characterised on the one hand by a strong dependence on the political situation in former Czechoslovakia, and on the other hand by the fact that they have developed a certain independence, which was also encouraged by the existence of the Iron Curtain. A major problem in the 1950s was that the minority was divided, one group maintaining official contacts with former Czechoslovakia and another, larger group refusing to maintain Communist contacts. It was not until the 1990s that the two groups were reunited and agreed on the establishment of an Advisory Council for the entire Czech minority at the Federal Chancellery. This step paved the way for a certain image correction within the group, which especially encouraged the participation of younger Czechs and led to a number of innovations.

As a result of the political changes in Czechoslovakia in November 1989, closer contacts were established again between the Czechs in Vienna and the Czech Republic. The Czech minority in Vienna, which comprises around 20,000 persons, has re-gained significance with the opening towards the east. At the latest census conducted in 1991, 8,033 Viennese said they spoke Czech in everyday life. Today their number is estimated at between 15,000 and 20,000.

The Slovak minority

The Slovaks in Austria are a small minority which has been resident in this country for quite a long time. From the 5th to the 9th centuries, the eastern regions of Lower Austria were part of the first state entities of early Slovaks. Linguistic and ethnographic analyses indicate that there has been a continuous Slovak settlement in these regions to this day. At present, around 25% of the Slovak minority live in Lower Austria. The largest part, around two thirds, live in Vienna. Slovaks live in all districts of the city without there being any agglomerations or compact Slovak

islands. The remaining members of the minority are dispersed throughout Austria, most of them living in Upper Austria and Styria.

Around 1900, the number of Slovaks in Austria reached its highest point (approx. 70,000), with most of them living in Vienna and in the Marchfeld region. It rapidly declined thereafter to 20,000 around 1914 on what is today Austrian territory. After 1918, some Slovaks settled in newly established Czechoslovakia; according to a census conducted in 1923, there were only 4,802 Slovaks living in Austria. Since then, their number has been constantly declining. At the 1991 national census, 2,120 persons including 1,015 Austrian nationals, said they spoke Slovak in everyday life. Of all those registered, 1,645 members of the Slovak minority were resident in Vienna and Lower Austria, including 835 Austrian nationals. Their actual number, is however, considered to be far higher, amounting - according to estimates by Slovak organisations - to between 5,000 and 10,000.

With the amendment of an ordinance published in the Fed. Law Gazette No. 38/1977 (Fed. Law Gazette 148/1992), the Slovaks were recognised on 21 July 1992 as a national minority within the meaning of the Minorities Act (Volksgruppengesetz). In 1993, an Advisory Council (Volksgruppenbeirat) was established for the Slovak minority.

The Roma minority

Five larger groups of Roma can be distinguished in Austria today. These are in the order of their length of stay in the Central European German-speaking area: Sinti, Burgenland Roma, Lovara, Kalderash and Arlije. The table below outlines their history of migration and the geographical parameters of these five groups.

	SINTI	BGLD.-ROMA	LOVARA	KALDERAŠ	ARLIJE
Country of Emigration	<i>South Germany Czech region</i>	<i>Hungary</i>	<i>Hungary Slovakia</i>	<i>Serbia</i>	<i>Macedonia Kosovo</i>
Period of Immigration	<i>around 1900</i>	<i>from 15th c. onwards</i>	<i>second half of 19th century. 1956</i>	<i>from the 1960s onwards</i>	<i>from the 1960s onwards</i>
Settlement area	<i>primarily cities and towns</i>	<i>Burgenland (towns in eastern part of Austria)</i>	<i>primarily Vienna area</i>	<i>Vienna area</i>	<i>Vienna area</i>

"Country of Emigration" means the last host country or country in which they stayed before entering Austria. The table does not give any precise figures. According to estimates, there are around 25,000 Roma living in Austria. Since the figures given in respect of the individual groups differ considerably, it would be a highly unscientific approach to provide detailed figures. It should be noted, however, that the number of Roma who came to this country as migrant workers in the 1960s and are now mostly Austrian nationals, exceeds by far the number of Sinti, Burgenland Roma and Lovara that have lived in Austria for a longer period of time.

Their different length of stay on what is now Austrian territory has also led to different socio-historical developments of the individual groups. While Roma migrant workers were only slightly or hardly at all affected by the Nazi genocide, the Burgenland Roma, Sinti and Lovara are still suffering from this dreadful experience. The generation of their grandparents, who played a decisive role in shaping their cultural heritage and in passing it on to their children and grandchildren, has almost been extinguished, most of them dying in concentration camps; this, inter alia, had the effect of destroying their social structure reflected for example, in the large families, and dealt a heavy blow to these groups of which they have not yet fully recovered; and in fact they have been unable to do so since the liberation of the few survivors did not put an end to their marginalisation and discrimination. Here, mention must also be made of the politically-motivated murder of four Roma in Oberwart (Burgenland) committed on 4 February 1995 by a single offender, who has already been convicted with final effect.

The fact that the Austrian public has a positive attitude towards Roma is, inter alia, due to their self-organisation following the "Commemoration Year of Austria's Anschluss to the Third Reich" in 1988. For details about this positive development, see our comments to Article 5.

As outlined above, the Roma were officially recognised as a national minority in 1993.

The numerical strength of national minorities

In order to gain an overview of the ethnic composition of the Austrian people, the national census results, in particular the latest figures of 1991, may serve as a basis. At the 1991 census covering a total of 7.278,096 Austrian nationals, a large number of persons (see the exact figures below) said they spoke the following language in everyday life:

<u>Croatian</u>	29,596	0.4 % of Austrian nationals
Including	19,109	in Burgenland
	6,604	in Vienna

<u>Slovene</u>	20,191	0.3% of Austrian nationals
Including	14,850	in Carinthia
	1,832	in Vienna
	1,697	in Styria

<u>Hungarian</u>	19,638	0.3% of Austrian nationals
Including	8,930	in Vienna
	4,973	in Burgenland
	2,389	in Lower Austria
	1,182	in Upper Austria

<u>Czech</u>	9,822	0.1 % of Austrian nationals
Including	6,429	in Vienna
	1,604	in Lower Austria

<u>Slovak</u>	1,015	less than 0.1% of Austrian nationals
Including	619	in Vienna
<u>Romany</u>	122	0.002% of Austrian nationals.

Where more than one language including "German" was given, this was classified under the respective minority language.

Under Section 1 para. 3 of the Minorities Act "the declaration that one belongs to a national minority is free" and no-one is committed to "showing his/her affiliation to a national minority." If one also takes into account the fact that according to the legal definition of the term "national minority" (s. 1 para. 2 of the Minorities Act), the relevant linguistic element is the mother tongue, and that in the national censuses conducted every ten years under the National Census Act, the relevant question is that of the language spoken in everyday life, it is obvious that there is currently no legal possibility of obtaining precise figures regarding national minority members. And since the term "colloquial language" may give rise to different interpretations, census results can be no more than an indication of the numerical strength of a particular national minority.

Apart from regular census results, other indicators of the numerical strength of a national minority are the frequent use of the respective language at school, the existence and scope of local minority associations, the election results of groups (parties) or candidates addressing minority issues - in particular at the local level, the dissemination of mass media in the minority language and certainly also the use of that language in ecclesiastical life. It is quite obvious that almost all of these indicators depend on a variety of factors that are not necessarily confined to national minorities and are thus, taken by themselves, not a reliable source either.

The least precise statements can be made about the number of Roma living in Austria. It can be assumed, however, that as far as the "language used in everyday life" is concerned, the figures of the census results are too low compared with the number of autochthonous Roma. It can be assumed that some ten thousand persons, who are to be considered Roma from an ethnic point of view, live in Austria, most of them in Burgenland and many also in Vienna and other cities and towns.

The statistics of bilingual schools may also be of some help in giving an approximate number of minority members. This is true, however, with some restrictions: monolingual children often attend bilingual courses whereas children of minority families for various reasons no longer attend such courses or do not enrol for them at all. In Burgenland, on the other hand, where bilingual instruction has generally been introduced in bilingual communities, the language spoken by pupils in everyday life is set out in the school statistics. What is, however, inadmissible at any rate is an ethnic over-classification, which is why school statistics may only serve as indicators of a pupil's affiliation to a certain national minority.

In the academic year 1998/99, for example, 1,620 pupils (i.e. 26.52% of all primary school children) attended bilingual courses or courses held in Slovene in a region which, according to the Minority Schools Act for Carinthia, covers the traditional settlement area of Carinthian Slovenes in the south of Carinthia. Moreover, an additional 130 pupils attended bilingual primary schools in Klagenfurt.

In 1998/99, 12,040 pupils attended primary schools in Burgenland, with 1,436 children attending bilingual schools. In the latter schools, 476 pupils said they spoke Croat and 26 Hungary in everyday life.

2. The legal situation

It is quite clear that being Austrian nationals, persons belonging to minorities in Austria enjoy the same rights, in particular the same political and fundamental rights, as all other nationals. As we will explain in greater detail when discussing the individual articles, Austria already fulfils many of its obligations arising from the present Convention by giving the members of national minorities the opportunity to make use of these rights in the same way as other nationals.

Moreover, the Austrian legal system contains a number of specific national minority regulations. These regulations are listed below and will be discussed under the respective articles in greater detail.

2.1. Constitutional provisions

The following national minority provisions are of constitutional standing:

Article 8 of the Federal Constitutional Act (B-VG), Federal Law Gazette No. 1/1920

Article 66 to 68 of the Treaty of Saint-Germain-en-Laye of 10 September 1919, State Law Gazette No. 303/1920; according to Article 149 para. 1 of the B-VG, these provisions are of constitutional standing

Article 7 of the State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna), Fed. Law Gazette No. 152/1955; according to Article II para.3 of the Amendment to the B-VG, Fed. Law Gazette No. 59/1964, Article 7 paras. 2-4 are of constitutional standing

Article I of the Minorities School Act for Carinthia (Minderheiten-Schulgesetz für Kärnten), Fed. Law Gazette No. 101/1959

Section 1 of the Minorities School Act for Burgenland (Minderheiten-Schulgesetz für Burgenland), Fed. Law Gazette No. 641/1994

It should be noted in particular that the European Convention on Human Rights (ECHR) is of constitutional standing in Austria, and that a remedy against an alleged violation of the rights set out therein directly lies with the Constitutional Court (Verfassungsgerichtshof). Article 14 of the Convention is of decisive relevance in this respect as it ensures that the enjoyment of the rights guaranteed by the Convention is to be secured without discrimination in particular as far as the language is concerned.

Mention must also be made of Article 19 of the Basic Law (Staatsgrundgesetz), which reads as follows:

"(1) All the ethnic entities of the empire enjoy equal rights, and each ethnic entity has an inviolable right to the preservation and fostering of its nationality and language.

(2) The state recognises the equal rights of all current languages in schools, administration and public life."

In its case-law (Coll. VfSlg. 2459/1952 and others), the Austrian Constitutional Court has repeatedly held the view that Article 19 of the Basic Law has been abrogated by Articles 66 to 68 of the Treaty of St. Germain in conjunction with Article 8 of the B-VG; the term "ethnic entities" ("Volksstämme") referred to the peoples of the Austro-Hungarian monarchy; in the Austrian Republic since 1920 there are no longer ethnic entities but minorities. There is thus no room for applying Article 19 of the Basic Law any more.

2.2. Simple law provisions

There are the following simple laws (provisions not classified as being of constitutional standing) and ordinances:

Minorities Act (Volksgruppengesetz), Fed. Law Gazette No. 396/1976

Minorities School Act for Carinthia, Fed. Law Gazette No. 101/1959

Minorities School Act for Burgenland, Fed. Law Gazette No. 641/1994

Ordinances based on the Minorities Act:

Ordinance of the Federal Government governing the Advisory Councils for National Minorities, Fed. Law Gazette No. 38/1977;

Ordinance of the Federal Government of 31 May 1977 defining the areas where topographical inscriptions are to be given in German and Slovene, Fed. Law Gazette No. 306/1977;

Ordinance of the Federal Government of 31 May 1977 defining the courts, administrative authorities and other departments where Slovene is admitted as an official language in addition to German, Fed. Law Gazette No. 307/1977;

Ordinance of the Federal Government of 31 May 1977 defining the Slovene place names, Fed. Law Gazette No. 308/1977;

Ordinance of the Federal Government of 24 April 1990 defining the courts, administrative authorities and other departments where Croat is admitted as an official language in addition to German, Fed. Law Gazette No. 307/1977;

Topographical Ordinance for the Burgenland, Fed. Law Gazette vol. II No. 170/2000;

(Ordinance governing the use of Hungarian as an official language; it was adopted by the Federal Government as early as on 14 June 2000 and is to enter into force on 1 October 2000).

2.3. Case-law

The Constitutional Court's case-law in matters relating to national minorities will be discussed in the comments to the respective Articles of the Framework Convention.

* * *

PART II: As to the individual provisions of the Framework Convention

Section I

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Austria has always been among the countries that have been particularly active in preparing international documents for the protection of minorities.

Austria signed the Council of Europe's Framework Convention for the Protection of National Minorities in early February 1995. On 30 September 1997, the Federal Government submitted the Framework Convention together with the Interpretative Declaration, which confines the scope of the Convention to national minorities, to the Nationalrat (the lower house of the Austrian Parliament) for its approval in accordance with Article 50 para.1 of the Federal Constitutional Act. Austria ratified the Framework Convention on 31 March 1998. It entered into force for Austria on 1 July 1998.

That the Austrian Government is well aware of its special responsibility for minorities, clearly emanates from the Government Programme of February 2000 and the preceding Declaration of 3 February 2000.

Article 2

The provisions of this Framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Austria also supports this aim of the Council of Europe which transpires from Article 2 through a wide range of bilateral agreements it has entered into, for example, in the cultural, scientific and other fields. Austria maintains very good bilateral relations with its neighbour countries. Of the large number of cultural agreements concluded by it, in particular the European Cultural Agreement, Fed. Law Gazette No. 80/1958 deserves to be mentioned in this respect.

The fact that the Federal Government feels strongly committed to these aims is also reflected in a number of multilateral agreements. Austria has ratified in particular the following international agreements:

the International Covenant on Civil and Political Rights of 9 December 1966;
the International Covenant on Economic, Social and Cultural Rights of 19 December 1966;
the International Convention on the Elimination of all Forms of Racial Discrimination of 7 March 1966;
the Convention for the Protection of Human Rights and Fundamental Freedoms and the Additional Protocols thereto;
the Charter of the Council of Europe.

Last but not least reference must also be made to the large number of OSCE documents, which Austria fully supports.

Article 3

Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such, and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.

Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.

As to para. 1

Under Section 1 para. 3 of the Minorities Act, everyone is free to declare his or her affiliation with a national minority. No person belonging to a minority shall be put at a disadvantage as a result of exercising or not exercising the rights to which he/she is entitled as a member of such a minority. No one is under an obligation to show his or her affiliation to a national minority.

As to para. 2

Paragraph 2 must be looked at in conjunction with the regulations enshrined in the Austrian Basic Law (equality before the law, freedom to form associations and right of assembly, freedom of conscience and creed, ...). As has already been outlined in Part I under 2.1., Article 14 of the European Convention on Human Rights is of particular relevance regarding the protection of national minorities.

There is a comprehensive system of protection regarding the rights of individuals in Austria. Members of national minorities can assert the rights granted to them under Austrian law via the legal channels set out in the Constitution. If they consider their rights to have been violated by an administrative act, they may file a complaint with a court of public law (the Administrative Court or Constitutional Court).

In a recent ruling, for example, the Constitutional Court, in determining complaints by parents, held that bilingual education must not be restricted in the respective Carinthian regions to the first three grades of elementary school but is to be extended to all four grades in these schools.

There are only few collective rights under the Austrian minority law, including the right of the National Minority Advisory Councils (Volksgruppenbeiräte) to deal with pertinent issues, and the right of representative minority organisations to make proposals for the appointment of the

members of these councils, including the possibility of certain representative organisations to challenge the composition of the respective Advisory Council by filing a complaint with the Administrative Court (Section 4 para.1 of the Minorities Act; see also the comments under Article 15).

Some minority organisations call for a strengthening of collective rights (primarily the right of associations to take legal action).

Section II

Article 4

The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

As to para. 1

This requirement has been fulfilled in Austria by the general principle of equality (Article 7 para. 1 of the Constitutional Law), which is one of the pillars of the Austrian Constitution. According to this principle, all federal nationals are equal before the law. It is equally binding upon all state organs, viz. organs at the federal, regional and local levels.

In addition, Article 66 para. 1 of the Treaty of St. Germain-en-Laye, which is of constitutional standing, stipulates that all Austrian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion. Under Section 67 loc. cit., Austrian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as other Austrian nationals.

Moreover, Article 7 para. 1 of the State Treaty for the Re-establishment of an Independent and Democratic Austria provides that Austrian nationals of the Slovene and Croat minorities shall enjoy the same rights on equal terms as all other Austrian nationals.

Last but not least, reference must also be made to Article 14 of the European Convention on Human Rights, which - like the Convention as such - is part of the Austrian Federal Constitution.

As to para. 2

The general principle of equality enshrined in para. 1 does not prevent the legislature from giving preference to members of a national minority over members of the majority population.

According to the Constitutional Court's case-law, the equality principle requires the legislature to apply the same legal consequences to the same facts, and different legal consequences to different facts (objectivity rule). As far as the protection of minorities is concerned, the Constitutional Court has held (Coll. VfSlg. 9224/1981) that the various provisions of constitutional standing relating to national minorities in their entirety imply an evaluation by the constitutional legislature in favour of the protection of minorities. It is for the (simple) legislature to take into account this evaluation in adopting rules and regulations. Putting members of national minorities on an equal footing with members of other social groups by relying more or less on a specific pattern, will not always satisfy the requirements of such a constitutional evaluation. Depending on the issue to be determined, the protection of members of a minority against members of other social groups may from an objective point of view justify or even require the favourable treatment of that minority in certain cases.

This is also the aim of the above-mentioned provision enshrined in Article 8 para. 2 of the Federal Constitutional Act. It contains a mandate for the state organs, requiring them to act in accordance with this provision.

The Constitutional Court also considers such provisions to be a useful tool for legal interpretations as they give regulations serving that aim an objective justification.

Article 8 para. 2 of the Federal Constitutional Act reads as follows:

"The Republic (*Bund, Länder and Gemeinden*) is committed to its linguistic and cultural variety, which has evolved in the course of time and finds its expression in the autochthonous ethnic groups. The language and culture, continued existence and protection of these ethnic groups are to be respected, safeguarded and promoted."

Item 5.5. of the Code of Honour of the Austrian press prohibits any discrimination on racial, religious, national, sexual or other grounds. The code contains self-imposed principles regarding the work of the Austrian media.

A number of pertinent investigations show that persons who grow up bilingual, often have a higher educational level. This is also true of persons belonging to minorities in Austria, except for the Roma, where (educational and extracurricular) programmes for children and young persons funded directly or indirectly by the State, are to remove still existing deficiencies.

National minorities whose autochthonous settlement areas are situated in less prosperous regions, are affected by that disadvantage in the same way as the majority population in these areas. They are, however, particularly affected by such a situation if the exodus of the younger members to the large industrial areas, leads to a disproportionate number of old persons within the group in these regions. This is a problem faced by all national minorities except those living in Vienna.

Article 5

The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

As to para. 1

By providing financial assistance, both the federal and regional governments enable members of national minorities to maintain and develop their culture and are thus making a major contribution in that respect.

For Austrian minorities a person's religious belief is not an important characteristic feature of his or her identity. Nevertheless, previous and current efforts by religious institutions that are aimed at maintaining the linguistic skills of members of these groups, play a decisive role.

In particular the provision of state subsidies makes it easier for these groups to preserve their cultural heritage and develop their culture. Since the entry into force of the Minorities Act, for example, the Federal Chancellery has made the following financial contributions:

1977: ATS 5 million
1978: ATS 5 Million
1979: ATS 5 Million
1980: ATS 5 million
1981: ATS 5 million
1982: ATS 5 million
1983: ATS 5 million
1984: ATS 4.25 million
1985: ATS 3.825 million
1986: ATS 5 million
1987: ATS 4.850 million
1988: ATS 4.462 million
1989: ATS 14.35 million*
1990: ATS 20.35 million
1991: ATS 24 million
1992: ATS 34 million**
1993: ATS 37.8 million
1994: ATS 39.8 million
1995: ATS 52.72 million***
1996: ATS 52.72 million
1997: ATS 52.72 million
1998: ATS 67.72 million

ATS 15 million of which were used to promote minority radio programmes
1999: ATS 66.848 million
ATS 15 million of which were used to promote minority radio programmes
2000: ATS 51.848 million

* The high increase is due to the establishment of the Slovene Minority Advisory Council.

** The Advisory Council for the Hungarian Minority was expanded (including the Hungarians in Vienna) and the former Advisory Council for the Czech Minority was divided into an Advisory Council for the Czech and an Advisory Council for the Slovak minority.

*** The amount of ATS 42.72 million originally provided for in the Government bill, was raised by 10 million to ATS 52.72 million in the light of a greater financial need resulting from the establishment of several advisory councils (the political background being an attack on Roma in February 1995).

Unlike in many other areas supported by the State, the amount available for national minorities under the respective Federal Budget Acts was kept as far as possible on the same level or slightly below that level between 1995 and the year 2000 (except for earmarked funds).

Structures of minority associations in Austria

Due to the settlement structure, the **Burgenland Croats** do not have a cultural or economic centre. It was thus at a very early stage that local activities in the cultural field constituted a pillar for strengthening their identity. Local associations (32 music bands, 14 theatre groups, 12 choirs, around 40 local cultural associations) therefore play an important role. During the last 60 years, a number of associations and organisations that are engaged in national activities, have been established for Burgenland Croats; during the last few decades cultural associations have also been established in Vienna.

Below is a comprehensive list of associations with national activities in various fields including culture, adult education, media, literature, scientific work and documentation:

HKD - Hrvatsko kulturno drustvo (Croat cultural association)

hkdc - Hrvatski kulturni i dokumentarni centar (Croat Cultural and Documentation Centre)

HStD - Hrvatsko stamparsko drustvo (Croat Association of the Press)

HNVS - Narodna visoka skola Gradiscanskih Hrvatov (Adult Education Centre of the Burgenland Croats)

HGKD - Hrvatsko gradiscansko kulturno drustvo (Cultural Association of the Burgenland Croats in Vienna)

HAK - Hrvatski akademski klub (Croat Club of University Graduates)

ZORA - Drustvo gradiscanskohrvatskih pedagogov (Association for Burgenland Croat Pedagogues)

ZIGH - Znanstveni institut Gradiscanskih Hrvatov (Scientific Institute of the Burgenland Croats)

DOGH - Drustvo za obrazovanje Gradiscanskih Hrvatov (Educational Centre of the Burgenland Croats);

Associations engaged in regional activities are:

KUGA - Kulturna zadruha (Großwarasdorf Cultural Association)

PAIN - Panonski Institut (Pannonian Institute, Güttenbach).

The work of these associations for the benefit of national minorities includes in particular the maintenance and strengthening of local cultural activities (music, theatre, literature), academic assistance and evaluation of bilingual education, preparation of new text books and educational material for schools and kindergartens, special training programmes for bilingual pedagogues, school projects and participation in school partnerships, developing new forms of cultural work (youth culture, contemporary literature, New Media, etc.), establishing documentation and information centres on the history of the respective minorities (promoting scientific work, etc.), ensuring and extending the provision of information by the media in the respective minority language, promoting a further linguistic standardisation and developing strategies for introducing bilingualism into economic life (by providing translation, au-pair and student exchange services, etc.) as well as issuing publications. In addition, a wide range of courses are organised for adults, and international contacts are maintained through an extensive co-operation.

Finally, it must be pointed out that the Croat villages in Burgenland have a large number of different associations, which - apart from those dedicated to the preservation of the Croat language and culture - hardly differ in their structure from associations in German-speaking places. The activities of these associations are organised and carried out mostly by volunteers free of charge. They are primarily aimed at satisfying the cultural needs within a certain village and are therefore confined to the respective minority. Some areas (e.g. folklore, laymen theatre) require a more effective use of elementary structures and networking of activities. Since this work is largely done by individuals, its continuation cannot be secured on a long-term basis. The study "Cultural Management in the Village: An Examination of the Cultural Activities in Croat Villages, Structural Analysis of Associations" ("Kulturmanagement im Dorf: Untersuchung der kulturellen Aktivitäten in den kroatischen Dörfern, Strukturanalyse des Vereinswesens"), which was published in 1998, suggests a new approach and presentation of existing activities on the basis of concrete projects and professional cultural management. The suggestions are currently being implemented (projects: Stinatz House, burial ground and old forge in Schandorf, cultural summer in Parndorf, pilgrimage church in Dürnbach).

The associations and institutions of the **Slovene minority** in Carinthia include political, cultural and youth organisations:

The Zentralverband slowenischer Organisationen/Zveza slovenskih organizacij (Central Association of Slovene Organisations) is one of the two democratic and legitimate umbrella organisations which for many decades have been representing the political interests of Carinthian Slovenes. Its anti-fascist orientation is not only a reflection of its historic roots in the resistance movement during World War II but also of a strong opposition to current political and nationalist tendencies of regarding the Slovene minority as a homogenous national and ethnic entity or putting its social significance into question. The Central Association thus supports a broader and

less strict interpretation of the term minority that refutes any attempts at a collective classification based on the declaration principle.

The Rat der Kärntner Slowenen/Narodni svet koroških Slovencev (Council of Slovenes in Carinthia) was established in 1949 as an independent association and is one of the two central organisations representing the Slovenes in Carinthia. The Council is not an umbrella organisation, but closely cooperates with a number of Slovene minority organisations. It is not ideologically orientated, relies on an electorate of currently more than 6,200 persons living in Carinthia's multilingual region, and has over 18 local committees. The chairman and the 48-member Volksgruppentag, which is the Council's main decision-making body, are directly elected every four years on the basis of democratic elections. The Council represents, inter alia, the political, cultural and economic rights and interests of Slovenes in Carinthia. It strongly adheres to a separate policy and therefore also supports independent Carinthian Slovene candidates in local and regional elections. It wants to secure a legally guaranteed representation of the Slovene minority in the Carinthian parliament. Its activities are aimed at preserving the group's ethnic identity and enabling its development and social integration in Austria as an equal partner. A special concern is to promote the co-operation with citizens and structures in Slovenia in the cultural, economic, political and other fields. The Council also publishes the weekly "Naš tednik" in Slovene. It is part of a national and European network of minority organisations - the National Minorities Centre in Vienna, the Austrian Committee of the European Bureau for Lesser Used Languages (EBLUL), the Federalist Union of European National Minorities - and is very active in promoting a close co-operation and strengthening of national minorities.

The Slowenischer Kulturverband/Slovenska prosvetna zveza (Slovene Cultural Association) is an umbrella organisation comprising 43 local cultural associations. It runs four cultural centres and has its own Slovene Study Library in Klagenfurt. It offers various services to its members, including the provision of cultural groups, theater performances, organisational and financial assistance for cultural programmes, preparation of invitations, information and advice on cultural issues. At its seat, the Association houses a comprehensive archive of theatre scripts and notes that are available to member associations free of charge. In addition to providing these services, the Association also pursues its own activities. The promotion of artists being one of its major aims, it commissions compositions and scripts for theatre plays to give musicians and authors an opportunity to work in two languages. As a result of these efforts, the association produces two theatre performances each year and organises a number of concerts and readings by authors. Once a year, in November, there is a performance show with numerous choirs. The association also organises lectures on interesting topics (minority policies, the health system, arts and culture, EU), further training courses for members and officials, dance, language, painting, theatre and ceramics workshops for adults and young persons. During the last ten years, around 40 books have been published by the association.

The Christliche Kulturverband/Krščanska kulturna zveza (Christian Cultural Association) was established in Klagenfurt in 1953 as the successor organisation of the Christian-Social Association for Carinthia. Since then, the aims of the association, which is seated in the Hermagoras House, have remained largely the same. Its purpose is to preserve, represent and promote the cultural achievements, needs and interests of Slovenes in Carinthia, to encourage scientific and research work in this field, to create educational and training facilities and to enable

a cultural exchange between the two groups in Carinthia. There are 52 local Slovene cultural associations affiliated to the Christian Cultural Association. Since the problems and needs of the Slovene minority have changed in the course of time, the association is now trying to re-organise itself in order to meet the new challenges more effectively. The re-structuring implies giving itself a new image, making use of the new media and defining new contents. The association, inter alia, wants to take into account much more the needs of local cultural associations and individual groups, to intensify the - already successful - work with children and young persons, to place greater emphasis on the preservation of the Slovene language and on the specific needs of the family, which is one of the target groups.

In the academic year 1999/2000, teachers of the Slowenische Musikschule/Slovenska glasbena šola (Slovene Music School) instructed 515 pupils in 19 departments. In addition, 90 children received musical instruction prior to attending primary school.

The Cultural and Communication Centre (k & k) in St. Johann in the Rosental valley, was established in 1995 by the Slovene Cultural Association with the aim of adding new forms of expression to the traditional contents of the Carinthian cultural scene in the field of theatrical work, painting and education. The k & k wants to create a culture of co-existence that enables an unprejudiced and self-confident approach in dealing with bilingualism and the past. At special events and in seminars and cultural encounters the participants can experience for themselves what it means to be bilingual.

The Katholisches Bildungshaus/Katoliški dom prosvete Sodalitas (Catholic Education Centre) is a bilingual education centre for adults run by the Sodalitas brotherhood. The centre is a member of the working association of Austrian education centres and of the Advisory Adult Education Council of the *Land* of Carinthia (and the new Working Association for Carinthian Adult Education, which is currently being established). Around 550 events are held at the centre each year, including lectures, seminars, workshops, symposia, discussions, days of reflection, exhibitions, concerts, etc., of which 350 events are organised by the centre itself and 200 by other organisations. The centre's educational work focuses on the provision of further training courses in Slovene (around half of all events) and programmes that add to a better understanding and co-existence between German-speaking and Slovene people. The bilingual magazine "Dialog" (dialogue), which contains a detailed programme and already has a circulation of 14,000 copies, is sent to the participants and interested persons four times a year.

There are also a number of youth and student organisations such as the Carinthian Student Association (Kärntner Studentenverband), the Club of Slovene Students (Klub slowenischer Studenten) in Graz and the "Regenbogen" (Rainbow) Youth Centre in Eberndorf. Mention must also be made of the Association of Slovene Women (Verband slowenischer Frauen) and the Slovene Economic Association (Slowenischer Wirtschaftsverband). The individual communities in the bilingual region of Carinthia have a large number of smaller cultural clubs and groups, including theatre groups for children, mixed choirs and libraries.

The Artikel VII-Kulturverein für Steiermark (Article VII Cultural Association for Styria) represents the interests of Styrian Slovenes. Being established in 1988, one of its major aims is to secure the implementation of the rights enshrined in Article 7 of the State Treaty of Vienna (Fed.

Law Gazette No. 152/1955) for the Slovene language community in Styria. Since 1995, the association runs an office in Graz; in 1998 the Pavel House in the Radkersburg community became the cultural centre of Styrian Slovenes. The association also supports an increased Slovene instruction at South Styrian schools. According to the Kulturverein, many pupils choose Slovene as an optional subject.

The **Burgenland Hungarians** have several associations whose aim is to maintain and preserve the language, traditions and cultural heritage of the Hungarian minority. The central cultural association is the Burgenland-Hungarian Cultural Association (Burgenländisch-Ungarischer Kulturverein) in Oberwart. Local associations and other organisations are active in various cultural fields.

The aim of the Burgenland-Hungarian Cultural Association is to preserve the Hungarian cultural heritage and language. This aim is to be achieved by promoting folk dance groups, student training programmes, language courses for children (including the publication of the journal "Hirhozo") as well as other publications and modern cultural work. The association also promotes bilingual instruction at school and the use of Hungarian for extra-curricular child-care activities. Cultural events and study trips to Hungary are organised on a regular basis.

The primary school for Hungarians in Burgenland offers language courses, organises cultural days and publishes books in Hungary. Finally, the cultural activities of the Unterwart theatre club and the Unterwart local folklore centre as well as the activities of the church communities deserve to be mentioned in this respect.

The Umbrella Organisation of Independent **Hungarian Associations** (Dachverband Unabhängiger Ungarischer Vereine) was founded in 1983 and comprises a number of old-established non-political Hungarian associations in Vienna. It is considered an important element for preserving the Hungarian cultural heritage outside Burgenland.

The Hungarian Workers' Association (Ungarischer Arbeiterverein) was founded as early as in 1899 with the aim of preserving the Hungarian language and maintaining contacts between Austria and Hungary in the cultural and sporting fields.

Since its establishment in 1980, it has been a major aim of the Central Union of Hungarian Associations and Organisations (Zentralverband ungarischer Vereine und Organisationen) in Austria to ensure an effective organisation of Hungarians other than those living in Burgenland, and their recognition as a national minority. It serves as an umbrella organisation of a number of organisations that were created by Hungarian refugees after 1945. It is thanks to the initiative and efforts of the Central Union that the Hungarians in Vienna and its surroundings were recognised as a national minority.

There are a total of 62 **Czech associations** in Vienna. Some of them are grouped together in umbrella organisations; the number of branch offices and main activities of each association are also given below.

1 Schulverein Komensky (School Association): school maintenance, journal, youth work

1	Kulturklub der Tschechen und Slowaken : (Cultural Club of Czechs and Slovaks)	cultural work, journal
1	Katholische Jugend (Catholic Youth) :	church, youth work, spiritual welfare work
1	Jirasek:	library
1	Nova Vlast :	cultural and social work
1	Kontaktforum (Contact Forum):	cultural work, arts, exhibitions
1	Elternverein des Schulvereines (Parent Association of the School Club)	youth work
1	Tschechische Pfadfinder: (Czech Scouts)	youth work
1	Akademischer Verein: (Academic Association)	lectures, cultural work
4	Arbeiter Turnverein DTJ : (Workers' Gymnastics Club DTJ)	ports
1	Gesangsverein Lumir: (Lumir Choral Society)	choir
1	Klub der tschechoslowakischen Touristen : (Club of Czechoslovak Tourists)	tourism
1	Tamborizzagruppe Adria : (Adria Tamborizza Group)	music group
1	S.K. Slovan – HAC (sporting club) :	sports
1	Theaterverein Vlastenecka Omladina : (theater club)	theater group
7	Tschechisches Herz : (Czech Heart)	social and cultural work
1	Tschechoslowakische soz. Partei in Ö. : (Czechoslovak Socialist Party in Austria)	politics
1	Tschechoslowakische Volksvereinigung : (Czechoslovak People's Association)	politics, journal
5	Turnverein Orel (gymnastics club) :	sports, cultural work
8	Turnverein Sokol (gymnastics club) :	sports, youth and cultural work
1	Verein Narodni Dum : (Narodni Dum Association)	cultural work
1	Verein Slovanska Beseda : (Slovanska Beseda Association)	lectures, cultural work
7	Vereinigung Barak : (Barak Association)	cultural work
1	Vereinigung Maj : (Maj Association)	films, library
6	Vereinigung d. Tschechen u. Slowaken : (Association of Czechs and Slovaks)	cultural work, library, tourism
5	Wiener St. Method-Verein : (Vienna St. Method Association)	church maintenance, cultural work
1	Touristische Vereinigung Maj : (Maj Tourist Association)	tourism

Of the above 62 associations 54 are grouped together under the Minority Council which acts as an umbrella organisation. The renovation of the Komensky School and the construction of a small sports hall are certainly the most important current activities. In addition, more than 50 associations are engaged in social activities.

As far as the allocation of public funds is concerned, the associations have agreed on the following list of priorities: maintenance of schools, youth work, publication of journals, maintenance of libraries and cultural property, repair work and renovations, subsidies for rental payments and events. These criteria also served as a basis for the proposals made for the allocation of funds by the Federal Chancellery. Normal club activities are largely pursued without state subsidies.

The first **Slovak associations** were established in Vienna in 1848/49, including Vzájomnost, Tatran, Jednota and others. The Österreichisch-Slowakischer Kulturverein (Austro-Slovak Cultural Association) established in 1982 as an umbrella organisation for the ambitious cultural and social work of Slovaks and their friends in Austria, continues the tradition of Slovak associations.

The Austro-Slovak Cultural Association maintains on its premises a "music kindergarten" for infants and school children and a kindergarten where children aged four years and over can play and participate in theatre performances. Being still subjected to strong assimilation tendencies and being a relatively young national minority that was not recognised until 1992, the Slovaks consider it their most important task to strengthen the bond between Austrian Slovaks. This is also reflected in their cultural activities. Literature events, lectures, exhibitions by minority members, film and slide presentations are organised on a regular basis on the premises of the Austro-Slovak Cultural Association. It has its own Slovak library, which also comprises books of Slovak associations from the last century.

The self-organisation of the **Roma minority** goes back to the year 1988 when Austria commemorated 50 years of its Anschluss to the Third Reich in 1938. Studies conducted to investigate the ordeal of minorities suffering from the Nazi genocide gave rise to a discussion on the group's present situation.

The first association was founded in Oberwart in 1989: The Verein Roma (Roma Association) is the result of a critical consideration - by both young Roma and non-Roma - of the problems resulting from stigmatisation, discrimination and social marginalisation. At the same time, the Roma Counselling Centre was established; it has been very successful in providing assistance and advice to Roma on occupational, social and educational issues.

In 1991, the Kulturverein österreichischer Roma (Cultural Association of Austrian Roma) and the Romano Centro association representing various Roma groups, were founded in Vienna. It is thanks to the joint activities of the above-mentioned associations, in particular the Cultural Association of Austrian Roma, that the Roma were recognised as a national minority in 1993. Apart from these three associations, the Verein Ketani (Ketani Association), which is largely supported by Sinti but also represents Roma interests, is active in Linz (Upper Austria), the

"Association of the Adult Education Centre of Burgenland Roma" (Verein der Volkshochschule der burgenländischen Roma) in Oberwart, and the Romano-Drom cultural association in Vienna.

The Verein Roma (Roma Association) drawing exclusively on Roma from Burgenland, is engaged in social and educational work. It has been successful in various fields: By assisting pupils with learning difficulties, it ensures that no Roma child in Oberwart is attending special school any more. The number of Roma that are successfully integrated into the labour market is also increasing. The association assists persons in dealing with public authorities and in filing compensation claims for being persecuted by the Nazis. Great emphasis is also placed on the political and cultural work, including educational policy work in schools, theatre performances and other cultural events. The association closely co-operates with scientific institutions; apart from projects examining the Holocaust and the Post War Period from a political and historical point of view, the language is of special interest to researchers. Their aim is a codification, didactic implementation and preservation or creation of a "prosperous" linguistic setting, which implies the publication of journals and preparation of radio programmes.

The Kulturverein österreichischer Roma (Cultural Association of Austrian Roma) represents the minority's political interests in public. In addition to publishing the quarterly "Romano Kipo", the association is particularly active in establishing a Documentation and Information Centre for the purpose of examining the Holocaust and its effects. A permanent exhibition on the association's premises focussing on the history of Austrian Roma, is also in line with these aims. Another activity of the association is the provision of information in the field of educational policy.

The Romano Centro association differs from other European Roma associations in that it represents several Roma groups. Its social and educational work deserves to be mentioned in the first place. A target-oriented educational training of Roma children within the family has, inter alia, contributed to a sharp rise in the number of Roma pupils completing their compulsory education in Vienna. Moreover, the fact that the association provides assistance and advice on social issues, has made it a contact not only for Roma but also for public authorities. Having the largest Roma-specific library in Austria, it also acts a "service unit" for scientists. In this context, the successful "Romany project" was initiated by the association (for further details see our comments under Article 12). Apart from its media work (bilingual journal, radio) it is also engaged in international networking, which manifests itself, inter alia, in the association's close co-operation with the "European Roma Rights Centre" in Budapest and the OSCE.

The Linz-based Ketani association is engaged in social work, counselling and cultural activities. It offers assistance in connection with compensation payments to Nazi victims, cares for refugees and provides information on the minority's socio-historical situation. The exhibition "Wege nach Ravensbrück. Erinnerungen von österreichischen Überlebenden des Frauenkonzentrationslagers" (Ways to Ravensbrück. Reminiscences of Austrian survivors of the Women's Concentration Camp) also deserves to be mentioned in this respect. Further activities are aimed at preserving the group's language and cultural heritage in co-operation with scientific institutions.

The "Association of the Adult Education Centre of Burgenland Roma" in Oberwart offers special courses to Roma and non-Roma on the minority's language and culture. Another important task is

the documentation of its socio-historical and socio-cultural situation. The first result of these efforts is the exhibition "Roma 2000", which is also designed for a presentation in schools.

The work of the Vienna Romano Drom Association focuses in particular on the production of theatre plays in Romany that give an insight into the minority's past and present situation. These productions - together with other works of literature - are of decisive relevance for the group's cultural emancipation.

Finally it must be noted that in the last few decades a special phenomenon could be observed: viz. that many Roma were fleeing their identity as a result of their social emancipation. The trauma of Nazi extermination camps and social discrimination caused many Roma to leave their original settlement areas and to "submerge" into the anonymity of the conurbations. Those who, through their own efforts, managed to climb up the career ladder and to gain an important position in social life, do not want to be associated with the Roma minority any more.

It is thanks to the activities of the above associations and other organisations that the last ten years have seen a reversal of this trend. There is now a greater sense of identity within the Roma minority, which has been encouraged in particular by the group's own associations and clubs as well as by its formal recognition as a national minority.

As regards the preservation of Romany, reference is made to the various educational efforts set out under Articles 12 and 14.

As to para. 2

A major problem faced by most autochthonous minorities in Austria today is the strong pressure exerted on them with a view to their assimilation. This is due to the fact that they have relatively few members, live in open settlement areas and have to cope with new situations (fewer farmers, more communication with persons speaking other languages, mobility and mixed marriages). Economic and social problems (e.g. commuting, rural exodus) may result from the peripheral location of these settlement areas, which also basically affects the local majority population.

Assimilation tendencies are enhanced by a lack of adequate facilities in important social fields such as the media, where there is not always a sufficient news coverage in the minority language. Another important factor is the increasing number of mixed marriages, which give rise to special problems regarding the language used by parents in raising their children. Among young persons, an internationalisation of interests which is also partly in conflict with the traditional image of national minorities, can be observed.

The Framework Convention is trying to prevent policies and objectives by the Parties that are aimed at an assimilation of persons belonging to a national minority. In Austria, the promotion of these groups is considered an important measure to counteract such assimilation tendencies. Moreover, the legal provisions governing national minorities in Austria require the establishment of advisory councils for national minorities that offer advice to the Federal Government and individual ministers on issues concerning these groups, and may also be addressed by the regional governments.

As is evident from the Government Programme of February 2000, the Federal Government considers the cultural, linguistic, ethnic and religious variety in Austria a particularly valuable asset. It has also stated in the Declaration of 3 February 2000 that it acknowledges its special responsibility regarding the respectful treatment of ethnic and religious minorities. A respectful treatment must go far beyond the mere toleration of national minorities. The demands raised by these groups in their memorandum for their full acceptance and equal treatment are therefore justified. Various efforts are currently being made by Austrian politicians for promoting the preservation and development of the identity of national minorities (see, for example, the financial assistance provided to these groups) in order to counteract assimilation tendencies.

Article 6

The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

As to para. 1

An important prerequisite for a spirit of tolerance, intercultural dialogue and mutual respect is a close co-operation between the State, the majority population and members of national minorities. Any educational measure to that effect (civics, school partnerships, etc.) is therefore of particular relevance in this respect.

A positive example for such a co-operation is the preparation and gradual implementation of the "Memorandum of the Austrian Minorities". It contains contributions of all six national minorities, and efforts are currently being made by the political decision-making bodies for their implementation.

The Memorandum not only calls for respecting the ethnic, cultural, linguistic and religious identity of all persons belonging to national minorities but also for creating the necessary conditions that enable them to express, preserve and develop their identity.

The importance attributed to the fields of education, culture and the media, and the measures taken by Austria in this respect, will be discussed under the respective Articles.

In order to ensure respect for human rights, a "Human Rights Advisory Council" (Menschenrechtsbeirat) has been established at the Federal Ministry of the Interior as an independent organ designed to review and monitor the activities of the security services. Moreover, since 1998 coordinators deal with human rights issues at the Austrian federal ministries and the governments of the nine Austrian *Länder*.

At the Federal Ministry of the Interior various training courses and projects have been carried on human rights issues and tolerance for other national minorities. In 1998 and 1999, a project week,

the so-called "Human Rights Week", and a follow-up were organised for the police with lecturers coming from the ministry itself and external experts from NGOs such as amnesty international or Caritas. The aim of the project is to enable the participants to act as multipliers and to pass on their experience and knowledge through a "snowball system" to the various organisational units of the police. In the autumn of 1999, the International Study Centre at the Verband Wiener Volksbildung (Association of Adult Education) for the first time offered a two-semester training course entitled "Police action in a multicultural society" that is designed to strengthen police competence in dealing with other minorities.

On the occasion of the United Nations Year for Human Rights in 1998, ATS 5 million were provided as special subsidies to organisations and projects that are active in this field. The projects were proposed by a board of NGOs and selected by an inter-ministerial working group.

In order to prepare young persons for their future lives in a pluralistic democracy, special emphasis must be placed on a comprehensive human rights education. Informing pupils about fundamental rights and human rights and of their importance to democracy as a whole, constitutes an essential element of their political education. Teachers of all grades and subjects have been called upon to provide such information, and all schools and educational institutions have been requested to contribute to the development of suitable training methods. On the occasion of the UN Decade for Human Rights Education, the Federal Ministry of Education and Cultural Affairs has established a special service unit at the Ludwig-Boltzmann Institut für Menschenrechte (Ludwig-Boltzmann Institute for Human Rights) for their concrete implementation.

A special human rights course was offered for the first time by the Federal Academy of Public Administration (Verwaltungsakademie des Bundes) in its 1999/2000 study programme. It gives interested civil servants the possibility to systematically examine the various aspects of international human rights protection and to consider ways for its implementation in Austria.

As to para. 2

The protection of persons belonging to national minorities as required by Article 6 para. 2, is first and foremost guaranteed by the general provisions of the Penal Code (Strafgesetzbuch), which covers, for example, offences against the person as enumerated in the first Section of the Special Part as well as ss. 105 (coercion), 115 (defamation) and others.

Austria commits itself in Article 7 para. 5 of the State Treaty of Vienna to prohibit the activity of organisations whose aim is to deprive the Croat or Slovene population of their minority character or rights.

The Associations Act (Vereinsgesetz) requires the Security Directorate to prohibit unlawful associations. This includes associations within the meaning of Article 7 para. 5 of the State Treaty.

A special provision that is aimed, inter alia, at securing the protection of ethnic minorities is enshrined in s. 283 of the Penal Code (incitement to hostile action). It stipulates that any person who, inter alia, urges or incites others to commit a hostile act against a group defined by its

affiliation to a nation or tribe or who publicly stirs up hatred against such a group or in a manner which violates human dignity, insults or seeks to disparage it, shall be liable to punishment.

Finally, it must be pointed out that anyone who discriminates in an unjustified manner against persons on the sole ground of their national or ethnic origin or prevents them from entering places or relying on services intended for general public use, commits an administrative offence under Article IX para. 1 subpara. 3 of the Introductory Provisions to the Laws on Administrative Procedure (EGVG).

In response to the bomb attack launched against four Roma in Oberwart in February 1995, the Federal Ministry of the Interior has taken the following measures for the protection of Burgenland Roma:

Daily controls and patrolling of Roma settlements in Oberwart, Unterwart and Spitzzicken by federal police organs.

Internal and external security controls at the "Oberwart National Minorities Congress" (Oberwarter Volksgruppenkongress) through policemen of the Burgenland Security Directorate since 1996.

Police surveillance of events at the open house "Offenes Haus Oberwart - OHO" that are related to minority issues or deal with similar topics.

Surveillance of and participation in events in Lackenbach, at the "OHO" and in Rechnitz (Kreuzstadel) held in commemoration of the extermination of minorities by the Nazi regime. Surveillance of the "Roma ball" in Pinkafeld and Grossbachseben by police patrols.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

This principle, which is enshrined in Articles 9 to 11 of the European Convention on Human Rights, equally applies to members of national minorities and persons belonging to the majority population. In Austria, these freedoms are also guaranteed by the pertinent Basic Law provisions.

The following relevant fundamental rights are guaranteed by the Basic Law (*Staatsgrundgesetz*):

Article of the Basic Law	garanteed fundamental right
11	right to petition
12	freedom of association and freedom of assembly
13	freedom of opinion, freedom of the press, ban on censorship
14	freedom of conscience and creed

A resolution adopted by the Provisional National Assembly on 30 October 1918, which is of constitutional standing, has abolished all forms of censorship.

In addition, Article 66 para. 2 of the Treaty of St. Germain gives all persons living in Austria the right to freely exercise in private or in public any form of religion, creed or confession unless such exercise is incompatible with the maintenance of public order or violates the principle of morality.

Article 7 para. 1 of the State Treaty of Vienna specifically states that the Slovene and Croat minorities shall enjoy the same rights as all other Austrian nationals, including the right to their own organisation, meetings and press in their own language.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

This right is given to persons belonging to national minorities in the same way as to all other Austrian nationals. As we have already outlined under Article 7, freedom of conscience and creed is guaranteed by Article 9 of the European Convention on Human Rights and Article 14 of the Basic Law as well as Article 63 para. 2 of the Treaty of St. Germain. Moreover, under Article 67 of the Treaty, Austrian nationals who belong to racial, religious or linguistic minorities shall, inter alia, have an equal right to establish, manage and control religious institutions with the right to use their own language and to exercise their religion freely therein.

Under the Federal Act governing the Legal Personality of Religious Communities (*Bundesgesetz über die Rechtspersönlichkeit von religiösen Bekenntnisgemeinschaften*), any denomination may under general conditions acquire legal personality.

It must be added, however, that national minorities in Austria do not differ significantly from the majority in terms of their religious belief (see also Article 5).

Article 9

The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Here, we would like to recall our observations under Article 7 regarding the fundamental rights situation in Austria, which equally applies to members of national minorities.

As far as press subsidies are concerned, reference is made to Section 2 para. 2 of the 1985 Press Promotion Act (Presseförderungsgesetz), which facilitates access to such promotion for minority media. While the Act requires a minimum circulation of 5,000 copies and the full-time employment of at least two journalists for weeklies, there are no such requirements for weeklies published in a minority language.

The Austrian Broadcasting Corporation (ORF)

The following may be said about the programmes of the ORF, a broadcasting operator established under public law:

The TV Programmes of the ORF

Under Section 2 para. 1 subpara. 2 of the Broadcasting Act, the ORF, in designing its programmes, shall also encourage an understanding for democratic co-existence. As far as national minorities are concerned, the programme "Heimat, fremde Heimat" (Home, Strange Home) in particular meets this obligation.

"Heimat, fremde Heimat" is a weekly magazine which provides information on and for immigrants and national minorities in Austria. The programme aims to further co-existence, cultural diversity and integration in Austria, and is broadcast in German and other languages with German subtitles.

Broadcasting Times: Sunday, 1.00 - 2.00 p.m. on channel 2

Saturday every fortnight 10.15 - 10.45 a.m., on 3sat

This programme has been slightly adapted to be in line with the international broadcasting format.

"Heimat, fremde Heimat" is on the air since April 1989. The magazine started as a kind of service programme for immigrants, featuring 3-6 minute reports. The programme has changed in the course of time and now also deals with national minority issues.

Further changes regarding its structure and contents have tripled the number of viewers. Since then, it has gained wide-spread acceptance, which gives it a stronger voice in public debate. The programme offers up-to-date information on all topical political questions concerning immigrants or persons belonging to national minorities.

According to a Swiss survey, "Heimat, fremde Heimat" is the intercultural magazine with the largest number of viewers in the whole German-speaking area.

"Dobar dan Hrvati" (Hello Croats) and "Dober dan Koroska" (Hello Carinthia) are broadcast at the same time as "Heimat, fremde Heimat" on channel 2 for Croats in Burgenland and for the Slovenian minority in Carinthia in their mother tongue and without subtitles. "Dober dan Koroska" is produced by the Slovenian editorial office in the studio in Carinthia and "Dobar dan Hrvati" by the Burgenland-Croatian editorial office in the studio in Burgenland. The programme for Slovenes in Carinthia is also shown at a later date on RTV Slovenija on channel 1.

In 1990, a special TV programme entitled "Adj' isten magyarok" (Hello Hungary) was created for Hungarians in Burgenland where it is broadcast four times a year (duration: 30 minutes each).

In many areas in Burgenland, programmes from Hungary and Croatia can be received via cable networks or satellites. TV programmes from Slovenia can be seen in Carinthia and Styria and programmes from the Czech Republic and Slovakia in Vienna. This technical progress gives persons belonging to national minorities in Austria a better opportunity to watch programmes in their native language.

The Minority Editorial Office of the ORF

With the introduction of TV programmes for national minorities, an editorial office for minorities was established at the ORF Broadcasting Centre.

The various cultural backgrounds of its staff enables them to adopt a more differentiated approach. The staff consists of Croats, Serbs, Turks, Kurds, Armenians as well as members of the various Austrian national minorities. At the international level, the minority editorial office has been involved since 1997 in various programme exchange projects of the EBU Intercultural Programme Group.

ORF Radio Programmes

The ORF has a separate Croatian editorial office for radio programmes: Studio Burgenland allots around 9% of the transmission time to Croats and Hungarians in Burgenland. Around 15,000 minutes of Croatian programmes (41 minutes per day) and 1,300 minutes of Hungarian programmes (20 minutes each week) are currently being produced on the radio.

The Slovenian editorial office at the Studio Kärnten (Carinthia) prepares programmes of a duration of around 20,000 minutes each year in Slovenian, which is around 10% of the local transmission time (55 minutes per day).

The ORF also prepares and transmits radio programmes for and on ethnic minorities. Since October 1992, "Heimat, fremde Heimat" is broadcast on Neues Radio Wien each week. The radio programme, which is produced by the minority editorial office and broadcast on Sunday from 7.30 to 8.00 p.m., includes ethnic music ("world music"), regular interviews with studio guests representing minorities (duration: 4 times 3 minutes) and also provides information on local events. It is produced in German.

Until May 2000, the Romano Centro Association produced a 30-minute bilingual radio programme (Radio Romano Centro) in German and Romany, which was broadcast on the not so well-known "medium waveband" once a month. As a result, the programme did not reach a large audience and was therefore no longer aired. The radio programmes produced so far are available on the Internet.

The ORF Homepage

Since 15 May 2000, the ORF provides information to national minorities in German, Croatian and Hungarian through the Minority Editorial Office and directly through the Studio Burgenland under the address "volksgruppen.orf.at". The service covers the latest pertinent issues and developments as well as important events and provides basic information on the individual national minorities. It will soon be available in English as well. The Studio Kärnten offers the same service in Slovene for Slovenians in Carinthia and Styria.

Campaigns and Projects of the ORF Minority Editorial Office

With the aim of bringing the programme closer to both its target group, viz. ethnic minorities, and native Austrians, the minority editorial office has initiated various activities and events in recent years:

1996 – Xenophobia:

Campaign Day against Racism organised in co-operation with the Austrian League for Human Rights (Österreichische Liga für Menschenrechte). Within this framework, the topic "More Colour into the Media" was discussed by experts from the United Kingdom and Germany in Austria for the first time.

1997 - Journalism against Racism:

As a result of this workshop, organised in co-operation with the Austrian Club of Journalists (österreichischer Journalistenclub), a catalogue of recommendations and demands was presented to journalists.

1996 - "ORF goes to school":

An educational media project with pupils on the topic "Tensions between Immigrants and the Local Population". The students produced short films under the direction of media professionals, going through the various stages, from the screenplay to the realisation and promotion.

Clip 97 - "Sign of the Times - Effect of the Media":

The educational methods developed in the course of the "ORF Goes to School" project, were extended to 22 Viennese schools.

1999 - "Hospitality versus Xenophobia":

This symposium at the Karl Franzens University in Graz was organised in co-operation with the Austrian League for Human Rights.

1999 - Conference on "Rights of Minorities and Human Rights":

held at the ORF Broadcasting Centre and organised in co-operation with the Minorities' Initiative (Initiative Minderheiten).

1998 - Special event on the topic "The Power and Responsibility of the Media":

The ORF and the European Monitoring Centre on Racism and Xenophobia agreed on a close co-operation on various levels.

Clip 98 – Human Rights:

20 school classes from Vienna, Prague and Budapest participated in this education and media project.

1999 - "Interface TV against Racism"

Model project with the international youth, culture and education workshop "Interface" of the Vienna Integration Fund (Wiener Integrationsfonds), known as "Urban Wien". It was aimed at giving young foreigners access to the media with the assistance of media professionals.

Prizes awarded to the ORF Minority Editorial Office

The Minority Editorial Office has received a number of prizes and awards in recent years.

1996 - Prof.-Claus-Gatterer-Prize

for its socio-critical commitment to national and other minorities in Austria despite an atmosphere of "hostility and envy".

1997 - Journalism Prize awarded by the Austrian Social Democrats in the European Parliament for combatting racism in the media.

1997 - "ORF goes to school"

This project was ranked among the ten best of 2000 international entries of TV stations at the "UNICEF - International Emmy Awards Gala 1997" in New York.

1997 - "TV Series" Prize of the Austrian National Education Organisation.

1999 - Bronze Olive at the 4th International TV-Festival in Bar (Montenegro) for the 30-minute portrait trilogy of City Folk/Vienna.

2000 – ECRI Award

The educational media project "ORF goes to School" was chosen by the European Commission against Racism and Intolerance as one of the 20 best media examples of combatting intolerance and racism in Europe.

It clearly emanates from their memorandum of 24 June 1997 that all national minorities agree on the need of a more precise definition of the ORF's public mandate regarding the dissemination of educational and cultural programmes in minority languages. They also considered it an important factor to send one member of the National Minority Advisory Councils to the Board of Listeners and Viewers under s. 15 para. 3 of the Broadcasting Act.

Another aim is to create a special TV programme for Roma to be transmitted four times a year as well as a separate Hungarian editorial office at the ORF centre in Burgenland. The Memorandum also contains suggestions for creating a special unit within the ORF Minority Editorial Office in Vienna that deals exclusively with national minority issues and for reserving adequate broadcasting time for the transmission of programmes in minority languages.

Private radios

"Agora Korotan Lokalradio GmbH", a private group of operators, was granted a licence by the Private Broadcasting Authority for transmitting between 1 April 1998 and 31 March 2005 a local radio programme to the settlement area of Slovenes in Carinthia on condition that at least 50% of the words contained therein are in Slovenian.

In Burgenland, a private operator was given a licence for transmitting local radio programmes during the same period. The private radio, which is operated with the participation of a minority organisation and called "Radio MORA - Multilingual Open Radio", offers programmes in the three minority languages spoken in Burgenland (Burgenland-Croatian, Hungarian and Romany). A one-hour evening programme deals with topical issues in the respective languages.

These private minority radios have so far received annual subsidies by the Federal Chancellery in the amount of ATS 15 million (see Article 5).

There are also private radios which devote around 10 to 15% of their broadcasting time to programmes that are intended for and aired in the languages of national minorities and immigrants, including, for example, "Radio Orange" in Vienna and "Radio Fro" in Linz.

Expert meeting

On 15 November 1999, the Federal Chancellery, in co-operation with the Working Unit for Intercultural Studies (Arbeitsstelle für interkulturelle Studien) and the Institute for Media and Communication Studies (Institut für Medien- und Kommunikationswissenschaft) at Klagenfurt University organised an expert meeting under the motto "Media in a Multilingual Setting and European Model Examples of Promoting Print Media published in Minority Languages".

The European Ethnic Broadcasting Association

The task of the Klagenfurt-based European Ethnic Broadcasting Association (EEBA) is to counteract the imminent dangers faced by small European countries and national minorities as a result of the global communication revolution. Its aim is to encourage, promote and facilitate the co-operation between journalists engaged in the preservation of the ethnic cultural heritage, to provide information on issues regarding the maintenance of national minorities and to create a better understanding among the general public for endangered autochthonous cultures.

The print media

The publication of print media is basically open to all national minorities. In practice, however, such publication and regular editing is prevented by a lack of personnel. Even with subsidies from the Federal Chancellery's Minority Assistance Fund, it is often impossible for these groups to finance periodicals and journals. This is probably a major reason why there are no minority newspapers.

The **Croat minority** has two Croat weeklies: "Hrvatske novine"/"Kroatische Nachrichten" (Croat News) and the church paper "Crikveni Glasnik Gradisca"/"Kirchenbote des Burgenlandes" (Church Messenger of Burgenland). In addition there are the quarterlies "Novi glas"/"Neue Stimme" (New Voice) and "Put"/"Der Weg" (The Path) as well as the non-periodical bilingual magazine "multi" for the cultural variety in Burgenland. Burgenland-Croat associations have their own magazines published in Croat or German and Croat.

Pupils learning a minority language at school, receive a regular issue of a students' magazine prepared by teachers in Croat, Hungarian and Romany.

There are two weeklies for the **Slovenian minority** in Carinthia. These are "Slovenski vestnik" published by the Central Association of Slovene Organisations (Zentralverband Slowenischer Organisationen) and "Nas tednik" published by the Council of Slovenes in Carinthia (Rat Kärntner Slowenen). Although being an information magazine for member organisations, "Slovenski vestnik" not only discusses minority issues as such but also considers them in a broader social context. It has a weekly circulation of 2,100. "Nas tednik" reports on all issues concerning the Austrian Slovene minority from politics to sport as well as on events in Slovenia, the situation of the Slovene minorities in Austria's neighbouring countries and on the various national minorities in Europe. It has a weekly circulation of 2,500.

The following publishing houses in Carinthia play an important role in that they publish works of literature in Slovene: the Drava Druck- und VerlagsGesmbH, Hermagoras/Mohorjeva and the Wieser Verlag.

The Slovene minority in Styria does not have its own newspaper. There is, however, an information magazine ("Signal"), which is published by the "Article-VII-Cultural Association for Styria" once a year.

The **Hungarian minority** does not have its own print media. Publication is confined to one quarterly club magazine and the above-mentioned pupils' magazine.

The following periodicals are published for the **Czech minority**: "Wiener Freie Blätter" (Vienna's Free Papers) appears every other week, the fellow citizens' paper "Zeitung der Landsleute" and the journal "Klub" (Club) once a month. The pupils' magazine of the Komensky School Association is published five times a year, and there are also pamphlets by various Czech organisations.

There is only one quarterly for the **Slovak minority**. Published by the Austro-Slovak Cultural Association, "Pohlady" serves as the "voice" for Slovaks in Austria. It started as a pamphlet in 1985, and has now a circulation of 1,000 copies. It primarily reports on pertinent cultural and social issues and occasionally publishes shorter works of literature by Viennese Slovaks.

A positive development in the efforts to preserve the culture and language of the **Roma minority**, is reflected in the first publications in Romany, in regular magazines by associations, the adaptation of the children and pupils' magazine "Mri Tikni Mini Multi" published by the Croat minority as well as in stories handed down from previous generations and contemporary works of literature. Here, we must mention in particular the bilingual papers "Romani Patrin"/"Roma Blatt" published by the Roma Association in Oberwart and the internationally renowned paper "Romano Centro" published by the Vienna-based association of the same name in German and Romany. The paper "Romano Kipo" (Roma Picture) is published exclusively in German by the Cultural Association of Austrian Roma.

Article 10

The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or

her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

As to para. 1

Under Article 8 of the Federal Constitutional Act, "German is the official language of the Republic without prejudice to the rights provided by Federal law for linguistic minorities." This regulation only applies to the use of German in dealing with public authorities but does not say anything about the use of a specific language in private conversations among citizens. The Austrian legal system does not contain any regulations to that effect, thus giving everyone, including persons belonging to national minorities, the right to choose whatever language they prefer. A restriction of this right would interfere with the right enshrined in Article 8 of the European Convention on Human Rights, which is guaranteed by the Austrian constitutional law, and would also be in conflict with the general principle of equality laid down in the Constitution since a differentiation between legally "admissible" and "inadmissible" languages would require a - highly questionable - objective justification .

In addition, reference is made to Article 66 para. 3 of the Treaty of St. Germain according to which no restriction shall be imposed on the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

As to para. 2

Here, it must first be pointed out that the use of minority languages is not confined to relations with the administrative authorities but that such a right also exists before Austrian courts. Under Article 7 para.3 of the State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna), the Slovene or Croat language shall be accepted in administrative and judicial districts in the autochthonous settlement area as an official language in addition to German. In these areas, therefore, the Croat and Slovene national minorities are directly entitled under the Constitution to use their respective language before the administrative authorities and courts.

In its ruling of 1987, Coll. VfSlg. 11.585/1987, the Constitutional Court held that this was a directly applicable right and that persons belonging to the Slovene or Croat minority could directly invoke that right in dealing with the authority. The existence of an implementing provision for the Croat minority in Burgenland at the time of issuance of the ruling, did not, in the opinion of the Constitutional Court, prevent a member of the Croat minority from asserting that right. A restrictive statement to that effect in the Minorities Act was therefore repealed as unconstitutional by the court.

Of particular relevance are the Constitutional Court's findings according to which the adoption of implementing provisions is admissible, for example, for defining the public authorities and departments before which the respective minority language may be used as an official language; this does, however, not prevent persons belonging to national minorities from using their minority language in relations with a public authority not mentioned in the ordinance, if that authority is situated in an administrative and judicial district with a Slovene, Croat or mixed population. This

right does not flow from the implementing provisions but directly from Article 7 para. 3 of the State Treaty of Vienna.

Section 2 para. 1 subpara. 3 of the Minorities Act requires the designation by ordinance of the public authorities and departments before which the use of a minority language is permitted as an official language in addition to German. Persons belonging to national minorities can do so before such public authorities orally and in writing. The decision issued by these authorities shall be transmitted to them in German and in their native language. It has repeatedly been held by the Constitutional Court (Coll. VfSlg. 13.850/1994 and others) that in such a case, a decision shall not be considered to be successfully delivered and - thus to be legally effective - until it has been submitted in German and in the respective minority language.

So far, two ordinances have become effective in this respect:

(a) The Croat minority

An official language ordinance (Amtssprachenverordnung) entered into force for the Croat minority on 9 May 1990. Under this ordinance, Croatian is admitted as an official language in several designated communities in almost all the political provinces in Burgenland (except for the district of Jennersdorf and the two chartered towns Eisenstadt and Rust) as well as in these districts before the district authorities. Croatian is also considered an official language before the Office of the Regional Government of the Burgenland as well as before various regional federal authorities such as offices of finance. Croatian is also used as an official language before the following courts: the district courts in Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart as well as before the Eisenstadt Regional Court.

(b) The Slovene minority

The official language ordinance for the Slovene minority entered into force on 1 July 1977. It has made Slovenian an official language before the district authorities Klagenfurt-Land, Villach-Land and Völkermarkt as well as before the local authorities in certain communities in these political districts, before the Office of the Regional Government of Carinthia as well as before regional federal authorities such as offices of finance. Slovenian is also used as an official language before the district courts of Ferlach, Eisenkappel and Bleiburg as well as before the Klagenfurt Regional Court.

(c) The Hungarian minority

At its meeting on 14 June 2000, the Austrian Federal Government agreed on an official language ordinance for Hungarians in Burgenland. The ordinance still has to be adopted by the Main Committee of the Nationalrat, the lower house of the Austrian Parliament, and is to enter into force on 1 October 2000.

As a result of the ordinance, Hungarian will be admitted as an official language before the district authorities and district courts in Oberpullendorf and Oberwart as well as before public authorities in the communities of Oberpullendorf, Oberwart, Rotenturm an der Pinka and Unterwart. It will also become an official language in dealings with the Office of the Regional Government in Burgenland, the Eisenstadt Regional Court and other regional federal authorities such as offices of finance.

(d) The Roma minority

Due to the current situation concerning their language, the Roma themselves cannot imagine its use as an official language according to a survey conducted in 1994 to investigate their attitude towards and use of Romany. Its codification and stronger presence in the media, have initiated a slow but continuous process to the effect that Romany is now increasingly being used in public life.

As to para. 3

What we have said in respect of para.1 similarly applies to para. 3. This right clearly emanates as a right that can be invoked by anyone - and thus also by persons belonging to national minorities - already from Article 5 para. 2 and Article 6 para. 3 litt. a and e of the European Convention on Human Rights, which is of constitutional standing in Austria. The first half sentence is also guaranteed by Article 4 para. 6 of the Federal Constitutional Act for the Protection of Personal Freedom (Bundesverfassungsgesetz zum Schutz der persönlichen Freiheit).

Article 11

The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

As to para. 1

Under section 21 of the Civil Status Act in conjunction with section 154 of the Austrian Civil Code (ABGB), the child is generally given his or her first name by the parents. There is no requirement in Austrian law that the name must be in German, nor does the surname have to be German. This also emerges from section 5 para. 3 of the Civil Status Ordinance, according to which a person's names which are to be registered on the basis of a document presented in Latin letters must be recorded as a true copy of the original letters and characters. This means that diacritic characters not used in the German language must also be used.

However, the civil status register must be kept in German (section 18 of the National Minorities Act). If documents are submitted for entry in the civil status register in a national minority language, the authority needs to have them translated. Conversely, copies from the civil status register must be translated into the language of the national minority concerned (section 20 of the National Minorities Act). According to the case-law of the Constitutional Court (Coll. VfSlg.

14.452/1996), this also applies if the procedure to be recorded (e.g. a wedding ceremony), failing a request by the member of that national minority, is not conducted in the language of that minority.

As a result of the law modifying the right to use a specific name, which amended the Personal Name Modification Act (NÄG), people were largely free to change their name. This law enabled members of a linguistic minority who already have a Germanized name to change their name into its original version in the minority language. It is now possible for people to change their names for any reason they choose.

However, such a change of name must be requested for an important reason in order for it to be exempt from administrative fees. For a member of a minority group, such a reason may be found in section 2 para. 1 (10) of the Personal Name Modification Act, according to which it is an important reason if the intended change of name is necessary to avoid unreasonable drawbacks in that person's social relationships, and if such drawbacks cannot otherwise be avoided. Pursuant to section 2 para. 2 of that law, this also applies if a person wishes to change his or her first name.

As to para. 2

This right - like the one protected by Article 10 para. 1 - is guaranteed under Article 8 of the European Convention on Human Rights (ECHR). The right to impart information of a private nature in the minority language is not affected by Austrian law as there is no rule requiring the imparting of such information in a specific language. Hence, everyone has the right to impart information in whatever language they choose. Signs or inscriptions can thus only be banned on general grounds, for instance if their content is unlawful - e.g. because of a violation of the Law Prohibiting National Socialist Activities - or if the display of signs at specific sites is forbidden - e.g. under local building regulations. Such a ban is not admissible, however, if it is issued because a certain language was used to disseminate the information. A restriction on the number of languages permissible for private purposes - even if open to public perception - would be at odds with the principle of equality laid down in the Constitution as this implies that a differentiation between legally "permissible" and "non-permissible" languages would require an objective reason, which would be rather questionable.

As to para. 3

Pursuant to Article 7 (3) of the State Treaty of Vienna, topographical signs and inscriptions in the autochthonous settlement area of the Slovene and Croat minorities must be displayed both in the minority language and in German. In implementing this constitutional provision, section 2 para. 1 (2) of the National Minorities Act stipulates that the territories where topographical designations must be bilingual shall be defined by ordinance; this provision also applies to all other national minorities.

Such ordinances exist for the Croat, Slovene and Hungarian minorities as well, listing the territories where topographical designations and inscriptions must be displayed and defining the designation of such territories in the respective minority language. It should be noted, though, that an obligation to use bilingual designations can only be derived from these ordinances with regard to territorial (federal, regional, local) authorities and certain other legal entities under public law.

Article 12

The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 14

The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Austria wants to give the readers of the present report a comprehensive overview of the legal, political and practical situation of the country's minority schooling system. It is therefore considered to be expedient to address Articles 12 and 14 in one chapter.

Education is essential for any community. This, of course, is particularly true for those groups which are concerned about the preservation of their language, identity and culture. Education is thus a specifically sensitive area for all national minorities in Austria and a very important cornerstone for their future.

The right to an education is one of the fundamental human rights and is guaranteed in Austria by Article 2 of the 1st Protocol to the European Convention on Human Rights, which is embedded in the Austrian Constitution.

The principle of equal access to education is laid down in Article 14 para. 6 of the Federal Constitution Act (*B-VG*): "Admission to public school is open to all without distinction of birth, sex, race, status, class, language and religion, and in other respects within the limits of the statutory requirements. The same applies analogously to kindergartens, day-care centres and student hostels". This special wording of the principle of equality guarantees that the access to public schools cannot be made subject to non-objective criteria.

The minority schooling system is integrated into the general system of Austrian public education. All students who take part in bilingual classes are instructed according to special curricula based on the educational objectives and contents used by the other Austrian schools. Bilingual education is regarded as a bonus offered to both minority and majority students.

The concept of integration is not only a fundamental principle of Austria's general education policy but also the basis of education and instruction in the country's bilingual schools.

The Austrian primary schools, not only those within the scope of the minority schooling laws, offer intercultural learning as a general aim of education. The primary school curriculum reads as follows:

"A special social and educational task accrues to primary schools where they are able to facilitate intercultural learning in that children with German and non-German native tongues are being taught together. The aspects of intercultural learning with a special emphasis of the cultural heritage of the national minority are most likely to be developed in those provinces where children belonging to a minority or Austrian and foreign children are taught together."

In the framework of the Austrian Minority Schools Act, there are three different models of minority language teaching. Under the scheme of bilingual education, instruction is provided both in the minority language and in the official national language. There are some other models in which the minority language is either the only language of instruction or is only taught as a specific subject. These models are viewed positively by both experts and minority representatives.

The rights of minorities in the field of schooling are laid down in the Treaties of St. Germain and Vienna.

According to the Treaty of Saint Germain (Article 68), Austria undertakes to grant reasonable relief to those communes and districts with a considerable proportion of non-German-speaking Austrian residents in order to ensure that the children of these Austrian nationals may receive elementary instruction in their own language.

Pursuant to Article 7 (2) of the State Treaty of Vienna, Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria are entitled to elementary instruction in the Slovene or Croat language and to a proportionate number of their own secondary schools; the provision also stipulates that school curricula are to be reviewed and that a separate section of the Inspectorate of Education for Slovene and Croat schools are to be established.

While only reasonable relief for minorities was required with regard to instruction in primary schools under the Treaty of St. Germain, there is now a constitutionally guaranteed right to elementary instruction in the Slovene and Croat languages pursuant to the State Treaty of Vienna, which is directly applicable in this respect.

Implementing laws on bilingual schooling must not contradict the constitutional provision of Article 7 (2) of the State Treaty of Vienna, in order to ensure a consistent and effective protection of the minority rights laid down in the State Treaty.

As to the situation of the Croat minority in Burgenland:**Minority schooling legislation in Burgenland:**

The right of the Burgenland Croats to receive school education in their native language, which is guaranteed by international and constitutional laws, is specifically laid down in the Minority Schools Act for Burgenland (Minderheiten-Schulgesetz für Burgenland).

Already before Burgenland's annexation to Austria, the Croats had the right to be given tuition at the primary school level in their minority language. In 1921, there was no minority schooling law in Austria which could have been extended to include the Burgenland which was now a part of Austria. That is why the Hungarian school laws were initially applied. It was only the federal basic law on instruction in primary schools, which was adopted in 1936 and which stipulated in section 5 specifically and exclusively in respect of the "Land" of Burgenland: "German is the language of instruction, notwithstanding the rights benefitting the linguistic minorities in the province and deriving from the Constitution. It is for the implementing laws to define those rights for the benefit of these minorities that go beyond that scope. In any case, the German language must be taught as a mandatory subject." In the Regional Schooling Act 1937, which was issued to implement the said federal basic law, further rights were laid down. Both the Croat and the Hungarian minorities agreed to that law which contained a regulation that was exemplary at that time.

In 1994, this law was replaced by the new Minority Schools Act for Burgenland, which guarantees instruction in the minority language until the completion of secondary education and which makes bilingual instruction mandatory, particularly on the primary school level.

Section 1 para. 1 stipulates the following in a constitutional provision:

"The right to use the Croat or Hungarian languages or to learn them as a compulsory subject shall be granted to Austrian nationals of the Croat and Hungarian minorities in such schools as are defined in section 6, section 10 and section 12 para. 1 of this federal law."

The law provides that primary schools in the autochthonous settlement area may only be operated with Croatian as a language of instruction, on the basis of a minimum of six hours per week being prescribed for German language teaching. In practice, however, the minority does not make use of this variant of a minority school. Primary schools in the autochthonous settlement area are, as a rule, mandatorily operated as bilingual schools. Given the children's highly inconsistent degree of language proficiency at school entry, the degree of bilingualism is rather variable among pupils, but is roughly equivalent in the fourth year. Parents who do not wish to have their children educated in two languages have the right to cancel their child's enrollment in a particular course although the child still remains part of the same class.

In case of a sustained demand it is possible to establish bilingual schools or to offer instruction in Croatian to classes or groups of students outside the autochthonous settlement area, provided that a minimum of seven students register for such a class. To facilitate bilingual teaching, the

maximum number of students per class is set at 20 while the minimum is seven students per class. Upon request, school certificates must also be issued in the minority language.

Section 6 para. 1 of the Minority Schools Act for Burgenland reads as follows:

"Primary schools with Croatian or Hungarian as a language of instruction must be available in those places where it is ensured, as far as possible, that all children with Austrian citizenship who are members of the Croat or Hungarian minorities and who are registered at such schools are able to attend these schools."

At present (1998/99 school year), there are 29 communes with bilingual-Croatian primary schools which are attended by 1,404 children. Four primary schools in the non-autochthonous settlement area have five groups with a total of 54 children who also receive language training in Croatian.

**Croatian primary schools according to children's native language,
1998/99 school year:**

District	Schools	Cl.	Ger- man	Croat- ian	Hunga- rian	For- eign	Total	Share of Croats
Neusiedl	3	14	107	58	1	31	214	27.1%
Eisenstadt	7	38	394	99	5	83	626	15.8%
Mattersburg	2	7	63	7	4	14	97	7.2%
Oberpullendorf	11	16	68	99	0	14	208	47.6%
Oberwart	3	7	49	13	1	13	86	15.1%
Güssing	3	12	70	66	1	21	173	38.2%
Total	29	94	751	342	12	176	1404	24.4%

The Minority Schools Act provides for basic secondary schools that are either bilingual or offer Croatian as a compulsory subject. If required, bilingual divisions must be operated. In contrast to the primary schools, students in basic secondary schools wishing to learn Croatian must register for that specific course.

In the 1998/99 school year, 102 students in nine basic secondary schools with a total of 14 groups attended Croatian language courses. There is a basic secondary school in Großwarasdorf, which provides only bilingual instruction. Another basic secondary school, based in St. Michael, offers Croatian as a compulsory elective subject as well as bilingual instruction in several subjects. In these two schools, there are five classes and eight groups with a total of 141 students. Overall, 1,701 students are registered in the general compulsory schools of Burgenland who attend either bilingual (Croatian/German) or Croatian classes. A graphical illustration of all bilingual kindergartens, primary schools and basic secondary schools is included in the Annex to this Country Report.

The city of Oberwart has a bilingual general grammar school which was established in 1991 and whose curriculum is organised in a combination of Croatian-German and Hungarian-German. The Croatian section currently teaches 100 pupils, and in 2000, the school will have its first class

to pass a final school-leaving exam (Matura). In addition, seven general grammar schools of Burgenland (junior and senior section) are offering Croatian in various forms - ranging from partial bilingual instruction to Croatian as a compulsory elective subject to Croatian as a voluntary subject.

The curriculum of the technical college (Fachhochschule) for international economic relations in Eisenstadt includes tuition in an Eastern European language as a compulsory subject. One of these languages, along with Hungarian, Czech, Russian and Slovakian, is Croatian (currently 15% of students).

Pursuant to section 15 of the Minority Schools Act for Burgenland, a Division for Minority Schooling must be installed in the Regional School Board, and a separate school supervisory organ for each minority language must be appointed. The Division has meanwhile been established, and a District School Inspector supervises the Croatian schooling system.

The following table provides an overview of the various provisions of the Minority Schools Act for Burgenland:

Minority Schools Act for Burgenland (Federal Law Gazette No. 641/1994)

1st Section	2nd Section	3rd Section	4th Section	5th Section	6th Section	7th Section	8th Section
General provisions	Primary schools	Basic secondary schools, polytechnical schools	General grammar schools	Teacher and educator training	Special language courses	School supervision	Final provisions
Legal title: Austrian nationals ♦ Croat + Hungarian minorities ♦ Parental right	Forms: mono-lingual Croatian, Hungarian - Registration ♦ Croatian-German Hung.-German - no registration - withdrawal right	Forms: mono-lingual Croatian, Hungarian - Registration ♦ Croatian-German - Registration ♦ Croatian-German Hung.-German - Division - Registration	Forms: Croatian-German Hung.-German - Registration ♦ Alternative compulsory subject, Voluntary subject, Non-binding exercise - Registration	Additional subject for kindergarten attendants and teachers; Job qualification certificate Teaching exam	Croatian and Hungarian available in all schools as an additional course	Division for Minority Issues in the Regional School Council for Burgenland (Croatian, Hungarian, Romany) ♦ Regional school supervisor, technical supervisors	In force since 1/9/1994

Minimum number of students for new class in primary schools in non-autochthonous settlement areas: 7

Minimum number of students for creation of new group in primary schools in non-autochthonous settlement areas: 5

Minimum number of students for new class in basic secondary and polytechnical schools in non-autochthonous settlement areas:9

Minimum number of students for new division in primary schools in non-autochthonous settlement areas: 5

Minimum number of students for new class in general grammar school: 8 (5 from 9th year)

Minimum number of students for additional language course: 5

* * *

Burgenland Compulsory Schooling Act (Regional Law Gazette No. 36/1995)

General provisions	Primary schools	Basic secondary schools	Special remedial schools	Polytechnical schools	Vocational schools
Accessibility Free of charge options minimum numbers of pupils for creation and partitioning of classes All-day tuition scheme	Forms: monolingual Croatian, Hungarian - registration ♦ Croatian-German Hungarian-German - no registration - withdrawal option ♦ Students per class: monolingual: 30(10) bilingual: 20 (7) Integration: monolingual / bilingual. 27 (1) 18 (1) 26 (2) 17 (2) 25 (3) 16 (3) 24 (4) 15 (4) Sustained demand: 7	Forms: monolingual Croatian, Hungarian - registration ♦ Croatian-German Hungarian-German - no registration - withdrawal option ♦ 3 ability groups Students per class: monolingual: 30 (10) bilingual: 20 (7) Integration: 27 (1) 26 (2) 25 (3) 24 (4) Sustained demand: 9	- Autonomous schools - Special remedial school classes	Forms: Croatian, Hungarian - registration ♦ Croatian-German Hungarian-German - no registration - withdrawal option ♦ 3 ability groups	Additional language courses

Minimum number of students for new class in primary schools in non-autochthonous settlement areas: 7

Minimum number of students for creation of new group in primary schools in non-autochthonous settlement areas: 5

Minimum number of students for new class in basic secondary and polytechnical schools in non-autochthonous settlement areas:9

Minimum number of students for new division in primary schools in non-autochthonous settlement areas: 5

Minimum number of students for additional language course in non-autochthonous settlement area: 5

While, generally speaking, there are no differences regarding the educational level of Croats as compared to the rest of the population, there are some statistical divergences due to the different age structure, given that the Croats have an above - average proportion of persons aged over 60.

	Germans	Croats
University education	2.0%	1.7%
University-related education	1.2%	1.1%
Vocational grammar school	4.0%	3.5%
General grammar school	3.3%	3.2%
Technical or commercial school	10.4%	9.5%
Apprenticeship	28.2%	24.2%
General compulsory schooling	51.0%	56.8%

Teacher training:

The training of teachers and educators for bilingual tuition is ensured by the Minority Schools Act for Burgenland. The Pedagogical Academy in Eisenstadt runs a supplementary programme to train bilingual teachers in Croatian and Hungarian.

The Training Centre for Kindergarten Pedagogics offers its students both an education in Croatian and in bilingual didactics.

Access to textbooks:

The Croatian school system and its teaching achievements have gone through a process of scientific monitoring and evaluation in recent years. This process has focused on a further improvement of teaching methods and on measures to facilitate the transition from one level to another. Along with a new curriculum which took effect in September 1998 and which provides for a more flexible tuition design, a Croat association - the Centre for Croatian Culture and Documentation - which is cooperating with various groups of teachers and educators has produced new schoolbooks in accordance with modern methodologies and didactic principles.

Kindergarten:

The Burgenland Kindergarten Act specifically addresses the needs of the members of the Burgenland-Croat and Hungarian minorities for a bilingual education in early childhood in the public kindergartens of Burgenland.

A regional law adopted in 1989 ensured that the kindergartens in the autochthonous territories are also operated as bilingual institutions. Currently, some 600 children are raised in 27 bilingual (Croatian/German) kindergartens.

Child-minding in the Croatian language must be provided for a minimum of six hours per week. Parents who do not wish their children to receive a bilingual education have the right to withdraw them from that scheme. In the 1998/1999 school year, the parents of eight children

opted to withdraw their offspring from child-minding in Croatian. However, as in the primary schools, children who are withdrawn from the Croatian language programme nevertheless remain together with the bilingual part of the group.

In those kindergartens which do not employ teachers with bilingual skills assistant kindergarten attendants are provided by the Regional Government.

In accordance with a decision of the Regional Parliament, employment in bilingual kindergartens is only available to teachers who are able to prove that they have completed an education in the national minority language.

Finally, regard should be had to the results of two studies entitled "Evaluation of bilingual schooling in Burgenland" and "Schaniergelenke" (hinges), which were compiled on commission from the Ministry of Education, the School Council for Burgenland, the Centre for Croatian Culture and Documentation, and the Adult Training Institution (Volkshochschule) of the Burgenland Croats and which is currently being implemented:

The studies reveal that the teachers are very dedicated, hard-working and highly qualified. The problem of insufficient language skills begins within the family, as fewer and fewer children receive an education in the Croatian language.

A clear preference was expressed by Croats as regards the official language of instruction: 82% of respondents said that the school should be teaching the Burgenland-Croatian language whereas only 12% wished their children to learn Standard Croatian.

The framework conditions created by the competent institutions and authorities are generally viewed positively by the teachers.

In the transition phases from kindergarten to primary school and from primary school to basic secondary school or junior grammar school, more coordination should be warranted.

Modern textbooks that are comparable with schoolbooks and instruction materials available in the German language should be given priority.

The training and further or continued education of teachers in bilingual pedagogics must be stepped up.

As to the situation of the Slovene minority:

Minority schooling legislation in Carinthia:

In Carinthia, the right of Slovenes to a school education in their mother tongue which is guaranteed by international and constitutional law is implemented by the 1959 Minority Schools Act for Carinthia.

The rules concerning school organisation and tuition management that are applicable to the schools (classes, divisions) within the scope of the Minority Schools Act for Carinthia are the same as those that apply to the Austrian primary and basic secondary schools in general, with a few supplementary provisions including the following provision contained in section 16 para. 1 of the Minority Schools Act for Carinthia:

"In the bilingual primary schools (primary school classes or divisions) the entire instruction at the pre-school level and in the first three years of school must be provided in German and Slovenian in roughly equal parts; from year 4 onward, instruction will be in German while Slovenian is offered as a compulsory subject for four hours per week. In primary school

classes with German and bilingual divisions, wherever possible, German is to be used as the common language of instruction for all students of the schools concerned."

The bilingual system of teaching and education in Carinthia, which is based on the Minority Schools Act for Carinthia, is essentially supported by the following pillars:

In Austria, the educational demand of national minorities is generally met by public state schools.

One important intellectual basis is the concept of integration which provides for a common tuition of different groups of students.

In Carinthia, bilingual instruction is organised in accordance with section 12 (b) of the Minority Schools Act for Carinthia. The provision reads as follows:

"Primary schools with German and Slovenian as languages of instruction (bilingual primary schools), which also comprise, within the meaning of this Federal Act, primary school classes with German and Slovenian as languages of instruction (bilingual primary school classes) installed in primary schools with German mother tongue and divisions thereof installed in primary school classes with German and Slovenian as language of instruction (bilingual primary school divisions)."

The parental right laid down in section 7 of the Minority Schools Act, deputizing for the rights of the child, serves as the legal basis for the child's participation in bilingual instruction (registration):

"The right to use Slovenian as a language of instruction or to learn it as a compulsory language must be granted to every student in the area defined pursuant to section 10 para. 1 of this Federal Act in the schools to be determined under section 10 para. 1 of this Federal Act, provided that this is the wish of the legal representative. A student may only be compelled with the consent of his or her legal representative to use Slovenian as a language of instruction or to learn it as a compulsory subject."

Upon registration, parents or guardians express their intention to accept, on behalf of their children, a special educational bonus offered by the Austrian school system. Any examination of the membership of the Slovene minority or any pressure to make an ethnic commitment are prohibited.

As a result of various initiatives which initially were merely oriented towards intensifying the German-language part of tuition in bilingual primary schools (e.g. by employing an assistant teacher), a major reform debate was launched and a number of committees were established. The main problem was considered to be the fact that children who are registered for bilingual instruction and monolingual children are taught together in classes and divisions of bilingual primary schools. There was a fear that monolingual children would be at a disadvantage in those phases where the teacher was addressing the bilingual children in Slovenian. In addition, the problem arose that there were increasing numbers of children who were registered for bilingual instruction without having any prior knowledge of Slovenian because they come from German-speaking families or are members of the Slovene minority whose parents, for whatever reason, left the task of teaching the Slovenian language to the school.

Taking account of the comprehensive preparations made by these committees, the Minority Schools Act for Carinthia was ultimately adopted in 1988.

With this amendment, the organisational framework conditions in bilingual primary schools were improved as follows:

- fewer numbers of students per class,
- installation of parallel classes,
- a two-teacher system in classes with one monolingual and one bilingual division.

Both mono- and bilingual groups of students are taught together and enjoy excellent learning conditions. There are even pedagogical challenges to be tackled by new forms of tuition along with a well-designed methodology and didactics of tuition, communicative language teaching, and a comprehensive diversification and individualisation of instruction.

Under the Minority Schools Act Amendment 1988, the following special provisions apply for bilingual primary schools (incl. classes and divisions):

In primary school classes with German-speaking and bilingual divisions, the German part of bilingual instruction should be conducted jointly, as far as possible, for all students in the grades concerned.

The number of students in a class at the preschool level and in grades 1 to 3 must be no more than 20 and no less than seven.

If at least nine children are either registered or not for bilingual tuition in grades 1 to 3, parallel classes must be operated at these levels.

Classes in grades 1 to 3, in which students registered for bilingual tuition are taught together with non-registered ones, must have an additional teacher for autonomous and responsible tuition and education in the compulsory subjects (excluding religion) for 14 hours per week (assistant teacher).

Students who are registered for bilingual instruction and whose knowledge of Slovenian is not sufficient, must be offered remedial tuition in Slovenian, which should be available for a minimum of three children (if necessary, across school levels).

For primary schools with German and Slovenian as languages of instruction, new teaching curriculums were issued in which the didactics of bilingual instruction and intercultural learning were anchored. The aim of the new curriculum is to present the cultural heritage of the Slovenes, with a special emphasis on common elements as well as on inter-class and community-promoting measures together with German-speaking classes at the same school.

The existence of small units and the fact that a second teacher is employed in classes in which registered and non-registered children are taught together, ensure excellent learning and teaching conditions and provide comprehensive individual guidance and assistance to individual students or groups of students. This two-teacher system was, for quite some time, a unique feature of the Austrian school system and is now also being applied in other areas of pedagogical practice, notably in heterogenous groups and in situations with an important integrational aspect.

The geographical allocation of the primary and basic secondary schools which are of specific relevance to the Slovene minority concerned those municipalities in which tuition was bilingual at the beginning of the 1958/59 school year.

Decision of the Constitutional Court of 15 December 1989 (Collection VfSlg. 12.245/1989) on the primary school system:

In its ruling of 15 December 1989 (G 233, 234/89-13), the Constitutional Court held that section 10 para. 2 of the Minority Schools Act for Carinthia was unconstitutional and, consequently, quashed a phrase in section 11 of that law as well as section 1 para. 1 of the pertinent Carinthian implementing law for not being in conformity with the Constitution. It was the understanding of the Constitutional Court that Article 7 (2) of the State Treaty of Vienna was directly applicable. The subjective (public) right of Austrian citizens belonging to the Slovene minority to receive elementary tuition in the Slovenian language, accordingly, applies in the entire Carinthian territory and not just in the "autochthonous Slovenian" region in Southern Carinthia.

In the *Land* of Carinthia, there were a total of 330 primary schools in the 1998/99 school year. Within the scope of the Minority Schools Act, there are 81 primary schools. In addition, bilingual education is also provided at two primary schools outside the scope of the Minority Schools Act for Carinthia (in the city of Klagenfurt). It is in line with the above ruling of the Constitutional Court that the option of bilingual elementary education may also be considered outside the geographical scope of the Minority Schools Act for Carinthia if there is a "sustained demand"; accordingly, a public bilingual primary school and a church-affiliated private bilingual primary school were established in Klagenfurt.

Primary schools in Carinthia	Numbers
Primary schools altogether	330
Primary schools within the scope of the Minority Schools Act	81
Of these, primary schools with students registered for bilingual tuition	63
Bilingual primary schools outside the scope of the Minority Schools Act	2

Primary schools within the scope of the Minority Schools Act for Carinthia

Hermagor District:

Egg bei Hermagor:
St. Stefan im Gailtal:
Görtschach-Förolach:

Okraj Šmohor

Brdo pri Šmohorju
Štefan na Zilji
Gorièe-Borlje

Klagenfurt-Land District:

Feistritz i.R.:
Ferlach 1:
Ferlach 2:
Ferlach 3:
Grafenstein:

Okraj Celovec-dežela

Bistrica v Rožu
Borovlje 1
Borovlje 2
Borovlje 3
Grabštanj

Gurnitz:	Podkrnos
Keutschach:	Hodiše
Köttmannsdorf:	Kotmara vas
Ludmannsdorf:	Bilèovs
Maria Rain:	Žihpolje
Mieger:	Medgorje
Radsberg:	Radiše
St. Margareten im Rosental:	Šmarjeta v Rožu
Schiefling:	Škofìe
Wabelsdorf:	Vabnja vas
Windisch Bleiberg:	Slovenji Plajberk
Zell Pfarre:	Sele Fara
Zell Winkel:	Sele Kot

Villach-Land District:

Arnoldstein 1:
Arnoldstein 2:
Damtschach:
Finkenstein:
Fürnitz:
Goritschach:
Gödersdorf:
Hohenthurn:
Köstenberg:
Latschach:
Ledenitzen:
Lind ob Velden:
Maria Elend:
Nötsch im Gailtal:
Rosegg:
Rosenbach:
St. Egyden:
St. Georgen im Gailtal:
St. Jakob im Rosental:
St. Leonhard bei Siebenbrunn:
Thörl Maglern:
Velden 1:
Velden 2:

Villach-Stadt District:

VS 11 Villach - Maria Gail:

Völkermarkt District:

Bleiburg:
Diex:
Eberndorf:
Ebriach:
Edling:
Bad Eisenkappel:
Gallizien:

Okraj Beljak-dežela

Podklošter 1
Podklošter 2
Domaèale
Bekštanj
Brnca
Gorièe
Vodièa vas
Straja vas
Kostanje
Loèe
Ledince
Lipa pri Vrbi
Podgorje
Èajna v Ziljski dolini
Rožek
Področca
Šentilj
Šentjurij v Ziljski dolini
Šentjakob v Rožu
Šentlenart pri Sedmih studencih
Vrata
Vrba 1
Vrba 2

Okraj Beljak-mesto

LŠ 11 Beljak - Marija na Zilji

Okraj Velikovec

Pliberk
Djekše
Dobrla vas
Obirsko
Kazaze
Železna Kapla
Galicija

Globasnitz:	Globasnica
Grafenbach:	Kneža
Greutschach:	Krèanje
Griffen:	Grebinj
Haimburg (Völkermarkt 3):	Vovbre (Velikovec 3)
Heiligengrab:	Božji grob
Klein St. Veit (Völkermarkt 4):	Mali Šentvid (Velikovec 4)
Kömmelgupf:	Komelj
Kühnsdorf:	Sinèa vas
Leppen:	Lepena
Loibach:	Libuèe
Mittertrixen (Völkermarkt 5):	Srednje Trušnje (Velikovec 5)
Möchling:	Mohlièe
Neuhaus:	Suha
Rinkenberg:	Vogrèe
Ruden :	Ruda
St. Kanzian:	Škocjan
St. Margarethen ob Bleiburg:	Šmarjeta pri Pliberku
St. Margarethen o. T. (Völkermarkt 6):	Šmarjeta pri Velikovcu (Velikovec 6)
St. Michael ob Bleiburg:	Šmihel pri Pliberku
St. Peter am Wallersberg (Völkermarkt 7):	Šentpeter na Vašinjah (Velikovec 7)
St. Philippen ob Sonnegg:	Šentlipš pri Ženeku
St. Primus :	Šentprimož
Schwabegg:	Žvabek
Sittersdorf:	Žitara vas
Tainach (Völkermarkt 8)	Tinje (Velikovec 8)
Untermitteldorf:	Srednja vas
Völkermarkt 1:	Velikovec 1
Völkermarkt 2:	Velikovec 2
Klagenfurt-Stadt District:	Okraj Celovec-mesto
VS 24 Klagenfurt:	LŠ 24 Celovec
VS Hermagoras:	LŠ Mohorjeva

**Development of registrations for bilingual/
Slovenian tuition beginning in 1958/59 school year**

School year	Total number of students	Bilingual	Percentage	Pre-school students	Klagenfurt
1959/60	10325	1994	19.31%	0	0
1960/61	10533	1820	17.27%	0	0
1961/62	10570	1689	15.97%	0	0
1962/63	10950	1610	14.70%	0	0
1963/64	11188	1673	14.95%	0	0
1964/65	11070	1602	14.47%	0	0
1965/66	11082	1602	14.46%	0	0
1966/67	11193	1569	14.01%	0	0
1967/68	10791	1538	14.25%	0	0

1968/69	10288	1487	14.45%	0	0
1969/70	10544	1485	14.08%	0	0
1970/71	10290	1485	14.43%	0	0
1971/72	10019	1481	14.78%	0	0
1972/73	9748	1441	14.78%	0	0
1973/74	9427	1372	14.55%	0	0
1974/75	8978	1292	14.39%	0	0
1975/76	8768	1224	13.96%	0	0
1976/77	8461	1138	13.45%	0	0
1977/78	8113	1111	13.69%	0	0
1978/79	7819	1100	14.07%	0	0
1979/80	7435	1065	14.32%	0	0
1980/81	7020	1115	15.88%	0	0
1981/82	6690	1096	16.38%	0	0
1982/83	6364	1088	17.10%	0	0
1983/84	6068	1063	17.52%	12	0
1984/85	5821	1070	18.38%	19	0
1985/86	5707	1098	19.24%	34	0
1986/87	5682	1130	19.89%	31	0
1987/88	5683	1107	19.48%	32	0
1988/89	5638	1092	19.37%	63	0
1989/90	5664	1134	20.02%	44	41
1990/91	5650	1163	20.58%	54	71
1991/92	5639	1242	22.03%	69	100
1992/93	5757	1302	22.61%	67	118
1993/94	5881	1338	22.75%	81	113
1994/95	5780	1368	23.67%	71	110
1995/96	5798	1375	23.71%	100	101
1996/97	5707	1427	25.00%	109	102
1997/98	5811	1494	25.71%	113	110
1998/99	6108	1620	26.52%	32	103

Knowledge of Slovenian among students in 1st grade

Year	Proportions in percentages			Number of students		
	normal	poor	none	normal	poor	none
1980/81	43.05%	25.69%	31.25%	124	74	90
1981/82	48.32%	22.39%	29.36%	130	60	79
1982/83	48.32%	22.39%	29.36%	130	60	79
1983/84	44.19%	21.35%	34.46%	118	57	92
1984/85	37.87%	22.79%	39.34%	103	62	107
1985/86	37.66%	28.66%	33.66%	113	87	101
1986/87	32.37%	17.63%	50.00%	101	55	156
1987/88	35.00%	23.70%	41.30%	99	67	117
1988/89	30.56%	25.24%	44.18%	92	76	133

1989/90	32.00%	28.62%	39.38%	104	93	128
1990/91	31.03%	20.48%	48.49%	103	68	161
1991/92	33.50%	28.70%	42.80%	122	86	156
1992/93	27.42%	19.84%	52.74%	105	76	202
1993/94	29.77%	20.10%	50.13%	114	77	192
1994/95	26.16%	20.20%	54.40%	101	78	210
1995/96	27.60%	19.70%	52.70%	112	80	214
1996/97	23.65%	16.67%	59.68%	105	74	265
1997/98	21.49%	20.61%	57.89%	98	94	264
1998/99	24.90%	21.29%	53.80%	131	112	283

Decision of the Constitutional Court of 19 March 2000 (G 2-4/00) concerning the primary school system:

Section 16 para. 1 of the Minority Schools Act for Carinthia reads as follows: "All teaching at the pre-school level and in the first three grades of bilingual primary schools (primary school classes and divisions) must be delivered in German and Slovenian in roughly equal parts; from grade 4 onward, instruction must be in German - notwithstanding para. 2 - and Slovenian must be taught as a compulsory subject for four hours per week".

With its decision of 19 March 2000, the Constitutional Court has repealed the words 'in the first three' in the first half of the first sentence of section 16 para. 1 of the Minority Schools Act for Carinthia and the second half of the sentence for being unconstitutional.

To facilitate organisational measures and precautions, if any, for the following school years, the suspension of the provisions found to be unconstitutional will only take effect on 31 August 2001. It is the understanding of the Constitutional Court that the ordinary law-maker of the Minority Schools Act for Carinthia has inadmissibly restricted the right of Austrian citizens belonging to the Slovene minority to an elementary education in Slovenian - which is only granted to members of the Slovene minority for the first three years of primary school - in violation of Article 7 (2) of the State Treaty of Vienna. An elementary education in the Slovenian language is no longer warranted if Slovenian - even as a compulsory subject - is only taught like any other foreign language while the other subjects of instruction - excluding religion - are taught in German. According to the School Organisation Act, the dividing line between elementary education and further education is drawn after the fourth grade of primary school. It should also be noted in this regard that Article 7 (2) of the State Treaty of Vienna grants Austrian citizens belonging to the Slovene minority in Carinthia both a right to elementary education in Slovenian and to a proportional number of separate grammar schools. The Constitutional Court regards it as contrary to the system to establish separate grammar schools for the Slovene minority in Carinthia, and to decide at the same time that the amount of tuition provided in the last grade before grammar school is not approximately the same in German and Slovenian, but exclusively in German (with four hours per week of Slovenian as a mandatory subject).

On 15 May 2000, the Federal Ministry of Education, Science and Culture sent out a draft amendment to the Minority Schools Act for Carinthia for comment. According to that amendment, section 16 para. 1 reads as follows:

"In bilingual primary schools (primary school classes and divisions) all tuition at the pre-school level and in the first four grades must be delivered in German and Slovenian in approximately equal shares."

Overall, there are 22 basic secondary schools within the scope of the Minority Schools Act for Carinthia. In the 1998/99 school year, students were registered for tuition in Slovenian in 13 basic secondary schools.

Basic secondary schools within the scope of the Minority Schools Act for Carinthia

Hermagor District:

HS Hermagor 1:

HS Hermagor 2:

Okraj Šmohor

GŠ Šmohor 1

GŠ Šmohor 2

Klagenfurt-Land District:

HS Ferlach 1:

HS Ferlach 2:

Okraj Celovec-dežela

GŠ Borovlje 1

GŠ Borovlje 2

Klagenfurt-Stadt District:

HS 3 Klagenfurt:

HS 6 Klagenfurt:

HS 13 Klagenfurt-Viktring:

Okraj Celovec-mesto

GŠ Celovec 3

GŠ Celovec 6

GŠ 13 Celovec-Vetrinj

Villach-Land District:

HS Arnoldstein:

HS Finkenstein:

HS Nötsch:

HS St. Jakob i.R.:

HS Velden 1:

HS Velden 2:

Okraj Beljak-dežela

GŠ Podklošter

GŠ Bekštanj

GŠ Ęajna

GŠ Šentjakob v Rožu

GŠ Vrba 1

GŠ Vrba 2

Villach-Stadt District:

HS Villach 1:

HS Villach 2:

Okraj Beljak-mesto

GŠ Beljak 1

GŠ Beljak 2

Völkermarkt District:

HS Bleiburg:

HS Eberndorf:

HS Bad Eisenkappel:

HS Griffen:

HS Kühnsdorf:

HS Völkermarkt 1:

HS Völkermarkt 2:

Okraj Velikovec

GŠ Pliberk

GŠ Dobrla vas

GŠ Źelezna Kapla

GŠ Grebinj

GŠ Sinèa vas

GŠ Velikovec 1

GŠ Velikovec 2

As a rule, Slovenian may be offered in any primary school or basic secondary school or in general and vocational intermediate and higher schools as a non-binding exercise, as a

voluntary subject or as a mandatory subject if there is a demand and if appropriately qualified educators and the requisite numbers of instruction hours are available. The same is also true for schools outside the scope of the Minority Schools Act.

The knowledge of Slovenian acquired during compulsory education may be increased and intensified in numerous intermediate and upper-level general and vocational schools.

Article 7 (2) of the State Treaty of Vienna provides for a "proportional number of separate grammar schools for the Slovene minority". That is why the Federal Gymnasium (art grammar school) and later also the Federal Realgymnasium (science grammar school) for Slovenes, which offers tuition in Slovenian, was built in Klagenfurt in 1957. The establishment of this so-called Slovenian Gymnasium gave rise to a significant educational momentum within the Slovene minority which was further increased by the foundation of the Klagenfurt University in the 1970s.

In the 1999/2000 school year, a unique pedagogical undertaking known as "Kugy class" was introduced at the Slovene Gymnasium. This is a project under the school autonomy scheme in which new approaches to multilingual teaching are taken and which is open for participation by students from Carinthia, Slovenia and Friuli. The carrier languages of the project are Slovenian - the common language of all children - as well as German, Italian and English.

Pursuant to the amendment to the Minority Schools Act, it is required with regard to Carinthia

"that a bilingual business academy (Handelsakademie) be established particularly for Austrian citizens belonging to the Slovene minority. (...) Teaching at the bilingual business academy must be provided in approximately equal shares in Slovenian and German as languages of instruction. As regards language tuition, German, Slovenian, English and another foreign language must be taught as a compulsory subject."

In the 1990/91 school year, a bilingual business academy (Handelsakademie) started its operation in Klagenfurt. In addition, a bilingual teaching institution for commercial and business occupations has since been established by the convent of the Schulschwester (a denominational private school) in St. Peter near St. Jakob in the Rosental valley.

Pursuant to Article 7 (2) of the State Treaty of Vienna, a special department of the School Supervisory Committee for Slovenian schools must be installed. Under section 31 of the Minority Schools Act for Carinthia, a department for matters pertaining to a) elementary and basic secondary schools with Slovenian as a language of instruction, b) tuition in Slovenian at bilingual primary schools and Slovenian-speaking divisions of basic secondary schools, and c) the federal grammar school with Slovenian as language of instruction and the bilingual business academy must be created at the Regional School Council. The Council complied with this mandate by installing a separate department for minority schooling which is responsible for school supervision and which publishes a comprehensive annual report on the situation of minority schooling in Carinthia.

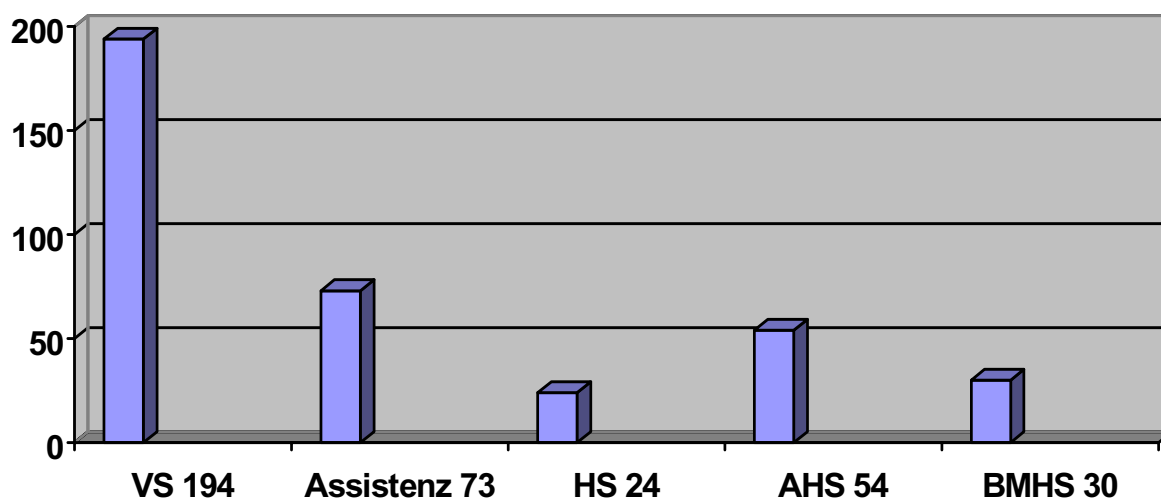
Teacher training:

An excellent training and further education of teachers is an important prerequisite for a proper functioning of the bilingual school system and for imparting information on the Slovene culture and history. Apart from their professional qualifications, the teachers must

also have undergone an excellent pedagogical training. Criteria such as team spirit, conflict management skills, intercultural learning and an ability to use the new communication technologies are more important now than ever.

The Federal Institute of Education for Carinthia supported a total 374 bilingual teachers in the 1999/00 school year in Carinthia. The figure comprises 194 primary school teachers (*VS*), 73 assistant teachers within the scope of the Minority Schools Act (*Assistenz*), 24 basic secondary school teachers (*HS*), 54 teachers at general (*AHS*), and 30 teachers at vocational upper secondary schools (*BMHS*):

Illustration: Bilingual teachers according to type of school



The common trait of these teachers is that they use both Slovenian and German in their teaching. The only exception are the assistant teachers who work together with the bilingual primary school teachers and who use German as a language of instruction, but who should nevertheless be able to follow instruction in Slovenian.

In order to provide the bilingual educators with a high-quality training in Slovenian, the Federal Institute of Education for Carinthia organises seminars covering a broad range of topics. Ten times a year, teachers from Carinthia and Slovenia get together for a bilingual seminar during which they work on trans-frontier pedagogical issues. Another main issue in these seminars is computer-assisted language learning in Slovenian, for which close cooperation with the School Authority of Ljubljana has been obtained, considering that the production of computer diskettes for Carinthia alone would not be economically feasible. That is why Carinthia and the Republic of Slovenia are cooperating now to make good use of common resources.

The task of the Federal Institute of Education is not limited to further education, but also includes special courses for participants wishing to become bilingual primary or basic secondary school teachers. Once they have attained the requisite level of language proficiency in special language courses, teachers may acquire the skills of a bilingual teacher in a 6-semester training course. In 1999, such courses were successfully completed by 20 teachers.

Training programmes for bilingual primary school teachers will certainly be even more important in the future. As was already explained in detail above, the current scheme of school organisation, under which Slovenian and German are used as languages of instruction in the first three grades, while Slovenian is only taught as a compulsory subject in the fourth grade, was found to be unconstitutional by a decision of the Constitutional Court of 19 March 2000. There will thus be a demand for fifty additional bilingual teachers in Carinthia as from the 2001/2002 school year.

Access to textbooks:

There is a close cooperation between the Regional School Board and the centres for school development of the Federal Ministry for Education, Science and the Arts based in Graz and Klagenfurt regarding the production of Slovenian instruction materials and textbooks. Special project groups are organised to elaborate didactic media and materials in Slovenian. In the context of the "cost-free textbook" scheme, a wide range of books written in Slovenian including mathematics, music training, religion, special issues, and dictionaries are made available to the schools.

Special mention should be made of a project entitled "Tako je!", which comprises a large collection of materials plus an interactive CD-ROM, which will be used as educational resources in many bilingual schools. This gives students an opportunity to learn Slovenian in an innovative and future-oriented manner. The collection of educational media is widely accepted, not only in Carinthia, but also beyond the regional boundaries. The authors, therefore, plan to also adapt the CD ROM to other minority languages.

The Pedagogical Association, which was founded in 1988 as an interest group for bilingual teachers and educators and whose aim is to raise the level of Slovenian language proficiency and to familiarize German-speaking colleagues with the bilingual schooling system, puts out new teaching materials and didactic exercises for bilingual students every year.

Kindergarten:

Numerous studies and, above all, the statistical facts and practical experiences of the Carinthian educational system clearly show that bilingual education at the pre-school level is becoming more and more important. Considering that many children belonging to the Slovene minority have either no, or only insufficient, knowledge of Slovenian when they enter school, a bilingual kindergarten system is enormously important in Carinthia.

The legal basis for the establishment and operation of kindergartens in Carinthia is the Kindergarten Act of 1992, which does not differentiate between public and private kindergartens, but only makes a functional distinction between general and special or remedial kindergartens. Anyone wishing to operate a kindergarten in Carinthia (individuals, associations, church or municipal organisations) is given equal standing and evaluation under the law.

There is no positive legal title to have a bilingual kindergarten built from public money in Carinthia. However, all kindergarten operators are free to run their institution as a bilingual kindergarten and receive remuneration (Kindergarten-Landesbeitrag) for some of the personnel costs from the Carinthian Regional Government whereas bilingual kindergartens also obtain a special subsidy from the Federal Chancellery.

Overall, there are 16 bilingual kindergartens in Carinthia, of which half are operated by municipal and half by private carriers.

To ensure an optimal scheme of further education of bilingual kindergarten teachers, the competent department of the Carinthian Regional Government is offering special workshops and adult training courses.

As to the situation of the Hungarian minority:

The Austrian school legislation ensures that tuition in Hungarian is available in the public school system from the pre-school level to the final school-leaving exam (Matura).

The legal basis for the educational system of the Hungarian minority is also laid down in the Minority Schools Act for Burgenland (Federal Law Gazette No. 641/1994). For more details, see the chapters above.

The Minority Schools Act for Burgenland 1994 and the respective regional implementing laws applicable in Burgenland stipulate that, in communities with Hungarian-speaking populations, instruction in primary schools must either be in Hungarian or bilingual. The proportions of the two languages in bilingual education should be roughly equal. Parents who do not want their child to receive instruction in Hungarian may withdraw the child from that particular course while he or she remains part of the same class. If there is a sustained demand, the right to have tuition in the minority language may also be asserted in schools outside the autochthonous settlement area.

Basic secondary schools, which have bilingual primary schools within their catchment area, are also obliged to offer instruction in Hungarian, with students wishing to receive tuition in the minority language being required to register for participation. Instruction must be provided as soon as the first registration has been filed.

The bilingual art grammar school (Gymnasium) in Oberwart offers students an education in Hungarian-German or Croatian-German until the final school-leaving exam (Matura = university entrance qualification). Some general upper-level secondary schools also offer training programmes in Hungarian ranging from mandatory elective subject to voluntary exercise. Similar programmes are also available at vocational upper-level secondary schools.

In accordance with the Minority Schools Act for Burgenland, a separate department for minority matters was installed at the Regional School Board. School supervision in the compulsory school system is provided by a special school inspector for Hungarian while in all other types of school a school supervisor with language competence is responsible for supervision.

Teacher training:

There is no access restriction whatsoever to training programmes for teachers of Hungarian. At the Federal Institute of Education in Eisenstadt, students may acquire a qualification for instruction in Hungarian in addition to the regular teaching diploma. The further education of bilingual teachers is planned and carried out by the Federal Institute of Education in cooperation with the Minorities Division of the Burgenland Regional School Board. There is a good

cooperation between the Federal Institutes of Education in Eisenstadt and Sopron with regard to the conduct of practical exercises as part of the training programmes for school and kindergarten teachers.

The "Centre for Kindergarten Pedagogics" in Oberwart offers a training in Hungarian and bilingual didactics.

Access to textbooks:

Cooperation schemes for the exchange of pedagogical programmes and materials exist with the Federal Institute of Education in Sopron and the Federal Institute of Education in Eisenstadt.

Kindergarten:

For bilingual kindergartens (Hungarian/German) the same arrangement applies as for bilingual kindergartens (Croatian/German). See the detailed explanations on Croatian kindergartens.

Currently, nursery services in Hungarian is offered in the following kindergartens in Burgenland: Oberpullendorf, Siget in der Wart, Unterwart and Oberwart.

Concerning the educational situation of Hungarians living in Vienna, emphasis should be given to a project entitled "Hungaricum", which was organised by the Municipal School Board for Vienna in cooperation with the Federation of Hungarian Associations in Austria and which provides for Hungarian to be taught for two hours per week at four Viennese primary schools as a "voluntary exercise" for all students in grades 1 to 4. Under that scheme and in accordance with the curriculum provisions regarding supplementary instruction in the mother tongue, students whose first or second language is Hungarian have the opportunity to deepen and strengthen their linguistic abilities. German-speaking students acquire basic oral language skills in accordance with the curriculum provisions on the obligatory/voluntary exercise "Hungarian as a living foreign language". The project "Hungaricum" places its main emphasis on the aspect of intercultural learning.

As to the situation of the Czech minority and the Slovak minority:

The "European Grammar School" (Europäische Mittelschule) in Vienna offers Slovakian, Czech and Hungarian as language of instruction in addition to German or as a second foreign language after English. Study programmes abroad and project weeks help students focus on language learning and cultural encounters. The school specifically focuses on such aspects as intercultural learning, tolerance and cosmopolitan attitudes, social learning and integration. It also maintains partnerships with grammar schools in Bratislava, Brno and Győr. The "European Grammar School" is a member of CERNET, the Central European Regional Network for Education Transfer.

Apart from the Komensky School (see Article 13), Slovakian is also taught in a public school in Vienna's 7th municipal district. The primary and basic secondary school run by the Komensky school association is attended by some 30 Slovak children.

For further details, see the chapter on Article 13 of the Framework Convention.

As to the situation of the Roma minority:

The Minority Schools Act for Burgenland 1994 (Federal Law Gazette No. 641/1994) and the applicable implementing laws of Burgenland stipulate that, subject to demand, instruction in Romany must be provided.

Section 14 para. 1 of the Minority Schools Act for Burgenland reads as follows:

"In Burgenland, additional tuition in Croatian and Hungarian must also be provided, where required, for Austrian citizens belonging to the Croat or Hungarian national minorities in those types of school not listed in paras. 2 to 4. Similarly, an additional tuition in the Romany language must be provided for the Roma population of Burgenland."

As the Romany language has only recently become available in a written form, this right will only be implemented on a step-by-step basis. The language of the Burgenland Roma has been handed down by oral tradition and has therefore never been recorded in writing. It was thus only a few years ago that linguists from the University of Graz embarked on a scientific project together with the Roma Association of Oberwart with the aim of writing down and codifying the Romany language.

In the 1999/2000 school year, Romany will for the first time be taught in a primary school class in Oberwart. In view of the rather complex and extensive task of codifying the language and compiling suitable teaching materials, this is a highly positive development which is profoundly supported by the public authorities.

Although a first selection of educational media has meanwhile been completed and is already used for instruction, the available materials are still not sufficient to warrant a language tuition proper. That is also why it has not been possible yet to offer teacher training courses at one of the Federal Institutes of Education. For the time being, however, native speakers who have received some basic training are employed to teach Romany on an interim basis.

As mentioned above, the Kindergarten Act for Burgenland stipulates that children in the kindergartens of communes with resident members of the Croat or Hungarian national minorities must receive bilingual education - in German and Croatian or Hungarian. Although there is not yet an analogous provision concerning the Romany language in the Kindergarten Act, the authorities are ready to guarantee such a bilingual education also for Roma children.

Research and university education:

The languages of the Austrian national minorities are being taught at various universities. The following list provides an overview of the universities and institutes whose curricula for the summer semester 2000 feature courses in the minority languages. The list does not include seminars and lectures whose main focus is not on the language as such but on the countries where the languages are primarily spoken (e.g. "Hungary - Geographical and Cultural Aspects"). To give the reader a better idea of the scope of courses, figures for the current semester are provided. The first figure signifies the total number of courses while the second gives the number of hours per week.

Croatian (including "Serbo-Croatian" etc.)

University of Vienna - Institute for Slavic Studies:	17/38*
University of Vienna - Institute for Translators and Interpreters:	17/28
Vienna University of Economics and Business Administration - Institute for Slavic Languages :	2/4
University of Graz - Institute for Slavic Studies:	10/26
University of Graz - Institute for Theoretical and Applied Translation Science: 13/26	
University of Salzburg - Institute for Slavic Studies:	5/10
University of Innsbruck - Institute for Slavic Studies:	6/16
University of Klagenfurt - Institute for Slavic Studies:	7/16

Slovenian

University of Vienna - Institute for Slavic Studies	15/34
Vienna University for Economics and Business Administration - Institute for Slavic Languages	2/4
University of Graz - Institute for Slavic Studies	10/22
University of Graz - Institute for Theoretical and Applied Translation Science 15/30	
University of Salzburg - Institute for Slavic Studies	1/2
University of Klagenfurt - Institute for Slavic Studies	16/32

Hungarian

University of Vienna, Institute for Finnish and Hungarian Studies	25/53
University of Vienna - Institute for Translators and Interpreters 18/30	
Vienna University for Economics and Business Administration - Institute for Slavic Languages	5/9
University of Graz - Institute for Theoretical and Applied Translation Science 16/32	
University of Innsbruck - Institute für Linguistic Studies	3/4

Czech

University of Vienna - Institute for Slavic Studies	24/59
University of Vienna - Institute for Translators and Interpreters 13/26	
Vienna University for Economics and Business Administration - Institute for Slavic Languages	17/37
University of Graz - Institute for Slavic Studies	2/4
University of Salzburg - Institute for Slavic Studies	2/4
University of Linz - Institute for Foreign Languages	6/16
University of Innsbruck - Institute for Slavic Studies	1/4

Slovakian

University of Vienna - Institute for Slavic Studies	9/22
Vienna University for Economics and Business	

Administration - Institute for Slavic Languages 3/6

Romany

University of Graz - Institute für Linguistic Studies 1/2**

University of Innsbruck - Institute für Linguistic Studies 2/3

* Of the above courses in Croatian at the University of Vienna - Institute for Slavic Studies (17/38), 3 refer to Burgenland-Croatian (with a total of 6 hours per week), namely, "Die burgenländischkroatische Sprachsituation und jene der Kärntner Slowenen - Ähnlichkeit und Unterschiede" (The situation of the Burgenland-Croatian language and that of the Carinthian Slovenes - similarities and differences), "Übungen zum Burgenländischkroatischen" (Exercises in Burgenland-Croatian) and "Literatur und Kulturgeschichte der burgenländischen Kroaten" (Literature and cultural history of the Burgenland Croats).

** The Institute for Linguistic Studies at the University of Graz is regarded as the (academic) centre of Romany linguistics and is widely renowned for its work beyond the Austrian borders.

For students enrolling at the Technical College (Fachhochschule) for International Business Relations in Eisenstadt, tuition in one Eastern European language is mandatory. They may choose one of the following: Hungarian, Croatian, Czech or Slovakian.

In 1958, the Austrian Institute for Eastern and Southeastern European Studies was founded in Vienna which has since been funded by the Federal Ministry of Science. In 1990, the Institute opened branch offices in Ljubljana, Bratislava, Brno, Budapest and Sofia, whose primary task is to promote bi- and multilateral scientific cooperation projects between Austria and these countries. Together with Austrian, Slovenian, Czech, Slovakian, Hungarian scientists and members of the respective national minorities, the Institute elaborates the basics for an understanding of the culture, history and language of the national minorities (including the Roma). The Austrian Institute for Eastern and Southeastern European Studies has since its inception conducted many activities within the meaning of Article 12 of the Framework Agreement.

As regards the research activities concerning the **Burgenland-Croat minority**, the following must be noted. In the past years, the following scientific studies dealing with the situation of the Burgenland Croats have been carried out: An empirical study entitled "Volksgruppen im Burgenland, 2-sprachige Ortstafeln" (National minorities in Burgenland, bilingual place-name signs) was conducted by the Austrian Society for Marketing (OGM). The empirical investigation "Kroaten im Burgenland" (Croats in Burgenland) was commissioned by the Federal Chancellery at the recommendation of the National Minority Advisory Council and carried out by OGM, IHS (Institute for Advanced Studies) and DATINFORM. A target-group study on the topic "Einstellungen und Werthaltungen von Gruppen innerhalb der kroatischen Volksgruppen zur eigenen Identität" (Attitudes and opinions of groups within the Croat national minorities regarding their own identity) was also commissioned by the Federal Chancellery at the recommendation of the National Minority Advisory Council.

The most important findings of these studies are presented in the introductory chapter of this Country Report and in the chapters on Articles 5 and 12.

In addition, the following scientific papers were published: "Trendwende, Sprache and Ethnizität im Burgenland" (New trends, language and ethnicity in Burgenland) and "Mit Sprachen leben - Praxis der Mehrsprachigkeit" (Living with languages - practical aspects of multilingualism) by the Burgenland Research Society, "Aus dem Werdegang der Sprache and Literatur der Burgenlandkroaten" (Studies on the development of the language and literature of the Burgenland Croats) by the Scientific Institute of the Burgenland Croats and "Geschichte und Kultur der Burgenländischen Kroaten" (History and culture of the Burgenland Croats), published jointly by the Burgenland Regional Government and the Croatian Ministry for Culture and Education.

In 1999, a two-volume legal dictionary "German - Burgenland Croatian" and "Burgenland Croatian - German" was published on commission from the Federal Chancellery, which also funded the project.

As already mentioned, the foundation of the University of Klagenfurt has had a positive effect on the educational situation of the **Slovene minority**. The same is true for research on minority issues in general, and of the Slovenes in particular, which over the past few decades has been successfully established both at the University of Klagenfurt and some extramural research institutions.

The educational science community in Klagenfurt, for example, has already begun to study the question of "ethnic minorities" and "intercultural learning" 15 years ago. Minority research activities are also well established in other institutes of the University of Klagenfurt, including the Division for Intercultural Education of the Institute for Educational Science and Cultural Research, the Institute for Psychology, the Institute for Slavic Studies, the Institute for Media and Communication Science and the Institute for Historical Studies. The University of Klagenfurt has acquired international renown for its pure research focus and its practice-oriented research activities on linguistic and ethnic minorities. A special psychological assistance programme for refugees from war regions who are granted refuge in Austria has been devised by a private association named "Aspis" in the context of trauma research conducted at the Institute for Psychology. This research priority of the University of Klagenfurt is well renowned both nationally and internationally.

The University of Klagenfurt is also the home of the Centre for Intercultural Studies of the Council of Europe, which is, inter alia, doing minority research projects. This research centre is funded by the Council of Europe and the Austrian Science Ministry and cooperates closely with a "confidence-building-measures" programme, which promotes intercultural projects in Europe involving minorities and majorities. The Centre for Intercultural Studies, one of whose research focuses is on South-Eastern Europe (media, education, social issues, trans-frontier cooperation), is currently preparing a special course on "Intercultural Project Management". On the Austrian side, the present activities of the Centre are concentrated on the European Charta of Regional or Minority Languages and on the Year of Languages 2001.

At the University of Graz, similar projects are conducted on issues relating to the Slovene minority. A project entitled "Leben mit Grenzen: Geschichte der Slowenen in der Steiermark" (Living with frontiers: history of the Slovenes in Styria) carried out by the Institute for Historical Studies (Division for Southeastern European History) of the University of Graz, for instance, was financed by the Austrian Research Promotion Fund. The project "Kalter Krieg in der Steiermark" (Cold war in Styria), which is currently conducted by the Division for Contemporary History and sponsored by the Austrian Nationalbank, is also dealing with the

Styrian Slovenes. The Institute for Slavic Studies of the University of Graz is currently planning for its work on a lexicographic project entitled "Thesaurus der slowenischen Volkssprache in Kärnten" (Thesaurus of the Slovenian vernacular in Carinthia), of which four volumes including letters A - H have already been published, to be continued on a grant from the publishing house of the Austrian Academy of Sciences.

One noteworthy example of an extramural research institution is the Slovene Institute of Science in Klagenfurt, which is operated with the help of the National Minorities Assistance Fund of the Federal Chancellery. The Institute documents and examines the political, cultural and social situation of the Slovene minority in the past and present and investigates multicultural and interethnic relations in the Alpine Adriatic region. Below are some of the research projects of the Slovene Institute which are funded by the Republic of Austria: The report "Auf dem Weg zur Selbstfindung. Geschichte der slowenischen Volksgruppe in Kärnten 1945 - 1955" (Searching for identity. History of the Slovene minority in Carinthia 1945 - 1955), which was completed in 1999, was financed by the Science Ministry. The Slovene Institute also takes part in an ongoing research project entitled "Vermögensentzug, Rückstellung and Entschädigung am Beispiel von Angehörigen der slowenischen Minderheit and ihrer Verbände and Organisationen" (Confiscation of property, restitution and compensation as exemplified by members of the Slovene minority and their associations and organisations), which is carried out by the Institute for Historical Studies of the University of Klagenfurt in cooperation with other institutes on commission from the Historical Commission of the Republic of Austria. Other activities of the Slovene Institute include documentations and exhibitions like the itinerant exhibition "Kärntner Slowenen" (Carinthian Slovenes).

The Ludwig Boltzmann Institute for Intercultural Education Research (University of Klagenfurt and Municipality of Villach) also carries out projects related to cross-cultural issues of the national minorities. A project which deserves special credit is sponsored by the Federal Chancellery and is entitled "Bildungschance Mehrsprachigkeit: Förderung frühkindlicher Mehrsprachigkeit im Kindergarten" (Multilingualism - an educational opportunity as exemplified by a trilingual kindergarten: German, Slovenian and English). The key objectives of the project are to evaluate the children's linguistic progress, to improve the pedagogical, methodological and didactical approach and the qualifications of kindergarten teachers, to provide the requisite materials for a better parent/public relation work, and to enhance the training and further education of kindergarten teachers.

The Slovene Folklore Institute "Urban Jarnik" focuses its research activities on the lives of Carinthian Slovenes dwelling in the bilingual region in the past and present. The Institute is also sponsored by the National Minorities Assistance Fund of the Federal Chancellery.

One of the issues which the Klagenfurt branch office of the Ludwig-Boltzmann Institute for Research on War Consequences is examining in the context of the project "Die nationale Frage in Kärnten im 20. Jahrhundert" (The national question in Carinthia in the 20th century) is the situation of the Carinthian Slovenes. To achieve a better understanding between the two national groups living in Carinthia is one of the aims of this research initiative of the Carinthian Regional Government.

A new scientific institute for minority research inaugurated this year is the Carinthian Institute for Ethnic Minorities (CIFEM), which is sponsored by the Carinthian Regional Government. A number of international experts are on the scientific advisory board of CIFEM, which

regards itself as an independent research institution and which will have its permanent seat at Ossiach Abbey in Carinthia in autumn 2001. The first scientific project is a large-scale comparative study of European minority policies on the national level, which will start on 6 July 2000 with a workshop entitled "Minderheitenpolitik in Europa" (Minority policy issues in Europe). As a second project, there are plans for a study on ethnic parties.

The Slovene Academic Library is a public library with free access 44 hours per week. It features more than 74,000 books and some 700 non-inventoried newspapers and magazines. In addition, the Slovene Academic Library operates an itinerant library and provides local member organisations assistance in running their own libraries.

The **Burgenland-Hungarian** cultural association organises a scientific symposium every year. In 2000, the symposium and a number of exhibitions and publications are marked by a commemoration of the 1000-year history of Hungary. A special booklet entitled "1000-jährige Kulturgeschichte der Ungarn" (1000 years of Hungarian cultural history) for students will be published.

In autumn 2000, a publication "Die Burgenländischen Ungarn" (The Hungarians of Burgenland; updated version of the 1988 edition), will be published as part of the Warter-Hefte series. The Hungarian library in Unterwart will carry out a joint EU Interreg project with a library in Hungary to provide for the cataloguing of 30,000 Hungarian books and to establish an electronic link-up between the two libraries.

In the context of the publication "Das Leben und die Kultur der ethnischen Minderheiten und kleiner Sozialgruppen" (The life and culture of ethnic minorities and small social groups), research activities also focused on the life of the **Czech minority** in Vienna (Integration and multicultural society in metropolitan Vienna, problems of Czech associations in Vienna). Apart from the Austrian Institute for Eastern and Southeastern European Studies, scientists from the University of Vienna and the Austrian Academy of Sciences participated in the publication which was co-financed by the PHARE programme of the European Union.

In 1996, an exhibition entitled "Kulturen an der Grenze" (civilisations at the border) was elaborated by the above Institute as part of an Austrian-Czech joint research project of the same name.

In the framework of the research programme "Grenzenloses Österreich" (Austria without frontiers, 1994 - 1998), an interdisciplinary research project "The **Slovak minority** in Vienna and Lower Austria" was funded by the Science Ministry and the Federal Chancellery and carried out by the Austrian Institute for Eastern and Southeastern European Studies. It is interesting to note in this context that numerous scientists from Slovakia (Komensky University, Slovak Academy of Sciences) concentrate their scientific efforts on the Slovak minority in Austria, with the primary research focus being on the identity and language of the Slovak minority. This is exemplified by the following publications: "Die slowakische ethnische Minderheit in Niederösterreich" (The Slovak ethnic minority in Lower Austria), "Studium der slowakischen Dialekte in Österreich" (Studies on Slovakian dialects in Austria), "Die Slowaken und die slowakische Sprache in Wien und Niederösterreich" (The Slovaks and the Slovakian language in Vienna and Lower Austria), "Slowaken im österreichischen Marchfeld" (Slovaks in the Austrian Marchfeld region) etc.

The impetus for the current density of **Roma research** in Austria came from music ethnology studies conducted by the Institute for Musical Science at the University of Vienna, which greatly contributed to the emancipation of the Roma minority.

With the Heinschink Collection, which is part of the Phonographic Archive of the Austrian Academy of Sciences, Austria possesses an audio collection on the music, language and culture of the Roma, which is not only the largest of its kind but also an important source for anyone interested in oral history.

In the course of the research programme on minorities run by the Institute for Political Science of the University of Innsbruck, the following scientific papers on Roma topics were published: "Nationalsozialismus und Zigeuner in Österreich" (National Socialism and Gypsies in Austria); "Roma und Sinti" ("Zigeuner"): Zwischen Ausgrenzung, Verachtung and Bewunderung" (Roma and Sinti ["Gypsies"]: Between marginalisation, contempt and admiration); "Sinti- und Romafrauen: Die Ambivalenz des Ethnischen. Ethnizität als Konstituierungs- and Abgrenzungspotential" (Sinti and Roma women: The ambivalence of the ethnic element. Ethnicity as a potential for constitution and dissociation); "Zur rechtlichen and gesellschaftlichen Situation von Sinti/Roma („Zigeunern“) in Österreich" (As to the legal and social situation of Sinti/Roma ("Gypsies") in Austria); "Die Veränderungen der rechtlichen Lage der Roma in Europa. - Ein Vergleich der wichtigsten Trends in EU-Mitgliedstaaten and in europäischen Nicht-EU-Ländern" (The changes in the legal status of the Roma in Europe. - A comparison of the major trends in EU member states and European non-EU countries).

The ongoing Romany project which was launched by the Institute for Linguistics at the University of Graz in 1993, serves as a role model for Europe. It is not a mere scientific and academic project designed to provide "coercive linguistic benefaction for the Roma" ("sprachpflegerische Zwangsbeglückung der Roma" - author's quote), but consists in a number of scientific studies conducted on behalf of the national minority to counteract the decay of their language and to help preserve their culture and identity. The primary aim of the Romany project is to inventory and process the Austrian varieties of the Romany language in such a way that it enables active and committed Roma within each group to fight the imminent death of the language with the help of the materials produced and the didactic strategies developed.

The language codification process including grammatical and lexicographical description has already been completed. Starting in autumn 1997, weekly tuition is provided for children and adolescents, with the teaching materials (textbooks, card games, computer-assisted language programmes and the like) produced by the groups themselves. What is important about these courses is that Roma teachers are trained and given some responsibility for teaching on their own. There are students who produce their own magazines and theatre plays, and there is even a group of young musicians who use the Romany language for their lyrics.

This comprehensive and long-term project is financially supported, inter alia, by the Republic of Austria (Federal Chancellery, Ministry of Science, University of Graz, etc.).

Currently, there is an ongoing research project on the topic of "Roma and Sinti in Burgenland from 1945 to 1999", commissioned in 1998 by the Federal Ministry of Education and carried out by the Burgenland Research Society. The aim of the project is to obtain a systematic view of the present situation of the Roma and Sinti of Burgenland, including the following aspects: policies relating to national minorities in Austria and Burgenland during that period;

continuity of marginalisation; situation after the recognition as a national minority after 1993; structural change in Burgenland; problems relating to censuses and estimates; housing and property; language and education; identities etc.

In 1999, a book entitled "Wege zur Verbesserung der Lage der Roma in Mittel- und Osteuropa: Beiträge aus Österreich und Slowenien" (Ways to improve the situation of the Roma in Central and Eastern Europe: proposals from Austria and Slovenia) was published. On 5 April 2000, the field offices of the Austrian Institute for Eastern and Southeastern Studies (OSI) organised a meeting on the topic of "Migration of Roma in Europe" together with a large number of experts from the various countries.

Article 13

Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.

The exercise of this right shall not entail any financial obligation for the Parties.

Again, it must be noted that this right is granted to members of the national minorities to the same extent as all other Austrian citizens. Under Article 17 of the Basic Law (StGG), all citizens are entitled to establish institutes of learning and education and to teach at such institutions provided that they have furnished legal proof of their necessary qualification.

Pursuant to Article 67 of the Treaty of St. Germain, Austrian nationals who are members of a minority in respect of race, religion or language have the right, inter alia, to establish, operate and supervise schools and other institutes of education, and to freely use their own language in such institutions.

More detailed rules regarding the prerequisites for operating a private school are laid down in the Private School Act, which provides, in general, that any Austrian national may establish a private school.

In Klagenfurt, the regional capital of Carinthia, there is a private bilingual primary school called "Mohorjeva - Hermagoras". Another private school is the secondary training institute for commercial occupations in St. Peter near St. Jakob in the Rosental valley which is run by the convent of the Schulschwestern and which also offers a one-year programme of business studies.

The Komensky school association operates Austria's only bilingual Czech private school which is accredited under public law. The Komensky school offers not only elementary education but also bilingual instruction at the lower secondary level, with the latter being merged with a bilingual grammar school starting in the 2000/2001 school year. There are also plans to provide financial support for the expansion of the Komensky school from the National Minorities Assistance Fund of the Federal Chancellery.

The Komensky school also operates a bilingual kindergarten. It is a special aspect of the Komensky school that it will provide a bilingual course of education from kindergarten to the final school-leaving exam (Matura) as from the 2000/2001 school year which will be essential for the future existence of the Czech minority in Vienna.

Czech and German are the two languages of instruction used in the school. The curriculum offered by the Komensky School may also be interesting for the Slovak minority as Slovakian is taught alternately with Czech.

The right to establish private education and training institutions is only asserted by the Hungarians of Burgenland in the context of the adult education programmes offered by the Burgenland-Hungarian Volkshochschule, an institution which is supported by public grants.

The Roma Association (Verein Roma) in Oberwart uses the right to establish private education and training facilities by providing extramural tutoring for school children. This type of support guarantees that the students become emancipated in their learning progress and do not drop to a remedial school level. How successful these measures are is documented by the fact that since the start of the tutoring programme Roma children are no longer forced to attend remedial classes in disproportionate numbers, but show the same performance in school as the other children. The extra-curricular tutoring programme is funded jointly by the Federal Government and by the Burgenland Regional Government.

An adult education centre (Volkshochschule) of the Burgenland Roma has recently started its operation. The school, which is designed to teach Romany to adults belonging to the Roma minority or to other groups of the population, will also be supported by public funds.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Pursuant to Article 7 (4) of the State Treaty of Vienna, Austrian citizens belonging to the Slovene and Croat minorities take part in the cultural, administrative and judicial institutions in these regions on the same conditions as the other Austrian citizens.

Section 3 of the National Minorities Act requires the establishment of special National Minority Advisory Councils (Volksgruppenbeiräte) at the Federal Chancellery in order to assist the Federal Government in matters pertaining to national minorities. These Advisory Councils must protect and represent the cultural, social and economic interests of their respective minorities and must, above all, be consulted before legal rules are adopted, or in respect of general plans concerning public grants which may affect the interests of the minorities. They may also submit proposals on how to improve the situation of the national minorities and the individual members of these minorities. The national minorities may also advise the regional governments if requested by the latter.

Each national minority for which an Advisory Council is established as well as the number of Council members are determined by ordinance. On the basis of the Federal Government's ordinance on the National Minority Advisory Councils, there are currently six such Councils in operation:

Minority:	Number of Council members
Croat:	24
Roma:	8
Slovak:	6
Slovene:	16
Czech:	10
Hungarian:	16

One half of the members of a National Minority Advisory Council are to be nominated at the proposal of associations whose statutory aim is to protect minority interests and which are representative of their national minority. The other members of the Council are selected, for one, from persons belonging to general representative institutions who were elected either because of their affiliation with, or who belong to that minority and, for another, from minority members proposed by a church or religious community. All Council members are expected to commit themselves to the interests of their national minority and to the aims of the National Minorities Act, and they must be eligible for election to the Nationalrat.

Council members are appointed by the Federal Government for a four-year term, with the national minority organisations being granted a right to comment on or to appeal against the composition of the National Minority Council to the Administrative Court. In its finding VwSlgNF 14.878/A/1998, the Administrative Court held that it must be concluded from this right of appeal that the right to be "heard" does not exhaust itself - as usual - in granting the minority organisation an opportunity to comment on an appointment but that it also entitles the minority association to raise its legal objections against specific minority members who are due to be appointed. Insofar, the representative minority organisation is granted "full" party status in the appointment proceedings under section 4 para. 1 of the National Minorities Act. This means that the organisation must not only be served the letters of appointment for the respective members of the National Minority Council but that it must also be formally consulted at the time of appointment whether it holds any reservations in regard to the appointment procedure.

In appointing the members of the National Minority Advisory Council, the Federal Government must see to it that all relevant political and ideological opinions held by the minority concerned are represented.

The most important function of the National Minority Advisory Council is to set up an annual plan concerning desirable assistance measures in the respective national minority during the following year. Taking account of this plan, the Council must then make proposals on how to use the funds allocated to the national minority in the federal budget.

As regards the work of the National Minority Advisory Councils, the minorities had the following to say in their Memorandum:

"It is the function of the State to organise the dialogue between the national minorities and the State. That is why an Advisory Council was established for each national minority which acts as a consultative organ and which must be composed in a way that corresponds to the plurality of political and ideological opinions within the national minority. The task of the National Minority Advisory Councils is to organise a constructive dialogue between the State and the various national minorities."

It is important to note in connection with the establishment of a National Minority Advisory Council that this rationale amounts to the recognition of the group as a national minority. Since the recognition of the group as a national minority is not subject to a specific legal procedure, the existence of an Advisory Council is a sign for the group's recognition as a national minority.

The Nationalrat passed a resolution on 26 February 1997 requesting the Federal Chancellor to examine in conjunction with the regional governments concerned whether a representative of the Styrian Slovenes may be included in the Advisory Council for the Slovene minority. The Advisory Council for the Slovene minority issued a decision on 11 March 1997, by which it advised the Federal Government to amend the Ordinance on National Minority Advisory Councils in cooperation with the governments of the *Länder* concerned and thus to facilitate the participation of the Styrian Slovenes in the next Advisory Council. This request was reiterated in the Memorandum of the Austrian national minorities of 24 June 1997.

On 24 February 1998, the Federal Government decided to raise the number of members of the Advisory Council for the Slovene minority from 16 to 18; however, the requisite approval of the Main Committee of the Nationalrat could not be obtained in the previous legislative period. A complaint relating to this issue which has been lodged by an organisation named "Article VII Cultural Association for Styria" is currently pending at the courts of public law. The organisation claims that the Federal Government did wrong by not including a representative of the Styrian Slovenes in the Advisory Council for the Slovene minority.

Scientific studies on the situation of the Burgenland-Croat minority produced the following results:

Public opinion is divided over the activities of the national minority organisations: 39% of respondents in Burgenland said that "the motions filed by the minority organisations are only shared by few Croats" while 35% hold the opposite view and 26% have no opinion on that issue. Polarisation is even stronger among the Croats, 43% of whom feel that only few Croats support the claims of the national minority organisations whereas 32% have a different opinion.

That is also why the Croats do not wish to be exclusively represented by the national minority organisations; 40% of those surveyed said that they wanted the national minority organisations as a contact whereas 45% prefer to have contacts both among politicians and national minority organisations.

34% of Croats believe that local politicians are those politicians who do the most for the Croats.

As regards the political representation of the Burgenland Croats, it should be noted that the attempt to establish a separate political party had already failed in the period between the two World Wars and that, therefore, integration in the general party system was accelerated. While there are always representatives of the national minority among the delegates to the Burgenland regional parliament (Landtag), they act as representatives of their respective political parties and not so much as representatives of the national minority. Moves to defend the interests of the minority on the regional (Land) level were nevertheless quite successful in many regards. At the present time, four of the 36 delegates to the regional parliament come from Croat municipalities. The various party platforms for the Nationalrat and Bundesrat traditionally also include representatives of the Burgenland-Croat minority. The Human Rights Committee of the Nationalrat is currently headed by a member of the Burgenland-Croat minority.

Overall, it can be said that the representation and influence of the Burgenland-Croat minority on the regional and local levels is more than satisfactory. Croats have access to posts and functions both in politics and public administration, some of which have been, and still are, held by members of the national minority (e.g. *Land* governor, members of regional government, presidents of regional parliaments, chamber of labour and chamber of commerce, regional courts, director in the office of the regional government). However, these posts were obtained by the persons concerned through the regular political parties and organisations and not because of their affiliation with the national minority or as a result of their candidacy for a national minority party.

While the Carinthian Slovenes were represented by two delegates to the regional parliament between the two World Wars, their attempts to run an independent election campaign have failed in the Second Republic to date. As the regional territory was divided into four electoral districts following a decision of the Constitutional Court, and in conformity with the rule that "residual seats" (as calculated according to the D'Hondt electoral model) may only be allotted to those parties which have already gained a "basic representative seat" in one of the electoral districts, there is now a threshold of approximately 10% of the votes which a party needs to pass.

The "Demokratische Front" (Democratic Front), the precursor organisation of the "Zentralverband der Kärntner Slowenen" (Central Association of Carinthian Slovenes), only stood for regional election once, namely in 1949. After that, the organisation issued, until 1970, recommendations to its constituents to vote for the Austrian Socialist Party (SPÖ). The deputy chairman of the Zentralverband was also a delegate of the SPÖ to the regional parliament between 1970 and 1974. As a consequence of the conflict over bilingual place-name signs ("Ortstafelkonflikt"), the organisation suggested to its members in 1975 that they should either vote for the Austrian Communist Party (KPÖ) or for the Kärntner Einheitsliste (KEL). There were no more official recommendations in the subsequent elections. On several occasions - in 1949, 1953 and 1965 - the organisation of Christian Slovenes stood for regional elections. Prior to the 1970 regional election, there was a rapprochement between the organisation and the regional chapter of the Austrian People's Party (ÖVP), and the Rat der Kärntner Slowenen (Council of Carinthian Slovenes) then issued a recommendation to vote for the ÖVP. Because of the conflict over the place-name signs in 1972, the rapprochement period came to an end. The Council of Carinthian Slovenes was instrumental in the founding

process for the platform Kärntner Einheitsliste/Koroška Enotna lista (KEL), which - under the old electoral system - was only a few votes short of gaining a seat in the regional parliament. In other regional campaigns, the party, which named itself Einheitsliste/Enotna lista, clearly missed the election target. In 1994, they only received 3,300 votes. In the 1999 regional election, the Einheitsliste stood together with the Liberals and the two factions of the Green Party but failed to win enough votes to be elected to the Carinthian regional parliament.

There is a sub-organisation within the SPÖ called Arbeitsgemeinschaften Volksgruppen in der SPÖ (Working Groups on National Minorities in the SPÖ), whose chairwoman stood for election to the Carinthian regional parliament on the Social Democratic ticket but did not muster enough support from the voters. As against that, a member of the Slovene minority has been a delegate to the regional parliament for the People's Party since 1989.

Judging from the available statistics, the candidacy of the Einheitsliste or other Slovenian groups was more successful in local (municipal) elections. At the local level, a substantial number of representatives of the Slovene minority were elected for municipal councils on separate tickets (EL) or on the tickets of the other parties. In 1997, Slovenian organisations gained a total of 5,527 votes and 56 seats in 24 communes.

The Hungarian minority has so far refrained from forming a political organisation of their own and has instead opted for full integration into the existing political, social and economic structures. Members of the Hungarian minority exercise their right to vote and to stand for election within the regular party spectrum. At the local level, it is mostly members of the national minority who are elected for the various municipal and communal bodies (mayors, local councils). The same is true for regional (Landtag) and national (Nationalrat, Bundesrat) representative bodies in which members of the Hungarian minority regularly act as delegates of their respective parties although membership of the national minority is not a prerequisite.

The Czech minority has two political organisations, the Czechoslovakian Socialist Party in Austria and the Tschechoslowakische Volksvereinigung (Czechoslovakian People's Union). However, there are no political representatives of the Czech minority in any of the political bodies on the local, regional or national level.

The Slovak minority has no political organisations of its own, nor does it engage in the political activities of other parties.

As for the Roma minority, no separate political organisation has developed either, and cooperation with other political parties is rather an exception than a rule. Presently, such an exception is the chairman of the Roma National Minority Advisory Council. However, there is hope, in view of recent developments, that this situation will improve.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Compliance with this principle is guaranteed by the fact that any citizen is free under Article 6 of the Basic Act (StGG) to take up domicile and residence anywhere on the state territory

(freedom of establishment). In its case-law, the Constitutional Court ensures that the enjoyment of this fundamental right cannot be undermined, e.g. by fiscal measures. Thus, the Court ruled in its judgment VfSlg. 3221/1957 that an unreasonable residence tax might infringe this fundamental right.

Article 17

The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention, making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Paragraph 1 is specifically warranted by Article 10 para. 1 of the Convention, which guarantees everyone the freedom to receive and impart information and ideas without interference by public authorities and without regard to national frontiers.

As regards the maintenance of transfrontier contacts, mention must above all be made of ARGE Alpen-Adria, whose activities and suggestions were instrumental in raising awareness and sharpening the focus on minority questions in Central Europe. A procedure of mutual appreciation of solutions might help to attenuate conflicts in member regions. The events and seminars organised by ARGE Alpen-Adria so far were given a positive reception as they offered members of the various minorities an opportunity to establish direct contacts and to get to know each other during the cultural events.

Transfrontier cooperation between Austria and its neighbour countries was also intensified in the framework of the activities of the Austrian Institute for European and Southeastern European Studies. Members of the national minorities were prominently involved in these activities. Austria has not only "not restricted", but actively promoted contacts under Article 17 of the Framework Convention.

Austria also supports transfrontier contacts between young people. As part of a scheme of bilateral partnerships between schools, universities and youth initiatives and on the basis of EU-sponsored youth programmes ("Youth for Europe" and "European Voluntary Service") transfrontier and cross-cultural projects take place at regular intervals. One such project was the "International Roma Youth Counselors Meeting", which was held in Austria in 1999 and in which Roma representatives from Spain, Slovakia, Romania and Austria took part. The project participants discussed the situation of the Roma in the various countries and worked out common strategies for the future (multicultural exchange, measures against racism,

exchange projects, networking, etc.). Funding for the project was provided by the Burgenland Regional Government.

The Initiative Minderheiten (Minorities Action Group) organised a first summer academy on the topic of "minorities and media" in the 1999 summer season, in which migrants and members of national minorities from the Netherlands, Hungary, Germany, Czechia, Slovakia and Austria took part. The academy offered workshops enabling the students to benefit from the experiences of journalists and media experts, and organised excursions, lectures and cultural events which provided an intercultural exchange of ideas. This project was supported financially by the Federal Government.

It must generally be said that the fall of the Iron Curtain led to an increase in the economic value, which significantly raised the social prestige of those minority languages which are at the same time national languages of the neighbouring countries, i.e., Czech, Slovakian, Hungarian, and Slovenian. This is also true, albeit to a lesser extent, for Burgenland-Croatian.

As to para. 2

Please read our observations on the freedom of association under Article 7.

Moreover, there is no provision in Article 17 ECHR which may be construed in such a way that it authorises a state, group or person to engage in an activity or to commit any action aiming to eliminate the rights and freedoms laid down in the present Convention or to impose other more extensive restrictions of these rights and freedoms than provided for under the Convention. The European Commission of Human Rights explicitly held Article 17 ECHR to be applicable in the case of *Glimmerveen v. the Netherlands* and found that Article 17 ECHR prohibited the applicant from invoking Article 10 ECHR to disseminate racial discrimination.

Article 18

The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.

Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

As regards these issues, the reader should again refer to the multilateral human rights treaties which are mentioned under Article 2 and which have been ratified by Austria.

Austria takes a leading multilateral role in strengthening the international protection of minorities and every year submits resolutions on minority protection issues in the Human Rights Commission and the Assembly General of the United Nations. Following an Austrian proposal, the Human Rights Commission has installed a minority protection working group, for which Austria managed to have the mandate extended in 1998. One of the three priorities of the Austrian initiatives in the context of the United Nations is to ensure the participation of members of national minorities in public life.

Austria is currently in the preparatory phase for the ratification of the European Charter of Regional or Minority Languages. According to the Government Agreement, the presentation of the government bill calling for approval of the so-called Sprachen-Charta (Language Charter) by the Nationalrat is scheduled for 1 January 2001.

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PART III: Outlook

The Austrian Federal Government will continue to pursue its consequent policy of ensuring the protection of national minorities and to defend the rights of minorities. It will also endeavour, wherever possible, to meet the demands submitted to the Federal Government and the Nationalrat by the National Minority Advisory Councils in the form of a "Memorandum of Austrian National Minorities" in 1997. As the present Report shows, some important aspects of the Memorandum have already been implemented over the past few years and months. The Federal Government will closely work together with the national minorities to ensure that the Memorandum will be implemented to the greatest possible extent.

Addendum

After 30 June 2000, i.e. the date of the Report submitted by the Republic of Austria in German (and now also in English) in accordance with Article 25 para.1 of the Framework Convention for the Protection of National Minorities, the following relevant changes have occurred:

The so-called "Staatszielbestimmung" referred to in Part I item 1 and Part II Article 4 para.2 of the Report, which, inter alia, defines the aims of the State in respect of national minorities and is enshrined in Article 8 para. 2 of the Federal Constitutional Act, has in the meantime been adopted in Parliament and promulgated in the Federal Law Gazette, Fed. Law Gazette Vol. I No. 68/2000; it entered into force on 1 August 2000.

The Ordinance governing the use of Hungarian as an official language referred to in Part I item 2.2 and Part II Article 10 para. 2 of the Report, has already been adopted by the Austrian Federal Government in agreement with the Main Committee of the National Council and promulgated in the Federal Law Gazette, Fed. Law Gazette Vol. II No. 229/2000; it will enter into force on 1 October 2000.

Memorandum of Austrian National Minorities	Memorandum der österreichischen Volksgruppen
National Minority Advisory Councils	Volksgruppenbeiräte
European Charter of Regional or Minority Languages	Europäische Charta für Regional- und Minderheitensprachen
European Commission of Human Rights	Europäische Menschenrechtskommission
European Convention on Human Rights (ECHR)	Europäische Menschenrechtskonvention (EMRK)

Residual seat	Reststimmenmandat
Basic representative seat	Grundmandat
Land government	Landesregierung
Land governor	Landeshauptmann
regional parliament	Landtag
National Assembly	Nationalrat
Federal Council	Bundesrat
Romany	Romanes
National Minorities Act	Volksgruppengesetz
Final school-leaving exam	Matura
Grammar school	Mittelschule
Science grammar school	Realgymnasium
Art grammar school	Gymnasium
National Minorities Assistance Fund	Volksgruppenförderung
Technical College	Fachhochschule
primary school	Volksschule
basic secondary school	Hauptschule
Regional School Board	Landesschulrat
Federal Institute of Education	Pädagogisches Institut des Bundes
Minority Schools Act	Minderheitenschulgesetz
Adult Training Institution	Volkshochschule

**Comments by the Slovenian, Hungarian
and Czech Minority Council (see [ACFC SR\(2000\)003](#)
[Appendices](#))**

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