



Strasbourg, 18 September 2017

Working document

Compilation of Opinions of the Advisory Committee relating to Article 13 of the Framework
Convention for the Protection of National Minorities (4th cycle)

"Article 13

1. 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.
2. The exercise of this right shall not entail any financial obligation for the Parties."

Note: this document was produced as a working document only and does not contain footnotes. For publication purposes, please refer to the original opinions.

Table of contents

AUSTRIA	3
GERMANY	4

As of 18 September 2017, the Advisory Committee on the Framework Convention for the Protection of National Minorities had adopted a total of 24 opinions, including 2 on Article 13, of which 2 are public.

NOTE

Based on the information currently at its disposal, the Advisory Committee considers that implementation of certain articles does not give rise to any specific observations.

This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. On the contrary, the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may be considered acceptable at one stage but that need not necessarily be so in further cycles of monitoring. It may also be the case that issues that appear at one stage of the monitoring to be of relatively minor concern prove over time to have been underestimated.

Austria

Adopted on 13 October 2016

Article 13 of the Framework Convention

Minority language teaching and learning at private schools

Present situation

The public education system continues to offer minority language education only in Burgenland and Carinthia. As a result, teaching and learning in minority languages for the continuously increasing number of persons belonging to national minorities in Vienna remains available only through private schools. The most prominent example is still the Komenský School, a private school with public law status that offers Czech-German and Slovak-German bilingual education from kindergarten and primary school level through to school-leaving examinations. Despite its high reputation, the school's financial situation has been precarious for years. While its teachers are publicly funded and the school continues to receive the Federal Chancellery's cultural allocation, it is financed mainly through parental fees as well as donations provided by a variety of sources, including the City of Vienna, the Ministry of Education and, as of 2016, the government of the Czech Republic. Representatives of national minorities have requested for years that a suitable and long-term solution be found to ensure that the educational needs of persons belonging to national minorities living in Vienna are adequately addressed, in line with the provisions made in Burgenland and Carinthia, as otherwise persons belonging to the recognised national minorities who live outside those two regions suffer an undue disadvantage.

While efforts to promote the adoption of a Vienna National Minorities School Act have been discontinued due to difficulties encountered, the Advisory Committee notes with interest the current proposal for the amendment of the Private School Act to provide minority language schools with a similar status to that afforded to church schools. Accordingly, the school would be provided with a public per-pupil subsidy on the basis of the average cost of a pupil in the public education system. The Advisory Committee welcomes this proposal as well as the indications made by a variety of governmental interlocutors that its adoption, in the second half of 2016, amidst a broader school reform, is likely. It considers that this amendment may, in case of parental demand, also provide a suitable option for other groups, including the Slovenes and Croats in Vienna and the Slovenes in Styria, whose educational needs are currently addressed through optional courses (see Article 14) or through several small-scale private initiatives at cultural centres.

Recommendation

The Advisory Committee encourages the authorities to pursue the amendment of the Private School Act in order to address the long-standing question of access to education for persons belonging to national minorities who live outside Burgenland and Carinthia.

Germany

Adopted on 19 March 2015

Article 13 of the Framework Convention

Danish minority schools

Present situation

The Danish schools association currently runs 46 Danish minority schools and 56 kindergartens. These are essentially publicly funded, receiving considerable funding from the budget of the Land of Schleswig-Holstein. The Advisory Committee notes with regret that between 2010 and 2012 the government of Schleswig-Holstein reduced the funding available for Danish minority schools by 15%, creating a funding gap that eventually had to be filled by the federal authorities. It welcomes the decision of the authorities of Schleswig-Holstein to restore the funding provided per pupil in Danish minority schools to the same levels as in German public schools as from 1 January 2013. It also notes with interest that following the constitutional amendments adopted in December 2014, the principle of equal funding for Danish schools is now enshrined in the Constitution of Schleswig-Holstein. Representatives of the Danish minority have however reported that since these changes, some local authorities have expressed reluctance to continue providing certain optional services to Danish minority schools.

The Advisory Committee notes that a new concern has been raised by representatives of the Danish minority as regards plans to introduce centralised final school exams. In this context they underline that the questions asked in final school exams should be in line with what students were taught in school, and point out that owing to the specificity of Danish minority schools, which seek to accommodate the requirements of both the German and Danish education systems, Danish textbooks and curricula are relied on in subjects taught in Danish. The Advisory Committee notes that this issue is currently the subject of negotiations between representatives of the Danish minority and the Schleswig-Holstein Ministry for Education and Culture and underlines that changes to the relevant legislation must not be in conflict with the principle of non-discrimination.

Recommendation

The Advisory Committee encourages the authorities to pursue their discussions with all parties concerned and take active measures to ensure that pupils are not disadvantaged in practice because of their choice to attend Danish minority schools.