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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Fourth periodical report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter

AUSTRIA

4th Report of the Republic of Austria

**pursuant to Article 15 (1)
of the European Charter for
Regional or Minority Languages**

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Reactions and feedback:

Please send your comments on the present publication to v6@bka.gv.at.

Federal Chancellery Ordering Service:

1014 Vienna, Ballhausplatz 2,

Phone: +43 1 531 15-202613,

Fax: +43 1 531 15-202880,

E-Mail: broschuerenversand@bka.gv.at,

Internet: www.bundeskanzleramt.at

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Introduction

On 5 November 1992 Austria signed the “European Charter for Regional or Minority Languages” (hereinafter referred to as “the Language Charter”), drawn up by the Council of Europe. For Austria, the Language Charter became effective under international law on 1 October 2001.

The purpose of the Language Charter is to protect and to promote the regional and minority languages in Europe, as part of the European cultural heritage. It only covers the languages that are traditionally used by members of an ethnic group in a specific part of a state. The Charter does not cover the dialects of a national language, or the languages of immigrants.

When ratifying the Language Charter, Austria indicated that the languages of its six ethnic groups (as defined by the Ethnic Groups Act) were the minority or regional languages according to the Language Charter. In keeping with Article 7 of Part II of the Language Charter (Objectives and Principles) they are therefore regarded as protected languages. Moreover, Burgenland Croatian in the Burgenland-Croatian language territory in Burgenland, Slovenian in the Slovenian language territory in Carinthia, and Hungarian in the Hungarian language territory in Burgenland are protected in keeping with Part III of the Language Charter. Concerning these three languages and the indicated settlement areas, Austria undertook to comply with selected criteria in Part III of the Language Charter. According to paragraph 1 of Article 3 in conjunction with paragraph 2 of Article 2 of the Language Charter, a minimum of 35 criteria per language had to be selected. Moreover, Austria also succeeded in meeting a number of criteria (but less than 35) in Part III of the Language Charter for the Czech language in the Vienna region, for Slovak in the Vienna region, for Romani in Burgenland, for Slovenian in Styria and for Hungarian in Vienna.

According to Article 15 of the Language Charter, the Parties shall periodically report to the Secretary General of the Council of Europe on their policy pursued to implement the Language Charter, as well as about the measures taken. On the basis of these periodical reports, as well as the comments by non-governmental organisations and the results of an on-site visit to the Party, the Committee of Experts, set up pursuant to Article 17 of the Language Charter, draws up a monitoring report (Opinion). The Committee of Ministers then adopts recommendations for the Party on the implementation of the Language Charter. These conclude the respective monitoring cycle for the Party. Austria already went through the monitoring cycle three times.

The recommendations by the Committee of Ministers dated 19 January 2005 ended the first monitoring cycle, the recommendations dated 11 March 2009 ended the second monitoring cycle, and the recommendations dated 28 November 2012 ended the third monitoring cycle. Austria is now submitting its fourth periodical report under the Language Charter.

In keeping with the revised guidelines for presenting periodical reports (MIN-LANG (2009)8 dated 6 May 2009), the focus of the report is on changes that have occurred since the previous periodical report and the Recommendations by the Committee of Ministers, as well as on the list of questions communicated by the Council of Europe on 27 August 2013 (MIN-

LANG (2013)13 - Issues to be addressed by the Government of Austria when preparing its 4th periodical report). The margin notes cited in the report refer to the numbers used in the 3rd monitoring report (Opinion) of the Committee of Experts and also correspond to the margin notes in the list of questions.

Whenever no changes need to be reported, reference is made to the previous reports.

Part I

I.1 The Minority Languages Spoken in Austria

The following minority or regional languages are spoken in the autochthonous settlement areas:

- Burgenland-Croatian in Burgenland
- Slovenian in Carinthia and Styria
- Hungarian in Burgenland and Vienna
- Czech in Vienna
- Slovak in Vienna
- Romani in Burgenland

The results of the 2001 census, in the course of which the every-day language of the population was queried, are shown below in order to give an approximate indication of the numerical strength of the ethnic groups. Please bear in mind that ethnic groups are defined by their respective mother tongues, and that this concept is not identical with that of the every-day language which is covered by the census. The census is based on data provided by the interviewees; it was admissible to indicate two languages as every-day languages.

Table 1 Austria's population according to every-day language and nationality pursuant to the 2001 census

Every-day language	Total number of citizens				Born	
	absolute	in % *	in Austria	in % *	abroad	in % *
Burgenland-Croatian	19,374	5.9	18,943	11.3	431	0.3
Romani	4,348	1.3	1,732	1.0	2,616	1.6
Slovak	3,343	1.0	1,172	0.7	2,171	1.3
Slovenian	17,953	5.4	13,225	7.9	4,728	2.9
Czech	11,035	3.3	4,137	2.5	6,698	4.2
Hungarian	25,884	7.8	9,565	5.7	16,319	10.0
Windisch **	567	0.2	547	0.9	20	0.0

* Data given in % refer to the total number of indications of a non-German every-day language.

** Variant of Slovenian interspersed with German expressions.

Source: Statistik Austria

More recent data are not available, as the Register-Based Census Act, Federal Law Gazette I No. 33/2006, changed the traditional census to a register-based census. However, the

registers used for data reconciliation do not include every-day language, or mother tongue as a characteristic.

Please refer to the Second Periodical Report (2007) by Austria (pages 11 to 24) concerning the history and social position of the ethnic groups speaking these languages.

In recent years, especially after the expiry of the transitional provisions on the opening of the labour market to the new EU member states, an increased inflow of persons from the new EU member states has been recorded, who also include a large number of persons speaking the languages of the ethnic groups.

Table 2 Population as at 1/1/2015 – Break-down according to country of birth and federal province

Country of birth	Austria	Burgenland	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna
Total	8,584,926	288,356	557,641	1,636,778	1,437,251	538,575	1,221,570	728,826	378,592	1,797,337
Austria	7,100,331	259,446	496,133	1,451,536	1,241,161	446,520	1,087,577	608,987	307,298	1,201,673
Other than Austria	1,484,595	28,910	61,508	185,242	196,090	92,055	133,993	119,839	71,294	595,664
Croatia	41,718	932	2,294	4,034	6,385	2,679	7,323	2,593	1,867	13,611
Slovakia	35,450	2,592	537	8,528	3,214	1,252	1,945	1,597	822	14,963
Slovenia	21,109	271	4,442	1,501	1,594	936	7,139	821	1,200	3,205
Czech Republic	40,324	584	961	10,173	7,104	1,985	1,928	1,574	680	15,335
Hungary	61,508	5,891	1,793	10,224	7,446	3,683	6,735	4,038	1,646	20,052

Source: Statistik Austria

I.2 General Demographic Developments

Generally speaking, the demographic situation in Austria is characterized by population growth. It was only with the publication of the Austrian Regional Development Conference (ÖROK) on this topic in 2014 that the forecast figures were adjusted in the upward direction. The growth in population figures is almost entirely based on migration gains. As at 1 January 2014, the total population of Austria amounted to 8.51 million persons. By 1 January 2015, the figure had risen by 70,000 persons, on account of immigration. Of these, about 45,000 persons originated in EU countries, the EEA and Switzerland. 40 % of the international immigration is focused on Vienna. As early as 2025, Vienna is expected to have once again 2 million inhabitants. Major population growth is also expected for Tyrol and Vorarlberg. Internal migration moves are mainly from rural areas to metropolitan regions. These main trends of the current demographic development are expected to continue in the future. However, it has not yet been possible to take adequate account of the current refugee movement from the Near East and Middle East.

I.3 Language Policy

I.3.1 Integration, interculturality and language

In addition to the challenges caused by the general integration of this population influx into society and the labour market, one should mention in this specific context that teaching pupil populations of heterogeneous languages creates special demands on teachers and the educational system as a whole. Austria is making major efforts in order to provide all pupils, irrespective of their origin and language, with high-quality education, as well as to help them enter the labour market. A good command of the German language is regarded as a prerequisite for successfully obtaining an education but also for becoming integrated into Austrian society in general. Among other measures, this is to be obtained by one year of compulsory nursery-school attendance, diagnostic language tests and early support programmes at nursery schools, as well as special German support classes at school. Moreover, proof of German skills is also required in support of migrants' residential status in Austria and it is also a means of helping them to obtain Austrian nationality.

Furthermore, there is much emphasis on developing any non-German mother tongue of children. In consequence, Austria has established a system of teaching children in their mother tongue for decades. During the 2013/14 school-year, a total of 33,920 pupils in Austria were taught by 422 teachers. The federal province of Vienna held the absolute majority in the number of teachers, pupils and mother-tongue classes. The task of teaching pupils their mother tongue is to help them acquire mother-tongue language skills to create continuity and to support their personality development on the basis of sharing the language and culture of the parents. In addition, this measure is to help pupils in acquiring a positive attitude towards their mother tongue and bicultural processes (in the new Austrian environment). Pupils should be able to experience, through their education process, that it is a matter of principle that their mother tongue and German are of equal value.

¹ http://www.oerok.gv.at/fileadmin/Bilder/2.Reiter-Raum_u._Region/2.Daten_und_Grundlagen/Bevoelkerungsprognosen/Prognose_2014/%C3%96ROK-Bev%C3%B6lkerungsprognose_Kurzfassung_final.pdf

Already at the beginning of the nineties, intercultural learning became firmly established in curricula as a teaching principle for all general schools. The specific curricula of all school types, including the middle and higher vocational schools, also comprise numerous aspects of intercultural issues. The teaching principle “intercultural learning” is intended to contribute towards mutual understanding, towards acknowledging the differences and common features, and towards overcoming prejudices. Any possibly existing bilingualism or multilingualism is to be regarded as a positive feature, and pupils are to be encouraged to contribute their mother-tongue skills to classroom teaching in a positive spirit. Moreover, intercultural learning serves the purpose of preparing *all* pupils for living in a multicultural and multilingual environment, which is characterized by increasing mobility and globalisation.

The newly structured teacher training puts increasing focus on preparing future teachers for multilingualism in the classroom. The training institutions reacted by establishing organisational structures dedicated specifically to issues of multilingualism and interculturality. The University College of Teacher Education Vienna, for example, has set up a “Centre of Competence for Multilingualism and Migration (Ko.M.M.)”², and the University College of Teacher Education Carinthia established the “Institute for Multilingualism and Intercultural Education”³.

Course content such as “language-sensitive teaching”, “multilingual didactics”, “German as a second language” are increasingly being implemented in the basic and further training of teachers. One example in this context is the “Curriculum Multilingualism” (Krumm/Reich 2011), which the Ministry of Education commissioned in preparation of the training of teachers: Between 2012 and 2014 a working group with representatives from Austria’s university colleges of teacher education, the University of Vienna and the “Center für berufsbezogene Sprachen” (CEBS = Centre for Occupation-Related Languages) developed the “Framework Model – Basic Competences in Language Education for all Teachers”. A pilot study of this framework model was conducted at the University of Vienna during the 2013 winter semester, followed by a pilot study at the University College of Teacher Education Styria during the 2013/14 study year and the University College of Teacher Education Upper Austria. Since the middle of 2014 the model is available to all Austrian university colleges of teacher education. The framework model “Basic Competences in Language Education for all Teachers”⁴ consists of four modules which must be attended in

² <http://www.phwien.ac.at/index.php/die-ph-wien/institute/institut-fuer-uebergreifende-bildungsschwerpunkte-der-ph-wien/schwerpunktbereiche/kompetenzstelle-fuer-mehrsprachigkeit-und-migration-ko-m-m>

³ <http://www.ph-kaernten.ac.at/organisation/institute-zentren/30/>

⁴ http://oesz.at/OESZNEU/UPLOAD/Basiskompetenzen_sprachliche_Bildung_FINAL.pdf

the course of a study year and/or can also be attended as an in-service course, on account of the modular structure.

I.3.2 Austria's language policy in the European context

Austria pursues its language-policy goals in close cooperation with European institutions, and it is actively involved in the language-policy programmes and work priorities of the Council of Europe and the European Union. In areas such as modern foreign languages (CEFRL – Common European Framework of Reference for Languages, ELP – European Language Portfolio), German as a language in education (Languages in Education), but primarily in connection with supporting multilingualism and language diversity, cooperation on the European level provides important impulses for national language-policy activities, and vice versa.

I.3.2.1 The LEPP Process (Language Education Policy Profile)

The process of Language Education Policy Profiling, in particular, which was initiated on the European level, provides an overview of Austria's language and language-teaching policy, but it also stimulated a process of creating awareness among persons and institutions working in language-policy activities and fostered their networking. It thus decisively supports national efforts to promote individual multilingualism and language diversity.

I.3.2.2 European Centre for Modern Languages of the Council of Europe in Graz

Since the 1980's Austria has participated very actively in the development and transposition of language-policy projects and innovations on the national, European and international level. A milestone on this road was the setting up of the European Centre for Modern Languages of the Council of Europe in Graz, which was founded in 1994 on the basis of an initiative by eight countries, including Austria.

The Ministry of Education has entrusted many of the activities which result from overall European developments in the fields of language and education policy, to the Austrian Centre for Language Competence, which is domiciled in Graz:

- ▶ Cooperating in specific international projects of the European Union, the Council of Europe and the European Centre for Modern Languages (e.g. European Day of the Languages; awarding the European Language Innovation Seal – ESIS)

- ▶ Regular attendance of, and participation in international conferences
- ▶ Building up international cooperation and its strategic further development

I.3.3 Foreign languages

Current data from surveys on language competences in Europe (e.g. SurveyLang; Eurodice Key Data on Teaching Languages) document that language learning in the European Union does not, as yet, live up to the ambitious Barcelona resolution of the European Council “mother tongue and two foreign languages for every European citizen” dating back to 2002. This also applies to Austria. When teaching foreign languages, English is taught primarily – far ahead of other foreign languages.

I.3.4 Languages of the ethnic groups

Austria has undertaken to promote the languages of the autochthonous ethnic groups, as language is their most important characteristic. Teaching the languages of the ethnic groups is an important resource for the identity of the ethnic groups recognized in Austria, so that they can foster and pass on their language traditions. A minorities' school system has been established in the federal provinces of Carinthia and Burgenland.

Special efforts are required in view of the fact that the minorities' school system is facing several challenges, mainly on account of progressive assimilation and decreasing language competence of pupils concerning the languages of the ethnic groups. The Federal Ministry of Education, which hereinafter is referred to briefly as the Education Ministry, launched the strategy development process “Conference on the Future of the Minorities School System”. In 2015 three conferences were held in this connection. The process pursues the following objectives:

- to establish a new communication structure between the Education Ministry, the Federal Chancellery, the school supervisors, the training centres for bilingual teachers and the representatives of the ethnic groups
- to foster networking and the exchange of experiences between stakeholders in Burgenland and Carinthia
- exchange of information between the different levels of education
- to build on the results obtained by the working group “Education and Language” in 2010, to evaluate the level of implementation

- to elaborate pedagogical recommendations and working tools (similar to the descriptions of competences and the language portfolios which are currently in a piloting phase and/or partly undergoing evaluation)
- to deal with topical issues such as, for example, the new school-leaving examination in the languages of the ethnic groups; focusing teaching on competences; language-sensitive teaching; language education from beginning to end of school attendance
- to channel different concerns and to direct them to the responsible units in the Education Ministry

An annual plenary meeting (called “forum”) is planned to be the organisational format for continuing activities with the education experts, and the dialogue with the ethnic groups. In addition, there will be work undertaken in smaller settings. The Federal Chancellery will keep the ethnic group advisory boards up to date on the progress achieved by this process called “Strategy Development for the Minorities School System” and thus ensure feedback to the institutionalised representatives of the interests of the ethnic groups.

I.4 Scope of Application of the Language Charter

The Committee of Experts encourages the Austrian authorities to consider applying, as far as possible, a more flexible approach to the Charter and giving stronger protection to the regional or minority languages that are spoken outside the territory where they currently receive legal protection. (Margin note 40)

Austria takes full account of the commitments under the Language Charter and protects the languages of the ethnic groups, irrespective of the respective autochthonous settlement areas. Depending on available financial resources, proposed language teaching courses, publications in the languages of the ethnic groups, etc. can therefore receive financial assistance throughout Austria. In keeping with applicable provisions, mother-tongue education is possible, as a matter of principle, in each of the languages and at all school types. The language of an ethnic group will be taught as a “(second) modern foreign language” if a sufficient number of students have signed up for it. However, it is not planned to expand the scope of application of the minorities’ school system, or to enact minority school laws for other federal provinces. Nor is there a situation that would require expanding the scope of application of the rules on official languages or bilingual topographical signs.

I.5 Current Legal Developments

I.5.1 Ethnic Groups Act

The law adopted on 26 July 2011, Federal Law Gazette I No. 46/2011, was a major amendment of the legislation governing ethnic groups with regard to rules for official languages and topographical signs. The new provisions were already described in the 3rd Country Report.

As was commented in the previous periodical report, far-reaching legislative amendments were planned in the programme of the Federal Government for the XXIVth Legislative Period (2008 to 2013). This initiative was launched on 3 December 2009 by a symposium held in Vienna, which was attended by members of the ethnic group advisory boards as well as scientists, politicians and civil servants. Three working groups were set up in the course of a further conference on 14 April 2010 in order to deal with specific ethnic group issues, i.e. "Education and Language", "Regional and Economic Policy" and "Structural and Legal Issues". In the course of 2010 and 2011 the working group "Education and Language" met six times (including the meetings of the sub-groups), the working group "Regional and Economic Policy" met on three occasions, and the working group "Structural and Legal Issues" convened ten times.

Attached to a letter dated 29 February 2012, the draft for an amendment of the Ethnic Groups Act was sent to a large group of addressees for commenting, including the ethnic group advisory boards. In its Third Opinion, the Committee of Experts was already in a position to deal with the draft; the 2012 draft amendment will therefore not be presented here in detail. However, the most essential points of the planned amendment, which ultimately was not adopted, are listed below:

- New composition of the ethnic group advisory boards: As before, the members of the ethnic group advisory boards would have continued to be appointed by the Federal Government. The representative organisations of the ethnic groups would have had the right to nominate three fourths of the members and not only one half, as had been the case before. One fourth of the members would have been experts with specific knowledge in the fields of linguistics and education, pedagogics, culture, religion, as well as social, economic and legal science, and regional policies, who are of importance to the respective ethnic group, or who have specific expertise and experience concerning ethnic group issues.
- Eliminating the possibility for ethnic group organisations to challenge the appointment of ethnic group advisory boards before the Administrative Court and/or the Federal Court of Administration.
- A forum of the ethnic group advisory boards would have been set up as a coordinating body for all ethnic groups.
- Introducing the right of third-party intervention, based on the model of § 62 of the Equal Treatment Act: Representative ethnic group organisations would have been able to join

civil proceedings as interveners to assert claims pursuant to the Equal Treatment Act, provided that the person concerned so requires.

The ethnic groups submitted a large number of comments on the draft. In the end, it was not possible to reach a political consensus and this amendment was not further acted upon. The current programme of the Federal Government does not foresee any amendment of the Ethnic Groups Act. However, the Federal Chancellery, which is responsible for drafting such an amendment, has stated repeatedly that it would not refrain from action if it were the unanimous wish of all ethnic group advisory boards to modify certain provisions.

I.5.2 Including new middle schools in the standard school system

The federal law published in Federal Law Gazette I No. 36/2012 integrated the “new middle school” into the standard school system. Up to the 2018/19 school-year, lower-level secondary schools, which are the general compulsory schools on secondary level I, will progressively be replaced by the model of the “new middle school”. This new type of school offers more forms of internal differentiation in order to support pupils in their learning skills and performing capacity such as, for example, supporting gifted and talented pupils, team teaching, or the temporary organisation of supporting and advanced courses. This law, which was proclaimed on 24 April 2012, also amended the Minorities School Act for Burgenland and the Minorities School Act for Carinthia and thus implemented new middle schools for the minority school system.

I.5.3 Reforming teacher training

On 12 June 2013 the National Council adopted the Federal Framework Law Introducing a New Training for Teachers, Federal Law Gazette I No. 124/2013. This law established the legal basis for a fundamental re-orientation concerning the training of teachers at all school levels in Austria (“Teacher Training NEW”). The main changes and objectives were:

- a revaluation of content and substance as well as a further upgrading of the teaching professions to university levels;
- competence-based training which ensures that graduates have scientific qualifications as well as qualifications relating to the specific field of their professional activity;
- a harmonization of the training offered at university colleges of teacher education as well as universities with the objective of facilitating far-reaching cooperation among these educational institutions;
- designing teaching posts for wider ranges of pupil age in order to allow more flexibility when assigning teachers to classes as well as to facilitate cross-overs between school levels and school types;
- integration into the systemic structure of the Bologna architecture by offering eight-semester bachelor studies and two-semester (minimum) master studies;

- successful passing of an admission test.

In particular, the law was meant to create a common framework for the training of compulsory-school teachers, on the one hand, and the teachers at upper-level secondary general schools, on the other hand. By tradition, compulsory-school teachers had been trained at university colleges of teacher education, whereas teachers at upper-level secondary general schools trained at universities, with the training at university colleges of teacher training being of shorter duration. Universities and university colleges of teacher education joined forces in order to implement “Teacher Training NEW”, by collaboratively developing a training option for the training of secondary-school teachers. (Karl-Franz) University of Graz, Kirchlich Pädagogische Hochschule Graz (Ecclesiastical University College of Teacher Education Graz), University College of Teacher Education Burgenland, University College of Teacher Education Styria as well as Alpen-Adria-Universität Klagenfurt and University College of Teacher Education Carinthia joined forces to set up the Education Network South-East. The close networking between university colleges of teacher education and universities supports exchanges between academe and practical teaching, and it also promotes scientific back-up when testing new didactic methods and instruments. Didactic issues are given much room in the new curricula.

In keeping with § 5 of the 2005 University Colleges of Teacher Education Act, the University College of Teacher Education Burgenland has been committed explicitly to organize the training of compulsory-school teachers for Croatian as well as Hungarian. The same provision is contained in § 8 of the 2005 University Colleges of Teacher Education Act which applies to the University College of Teacher Education Carinthia and the training of compulsory-school teachers for Slovenian.

These provisions continue to apply so that there are legal guarantees for one institution, as a minimum, for the training of teachers within the minority school systems of Burgenland and Carinthia.

I.5.4 Introducing a two-tier system of administrative courts

With the beginning of 2014 as the effective date, a two-tier system of administrative courts was introduced (Federal Law Gazette I No. 51/2012). At the same time, a number of special agencies were abolished which had served various procedural stages. These were replaced by independent administrative courts, namely the Federal Court of Administration, the Federal Fiscal Court and one administrative court for each of the federal provinces. In terms of organisation, the Federal Court of Administration emerged from the former Asylum Court, and the Federal Fiscal Court replaced the Independent Senate for Fiscal Issues. The independent administrative senates of the federal provinces were enlarged to become the administrative courts of the provinces. Appeals from an administrative court are filed with the Supreme Administrative Court, unless violation of a right with constitutional guarantees is claimed. The Constitutional Court adjudicates violations of rights that are guaranteed in the Constitution. This reform did not only establish a better organisational structure but also set a new standard for the legal system.

In connection with this fundamental change in Austria's system of legal protection, it became necessary to adapt a series of administrative issues. The 2014 School Authorities Administrative Reform and Legal Consolidation Act of 9 July 2014, Federal Law Gazette I No. 48/2014, implemented these adaptations concerning authorities as well as legal protection within the school system. This also entailed changes in the minority school laws for Carinthia and Burgenland.

The introduction of a two-tier system of administrative courts also required an amendment of the Ethnic Groups Act. The law published in Federal Law Gazette I No. 84/2013 amended the procedure for appeals concerning complaints against the composition of ethnic group advisory boards. Previously, the representative organisations of the ethnic groups could file their complaints with the Supreme Administrative Court; currently, the Federal Court of Administration is responsible for deciding such complaints. Decisions of the Federal Court of Administration can now be filed with the Supreme Administrative Court.

I.5.5 Expanding the competences of the Constitutional Court – Submissions by litigants for judicial review

An amendment of the Federal Constitution Act, Federal Law Gazette I No. 114/2013, effective as of 1 January 2015, expanded the competences of the Constitutional Court. Henceforth the parties in criminal and civil proceedings can turn directly to the Constitutional Court if they are of the opinion that the laws, which are to be applied in the proceedings in question, are unconstitutional and/or the regulations to be applied are unlawful (so-called submission by litigants for judicial review). Moreover, since 1 January 2015 ordinary first-instance courts (previously: second-instance courts) can bring matters before the Constitutional Court if they presume that the laws, which they have to apply, are unconstitutional.

Article 140 of the Federal Constitutional Act reads as follows (excerpt):

The Constitutional Court decides on the unconstitutionality

1. of laws

a) upon submission by a court

b) ex officio

c)

d) upon submission by a person who is a party in a legal dispute decided by an ordinary first-instance court, and who maintains, on the occasion of appealing the court decision, that he/she has been violated in his/her rights on account of the application of an unconstitutional law;

I.5.6 Slovenian music school “Glasbena šola”

During the period 2011 to 2013 the Slovenian music school “Glasbena šola” received a total amount of € 500,000 on the basis of the federal law on the granting of a federal grant and other financial support on the occasion of the 90th anniversary of the referendum in Carinthia (Federal Law Gazette I No. 48/2011). When the Carinthian Music School Act was amended, the Slovenian music school “Glasbena šola” was ultimately integrated into the system of Carinthian music schools (Provincial Law Gazette No. 29/2015 of 19 May 2015).

I.5.7 Gender-based forms of the names of persons

The Law adopted in 2013 which amends legislation on children’s rights and the use of name, Federal Law Gazette I No. 15/2013, with 1 April 2013 as the effective date, has made it possible to choose a gender-based form of the surname when getting married, by simply making a statement to this effect to the civil registrar if this corresponds to the origin of the person or the tradition of the language from which the name is derived. However, if so requested, it may also be determined that the ending of a name, which refers to a person’s gender, shall be dropped. The same applies to the name that is given to a child. The same law also amended the law on the use of name to the effect that obtaining a gender-based form of a name expressly constitutes the facts of a change of name, which is exempt from any payment of fees.

I.5.8 Showing diacritic signs in public registers and documents

According to statutory provisions, names must be accepted in documents on a person’s civil status that are written with correct letters and signs. This statutory provision was, in fact, amended by § 11 paragraph 5 of the 2013 Ordinance Implementing the Civil Status Act. It states that signs must be used which are in conformity with the UTF 8 standard. This is a technical standard which can be used to present all letters and special signs from non-German languages in registers. This provision was adequately and uniformly applied in all registers when the Central Civil Status Register and the Central Nationality Register were launched on 1 November 2014. The Central Population Register, the Central Weapons’ Register and the Identity Documents Register support the manner in which names are written in some of the languages of the ethnic groups.

The presentation of diacritic signs and thus the correct rendering of names in the languages of the ethnic groups have already been implemented for the land register. The amendment of the Land Register Conversion Act, Federal Law Gazette I No. 30/2012, provided the possibility to submit applications for correction, which are exempt from any fees, whenever the recorded writing of a person’s or a company’s name does not correspond to the actual spelling of this person’s or company’s name, because no diacritic signs were used. In the meantime the technical requirements have also been implemented for the company register

so that diacritic signs can also be used there. By 2016, at the latest, the expansion is to be completed. In November 2015 the respective bill was sent out for comments.

I.5.9 Administrative forms in the languages of the ethnic groups

On 9 December 2015 the Federal Government adopted an amendment of the Ordinance on Administrative Forms as well as of the Service of Documents Ordinance which launched administrative forms in the languages of the ethnic groups, namely Croatian, Slovenian and Hungarian. These forms must be used in administrative proceedings which are conducted in the languages of the ethnic groups. These are the forms according to the General Administrative Proceedings Act (AVG), the Administrative Penal Act (VStG) and the Administrative Execution Act (VVG). This step has made it considerably easier in practice to conduct administrative proceedings in the languages of the ethnic groups (Federal Law Gazette II No. 405 and 406/2015).

I.6 Follow-up to the Recommendations of the Committee of Ministers

As a result of the third monitoring cycle the Committee of Ministers adopted recommendations on 28 November 2012 concerning the application of the European Charter on Regional and Minority Languages in Austria. Comments on these recommendations are given below.

I.6.1 Comments on Recommendation No. 1 (Policy)

The Committee of Ministers recommends that the Austrian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

1. adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life;

The practice continues to be that school education in the languages of the ethnic groups can be and is also offered outside the areas of application of the minority school laws if there is sufficient demand. Depending on available funding, options offered outside the autochthonous settlement areas are also promoted from the financial assistance available to promote the ethnic groups.

I.6.2 Comments on Recommendation No. 2 (Curricula)

2. include in the general curricula an adequate presentation of the history and the culture which is reflected by the regional or minority languages in Austria;

The general curricula continue to be very general with regard to the topic of languages/ethnic groups. Of course, within the scope of the minorities' school system, and the especially the training of bilingual teachers, much more attention is given to this issue. Please refer to the comments below in connection with paragraph 3 of Article 7 of the Charter.

I.6.3 Comments on Recommendation No. 3 (Teacher Training)

3. ensure that the increasing demand for education in, or teaching of Burgenland-Croatian, Slovenian and Hungarian is met with an adequate number of qualified teachers;

An adequate number of future teachers are being trained, especially at the university colleges of teacher education in Eisenstadt and Klagenfurt. Austria aims at providing its own training of junior teachers for the bilingual school system. In individual cases it is necessary to recruit teachers from abroad in order to meet the demand.

I.6.4 Comments on Recommendation No. 4 (Official Language)

4. ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice;

There are constitutional guarantees which make it possible to use the languages of the ethnic groups before defined courts and administrative authorities. Whenever the responsible officials do not have sufficient skills in the language of the ethnic group, they must call upon interpreters/translators who are paid from official funds.

However, it is a fact that the possibility to use the language of an ethnic group before courts and administrative authorities is used to a varying extent. Members of the ethnic groups mostly use the official language in oral interactions with bilingual officials on the community level. There are, indeed, communities where the majority of the exchanges are conducted in the language of the ethnic group. However, in written interventions there is only little demand

for using the language of the ethnic group as official language. There are many reasons why members of an ethnic group make such little use of the official language. The most significant reason is inadequate language competence in the language of the ethnic group, both on the part of citizens but also of officials, so that frequently there cannot be direct and natural communication in the language of the ethnic group. In addition, persons who have a general command of the language of the ethnic group may be uncertain of their skills concerning written and legal language, as it is required to be used before authorities. Using the services of interpreters or commissioning translations, especially by the Office for the Carinthian Ethnic Group, requires additional input, also in terms of time, which may keep a number of persons from using the language of the ethnic group in court or before an authority.

Austria tries to improve the requirements for a straightforward use of the language of the ethnic group: The administrative academies in Carinthia and Burgenland offer language courses in the languages of the ethnic groups in order to give officials an opportunity to improve their language skills. Officials, who use the language of the ethnic group in the course of their work, are entitled to a bonus. Several authorities reported that they employ mother-tongue officials who will also be called in by their colleagues in order to provide language services.

The Federal Ministry of Justice reports that it continues to make efforts to recruit more court staff with competences in the ethnic group languages, for those courts where the languages of the ethnic groups have been admitted as official languages. At present, five court officials receive remuneration under § 25 of the Ethnic Group Act. In other words, it can be assumed that these officials, as a minimum, use the language of the ethnic group in their daily work.

The following forms are available for court proceedings:

- ▶ Application to be granted legal aid, means test
- ▶ Legal action for an order for payment
- ▶ Legal action for an order for payment in labour-law proceedings
- ▶ Application for forced collection (execution)

Forms to file a legal action for an order for payment in several languages⁵.

⁵ <https://www.justiz.gv.at/web2013/html/default/2c9484852308c2a60123e629fa19054c.de.html>

The forms to be used in administrative proceedings were translated into the languages of the ethnic groups in order to facilitate and promote the use of the languages of the ethnic groups in administrative proceedings. In December 2015 the Federal Government issued the respective ordinance. Moreover, other frequently used forms for procedures before the tax offices are also available in the languages of the ethnic groups: Forms taxes & customs duties in several languages⁶.

The service unit of the Social Affairs Ministry has several forms in different languages on its website: Forms of the Social Affairs Ministry in several languages⁷.

Application forms of the regional administrative authorities: Application forms of the federal province of Carinthia in the Slovenian language⁸.

In the year 2015 a pilot project with more than 70 online forms in Slovenian was conducted in the Carinthian community of Ludmannsdorf. Some forms in Slovenian are also available at Eisenkappel-Vellach: Forms in Slovenian at Ludmannsdorf⁹; Forms at Eisenkappel-Vellach¹⁰.

I.6.5 Comments on Recommendation No. 5 (Newspapers)

5. secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian;

The table below shows the development of press promotion and the financial assistance granted to the ethnic groups for newspapers in the languages of the ethnic groups which are published weekly or every second week.

No weekly newspaper is published in Hungarian, nor is there such a publication every second week.

⁶ https://service.bmf.gv.at/Service/Anwend/Formulare/_start.asp??typ=AW&styp=spr

⁷ https://www.sozialministeriumservice.at/site/Downloads_&_Formulare/Antraege_im_Ueberblick

⁸ <http://www.volksgruppenbuero.at/services/C4>

⁹ <http://www.ludmannsdorf.gv.at/sl/servisobcanov-548078a71a6e7/formularjiodaz-548078a71e4e0.html>

¹⁰ <http://www.bad-eisenkappel.info/sl/obcina/spletni-servis/obrazci.html>

Table 3 Press promotion for newspapers of the ethnic groups, 2012/2014

Weekly newspaper	Published by	Subsidies 2012	Subsidies 2014
GLASNIK – Crikvene novine Zeljezanske biskupije (Croatian)	Diözese Eisenstadt, Kroatische Sektion des Pastoralamtes, St. Rochusstraße 21 7000 Eisenstadt	7,043.20	6,780.00
Hrvatske Novine (Croatian)	Kroatischer Presseverein Hotterweg 54 7000 Eisenstadt	10,625.70	10,036.40
Nedelja – Church magazine of the Gurk Diocese (Slovenian)	Bischöfliches Seelsorgeamt Viktringer Ring 26 9020 Klagenfurt	15,516.90	14,936.90
NOVICE (Slovenian)	Slomedia – Slowenisches Medienzentrum GmbH 8.-Mai-Straße 47/3 9020 Klagenfurt	28,664.30	27,041.00

Source: Austrian Communications Authority (KommAustria), own presentation

Table 4 Subsidies to ethnic groups for ethnic group newspapers, 2012/2014

Published weekly or every second week	Published by	Subsidies 2012	Subsidies 2014
Videnské svobodné listy (Czech)	Minderheitsrat der tschechischen und slowakischen Volksguppe in Österreich Margaretenplatz 7 1050 Vienna	20,000.00	20,000.00
Hrvatske Novine (Croatian)	Kroatischer Presseverein Hotterweg 54 7000 Eisenstadt	143,200.00	141,000.00
GLASNIK – Crikvene novine Zeljezanske biskupije (Croatian)	Diözese Eisenstadt, Kroatische Sektion des Pastoralamtes St. Rochusstraße 21 7000 Eisenstadt	99,200.00	100,000.00

Source: Federal Chancellery, Ethnic Groups

The figures show that it was possible to keep subsidies to the ethnic groups almost at the same level, and that press promotion was reduced slightly. However, at the end of 2011 the Slovenian weekly newspaper NOVICE received a federal grant and other financial funding in the amount of € 100,000 on the occasion of the 90th anniversary of the referendum in Carinthia, on the basis of a federal law adopted in this connection (Federal Law Gazette I No. 48/2011). For the year 2016, an extra amount of € 80,000 has been reserved in the budget for the Slovenian ethnic group in order to consolidate the financial situation of NOVICE.

I.6.6 Comments on Recommendation No. 6 (Romani language)

6. clarify the status of the Romani language outside Burgenland.

Upon ratification of the Language Charter, Austria stated that Part II of the Charter is applied to the minority language “Romani used by the Austrian ethnic group of the Roma”. The objectives and principles indicated in the Charter are therefore applied to this language. As a matter of principle, this applies to the entire national territory taking into account, though, the actual needs and the respective settlement density of the Romani speakers.

II Language Protection under Part II of the Charter

Part II of the Language Charter deals with the general objectives and principles which the Parties should use as a basis for their policies, legislation and practice concerning their regional and minority languages. Part II of the Language Charters is to be applied to *all* ethnic groups that are native to Austria in the areas where these languages are used. In keeping with Austria's statement upon ratification, these languages are Burgenland-Croatian, Slovenian, Hungarian, Czech, Slovak and Romani, as used by the Austrian ethnic group of the Roma.

The Committee of Experts therefore encourages the Austrian authorities to further engage in a dialogue with Polish speakers with a view to clarifying the issue of the continuous historical presence of Polish speakers in Vienna, and to comment on this issue in the next periodical report. (Margin note 59)

It is stated in this connection that from Austria's perspective the requirements for being considered as an ethnic group are not fulfilled. The Polish population in Vienna has the socio-graphic characteristics of an immigrant group. In particular, it lacks continuity in settlement over the required period of time.

Article 7 paragraph 1 of the Language Charter

In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

II.1 Recognition of regional or minority languages (Article 7 paragraph 1 letter a)

Article 7 paragraph 1 letter a of the Language Charter

the recognition of the regional or minority languages as an expression of cultural wealth;

A comparable stipulation is included in Austria's Constitution. In 2000 Austria incorporated a provision on a national objective into its Constitution which is a clear acknowledgement of its autochthonous ethnic groups. The provision reads as follows: Article 8 paragraph 2 of the Federal Constitution Act (BV-G)

The Republic (federal, regional and municipal authorities) is committed to its grown linguistic and cultural diversity which finds expression in the autochthonous ethnic groups. The language and culture, existence and preservation of these ethnic groups shall be respected, secured and promoted.

The Committee of Experts encourages the authorities to consider establishing an appropriate legal framework for all Part II languages in the Vienna region. (Margin note 66)

It is not planned to adopt legislation specifically for the languages of the ethnic groups spoken in Vienna.

II.2 Respect of the Geographical Area (Article 7 paragraph 1 letter b)

Article 7 paragraph 1 letter b of the Language Charter

The respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

The Committee of Experts encourages the Austrian authorities to consult with representatives of the speakers (of the languages of the ethnic groups) in the preparation of the law – merger of district courts – in order to make sure that the Charter undertakings are not negatively affected by the pending reform. (Margin notes 68, 69)

In 2012 the Federal Ministry of Justice began with a structural reform of the district courts in Austria. The goal is to have a minimum of four judges working at every court location and to merge smaller district courts. The concomitant objectives of the reform are to improve the quality of the administration of justice by more specialization of the court staff, to provide citizens with a higher service quality as well as to streamline the administration and obtain synergy effects. This structural reform has already been implemented in the federal provinces of Lower Austria, Upper Austria, Styria and Salzburg; in Carinthia and Burgenland it has not yet been carried out, though.

However, there is no need to fear that the merger of the smallest courts into larger entities will have a negative impact on the implementation of undertakings arising from the Language Charter, as there are guarantees under constitutional law for the arrangements on official language.

II.3 Resolute Action to Promote Regional or Minority Languages (Article 7 paragraph 1 letter c)

Article 7 paragraph 1 letter c of the Language Charter

the need for resolute action to promote regional or minority languages in order to safeguard them;

In essence, the detailed comments contained in the Third Periodical Report on the practical handling of financial support to the ethnic groups continue to apply. The amount of the funding granted by the Federal Chancellery has remained the same. Minor changes merely relate to the technical handling of the money. Application forms, for example, have been revised, and there is more focus on target orientation. On a medium-term basis applications will only be submitted in electronic form.

§ 8 Ethnic Group Act

The Federal Government shall promote – irrespective of general promotional measures – all measures and projects that serve to preserve and secure the existence of the ethnic groups, their folklore and traditions, as well as their specific characteristics and rights.

The table below shows the financial support by the Federal Chancellery and the Federal Ministry of Education and Women and its distribution among the ethnic groups. To a lesser extent, several other government departments as well as the federal provinces grant financial support for specific ethnic group purposes.

Table 5 Financial support by the Federal Chancellery according to ethnic groups and budgeted amounts, 2014

Ethnic group	Grants acc. to the Ethnic Groups Act	Other grants	Intercultural project support	Total amount
Croatians	€ 1,122,720			€ 1,122,720
Roma	€ 380,300	€ 9.000	€ 34,730	€ 42,030
Slovaks	€ 78,925	€ 44.050		€ 122,975
Slovenians	€ 1,161,700	€ 54.970	€ 62,000	€ 1,278,670
Czechs	€ 382,100	€ 73.380		€ 45,480
Hungarians	€ 429,493	€ 40.000	€ 3,000	€ 472,493
across ethnic groups		€ 2.600		€ 2,600
Total amount	€ 3,555,238	€ 224.000	€ 99,730	€ 3,878,968

Source: Federal Chancellery / Ethnic Groups

Table 6 Financial support by the Education Ministry, 2014

Ethnic group	€
Croatian ethnic group	88,500.00
Slovenian ethnic group	312,120.00
Hungarian ethnic group	33,500.00
Ethnic group of the Roma	109,300.00
Ethnic groups in general and/or across ethnic groups	68,500.00
Total amount	611,920.00

Source: Federal Ministry of Education and Women

The following table shows the distribution of the financial support to the ethnic groups, as provided by the Federal Chancellery, according to ethnic groups and federal provinces. It shows that activities outside the autochthonous settlement areas also receive financial support.

Table 7 Financial support to the ethnic groups by the Federal Chancellery according to federal provinces, ethnic groups and budgeted amounts, 2014

Federal province	Intercultural project support	Other grants	Grants acc. to the Ethnic Groups Act	Total amount
Burgenland	€ 7,730	€ 2,600	€ 1,326,350	€ 1,336,680
Croatians			€ 972,220	€ 972,220
Roma	€ 4,730		€ 159,020	€ 163,750
Hungarians	€ 3,000		€ 195,110	€ 198,110
across ethnic groups		€ 2,600		€ 2,600
Carinthia	€ 62,000	€ 54,970	€ 1,093,200	€ 1,210,170
Slovenians	€ 62,000	€ 54,970	€ 1,093,200	€ 1,210,170
Upper Austria			€ 26,500	€ 26,500
Roma			€ 23,500	€ 23,500
Hungarians			€ 3,000	€ 3,000
Salzburg	€ 5,000			€ 5,000
Roma	€ 5,000			€ 5,000
Styria		€ 9,000	€ 68,000	€ 77,000
Roma		€ 9,000		€ 9,000
Slovenians			€ 64,000	€ 64,000
Hungarians			€ 4,000	€ 4,000
Tyrol			€ 800	€ 800
Hungarians			€ 800	€ 800
Vienna	€ 25,000	€ 157,430	€ 1,040,388	€ 1,222,818
Croatians			€ 150,500	€ 150,500
Roma	€ 25,000		€ 197,780	€ 222,780
Slovaks		€ 44,050	€ 78,925	€ 122,975
Slovenians			€ 4,500	€ 4,500
Czechs		€ 73,380	€ 382,100	€ 455,480
Hungarians		€ 40,000	€ 226,583	€ 266,583
Total amount	€ 99,730	€ 224,000	€ 3,555,238	€ 3,878,968

Source: Federal Chancellery/Ethnic Groups

In keeping with the objectives of the Ethnic Groups Act the financial support granted by the Federal Chancellery supports the preservation of the ethnic groups. In this context, the languages of the ethnic groups are an essential component of the traditions and require protection. In practice, the financial support to the languages of the ethnic groups plays a major part, as languages are seen to be the most important characteristic of ethnic groups. Very often language-related projects are supported such as:

- ▶ the publication of periodic and non-periodic media in the language of the ethnic group or in bilingual form
- ▶ language training in courses
- ▶ holiday stays for children and young persons in Austria or the country of the ethnic group language to promote their language skills

- ▶ cultural events and lectures in the languages of the ethnic groups
- ▶ staff costs for the day-school minders using the languages of the ethnic groups
- ▶ music and sports lessons taught in the languages of the ethnic groups.

Target-oriented support to the publication of periodic media helps to create visibility for the use of the languages of the ethnic groups in everyday life. These printed works constitute an important information tool, both within the ethnic group and – if they are published bilingually – in the relation to the rest of the population. The intention is to strengthen the everyday use of the language of an ethnic group and to enhance the language skills of the members of the ethnic group. In the long term, support of media projects (be that weekly newspapers, other periodicals or association newsletters) helps to strength the functionality of an ethnic group language as an important characteristic that contributes to a sense of identity as well as to consistently preserve the vocabulary of the specific ethnic group.

Supporting educational projects serves both to teach the language and to disseminate material that is specific of an ethnic group. This is meant to enhance the use of the language of the ethnic groups and to increase linguistic and intercultural competence. In this connection, it is of particular significance that the language is passed on to the next generation, as it is one way to express the identity of a specific ethnic group. The successful preservation of an ethnic group depends last, but not least, on whether the language and the culture are passed on to children and young persons who should accept them. The target-oriented promotion of projects for small children serves the purpose of supporting the acquisition of skills in the language of the ethnic group at the earliest possible phase of language development. Greater involvement of the parents into this process also has a positive effect on networking in the language of the ethnic group.

Supporting cultural projects serves to preserve and pass on cultural forms and cultural identities that are specific of an ethnic group, and thus also to consolidate the inner coherence of an ethnic group. In this context, it is of particular importance that the specific traditions of an ethnic group are passed on to the next generation. The language of an ethnic group is cultivated at various gatherings. Moreover, cultural activities are especially suited for involving the rest of the population, which can result in better mutual understanding.

Supporting scientific and research-related projects helps to safeguard knowledge in the specific context of an ethnic group (e.g. by language research, processing the historical legacy, etc.). However, the intended targeted effects can also include added value for a region, which may not only find expression in a many-faceted, cultural attractiveness but can also lead to conflict resolution, when common efforts are applied to deal with the historical legacy. This does not only result in strengthening the identity of an ethnic group but also in acknowledging the levelling effect of multiple identities on a region.

Supporting sports clubs from the financial assistance available for the ethnic groups does not only help to promote sports activities *per se* but also helps children and young persons to acquire skills in the language of the ethnic group when they train in the language of the ethnic group. Sports are seen as an attractive leisure-time activity by most young people, who thus become integrated into an environment where the language of the ethnic group is

used. This promotes competence in the language of the ethnic group as well as the use of this language.

In addition to supporting projects, association structures are promoted by grants for the rental and operating costs of clubhouses and staff. Subsidies for the structures of organisations of the ethnic groups are meant to support their scope of action and to maintain, as well as to improve the infrastructure necessary to fulfil their tasks. Especially in connection with educating children and young persons, the objectives of promoting the ethnic groups can be pursued with particular effect through structural support to, for example, childcare facilities and organisations supporting learning.

The focus in supporting the ethnic group of the Roma is on learning aids, counselling services and Roma school mediation with the help of Romani-speaking school mediators. Moreover, the language of the Roma is also supported by grants for the so-called Romani project which was conducted by a group of research workers at the University of Graz. The Romani project worked on codifying the Romani variants spoken in Austria, and on developing didactics for Burgenland-Romani. It thus created the basis for teaching in Romani as well as for publishing publications in the Romani language. At present, the project is run in “preservation mode” which means that, basically, the databases are only kept up to date.

II.4 Facilitating the Use of Languages (Article 7 paragraph 1 letter d)

Article 7 paragraph 1 letter d of the Language Charter

the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

II.4.1 Radio presence of the ethnic group languages

In 2009 the programme of the Austrian Broadcasting Corporation (hereinafter briefly referred to as the ORF) was expanded substantially, in reaction to a decision issued by the Federal Communications Senate on 27 June 2008. The programmes currently offered to ethnic groups in Austria are basically a continuation of the volume of services which was expanded in 2009. It can be reported that, since the previous reporting cycle, the radio transmission range has been expanded in Styria. In addition, the television programmes for the ethnic groups are now being broadcast throughout Austria on ORF III, the new programme channel launched in October 2011.

II.4.1.1 ORF radio programmes

Since 2009 the editorial desk for the ethnic groups of the ORF Regional Studio Burgenland has been operating as the centre of competence for the media supply to the ethnic groups who live in the eastern part of Austria (not only for the ethnic groups living in Burgenland). The ORF Regional Studio Burgenland therefore produces programmes for the Burgenland-Croatian population in Burgenland, for the Hungarians living in Vienna and Burgenland, for the Czech and Slovak populations in Vienna as well as for the Roma living in Burgenland and in Vienna.

Radio Burgenland can be received in Vienna on the VHF frequency 94.7. Since 2009 the radio magazines for the Hungarian ethnic group and the ethnic group of the Roma have also included topics of these two ethnic groups in Vienna. The ORF Regional Studio Burgenland offers the following radio programmes:

Table 8 ORF Regional Studio Burgenland (Radio)

Programme	Broadcasting schedule	Start	End	Duration
Croatian news	Mon – Sat	12:40	12:42	00:02
Croatian journal	Sun – Fri	18:15	18:25	00:10
Croatian journal	Sat	18:15	18:22	00:07
Misao za smisao (Croatian religious programme)	Sat	18:22	18:25	00:03
Croatian programmes:	Mon – Sun	18:25	18:55	00:30
Kulturni tjedan (Croatian cultural programme)	Mon	18:25	18:55	00:30
Plava raca (programme for children in Croatian)	Tues	18:25	18:55	00:30
Širom-barom (Croatian magazine)	Wed	18:25	18:55	00:30
Poslušajte priliku (Croatian Talk)	Thurs	18:25	18:55	00:30
Živo srebro (programme for young persons in Croatian)	Fri	18:25	18:55	00:30
Časak radosti (musical request programme in Croatian)	Sat, Sun	18:25	18:55	00:30
Hungarian journal	Mon – Sun	18:55	19:00	00:05
Multilingual magazine for the ethnic groups	Mon	20:04	22:00	01:56
Rub i sredina (Croatian magazine)	Mon	20:04	20:30	00:26
Színes Kultúránk (Hungarian cultural programme)	Mon	20:30	20:50	00:20
Roma sam (magazine in Romani)	Mon	20:50	21:10	00:20
Radio Drát'ák (Czech magazine)	Mon	21:10	21:40	00:30
Radio Dia:Tón / Radio Špongia (Slovak magazine)	Mon	21:40	22:00	00:20
Magyar Magazin (Hungarian magazine)	Sun	19:30	20:00	00:30

Source: ORF Activity Report 2014

The ORF Regional Studio Carinthia covers the Slovenian settlement area in Carinthia:

Table 9 ORF Regional Studio Carinthia (Radio)

Programme	Broadcasting schedule	Start of programme	End of programme	Duration of programme
Dežela ob dravi / Land an der Drau (Slovenian)	Wed	21:03	22:00	00:57
Dobro jutro Koroška / Good morning Carinthia (Slovenian, German)	Sun + holidays	06:04:30	07:00	00:55:30
Servus, Srečno, Ciao (German, Slovenian, Italian)	Mon-Fri	16:03	17:00	00:57
Servus, Srečno, Ciao (German, Slovenian, Italian)	Mon-Fri	17:10	18:00	00:50
Servus, Srečno, Ciao (German, Slovenian, Italian)	Mon-Fri	18:08:30	18:33	00:25:30

Source: ORF Activity Report 2014

II.4.1.2 ORF television programmes

Table 10 Television programmes in Burgenland

Programme	Station	Broadcasting schedule	Start of programme	End of programme	Duration of programme	Language
Dobar dan, Hrvati	ORF 2 Burgenland	Sun (1 x weekly)	13:30	14:00	00:30	Burgenland Croatian
Adj'isten magyarok	ORF 2 Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	ORF 2 Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland Croatian, Romani

Source: ORF Activity Report 2014

Table 11 Television programmes in Vienna

Programme	Station	Broadcasting schedule	Start of programme	End of programme	Duration of programme	Language
České Ozvěny / Slovenské Ozveny	ORF 2 Vienna	Sun 6 x p.a.	13:05	13:30	00:25	Czech, Slovak
Adj'isten magyarok	ORF 2 Vienna	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian

Source: ORF Activity Report 2014

Table 12 Television programmes in Carinthia

Programme	Station	Broadcasting schedule	Start of programme	End of programme	Duration of programme	Language
Dober dan, Koroška	ORF 2 Carinthia	Sun	13:30	14:00	00:30	Slovenian
Dober dan, Koroška	TV Slovenija	Mon	15:10	15:40	00:30	Slovenian
Wiederholung						
Dober dan, Koroška, Wiederholung	TV Slovenija	Wed	17:35	18:05	00:30	Slovenian

Source: ORF Activity Report 2014

Since March 2009, ORF 2 Styria has been broadcasting the television magazine „Dober dan, Štajerska” (duration: 25 minutes) for the Slovenian ethnic group in Styria on every Sunday at 13.30 hrs. In this context, the programme “Dober dan, Koroška”, broadcast by the Slovenian editorial desk at the Regional Studio Carinthia, is supplemented with relevant information and topics of interest for the Slovenian ethnic group in Styria and broadcast at the same time in Styria.

Table 13 Television programme in Styria

Programme	Station	Broadcasting schedule	Start of programme	End of programme	Duration of programme	Language
Dobar dan Štajerska	ORF 2 Styria	Sun	13:30	14:00	00:30	Slovenian

Source: ORF Activity Report 2014

Since the launch of the ORF III television channel in October 2011, there has been an expansion of the television programmes for the ethnic groups that can be received throughout Austria, which is shown below:

Table 14 Television programmes that can be received throughout Austria

Programme	Station	Broadcasting schedule	Broadcasting time	Duration of programme	Language
Dober dan, Koroška, repeated	ORF 2	Mon (1 x week)	night programme	00:30	Slovenian
Dobar dan, Hrvati, repeated	ORF 2	Mon (1 x week)	night programme	00:30	Burgenland-Croatian
Dobar dan, Hrvati, repeated	ORF III	Tues (1 x week)	09:30	00:30	Burgenland-Croatian
Dober dan, Koroška, repeated	ORF III	Tues (1 x week)	10:00	00:30	Slovenian
Adj' Isten magyarok, repeated	ORF III	Tues (6 x year)	11:00	00:25	Hungarian
České Ozvěny/Slovenské Ozveny, repeated	ORF III	Tues (6 x year)	11:30	00:25	Czech/Slovak
Servus Szia Zdravo Del tuha, repeated	ORF III	Tues (6 x year)	11:00	00:25	Burgenland-Croatian, Hungarian, German, Romani
Slovenian magazine (supplied by RTV Slovenija with editorial support by the ORF)	3sat	Mon (every 14 days)	Night programme	00:25	German

Source: ORF Activity report 2014

II.4.1.3 Internet

volksgruppen.orf.at

Since the year 2000, the ORF has been offering information for and about the ethnic groups on the Internet at volksgruppen.orf.at. This service has been continually expanded and optimised, and underwent a comprehensive relaunch in 2013. The online platform offers separate channels for all six recognised ethnic groups – the Burgenland-Croatian, Hungarian, Roma, Czech, Slovak and Slovenian groups. Information such as topical news, information about events as well as programme content is always offered in the language of the ethnic group and in German.

All radio programmes for the ethnic groups are available as live stream and on demand.

TVthek, the ORF video platform, offers the ORF television magazines “Dobar dan Hrvati”, “Dober dan, Koroška”, “Dober dan, Štajerska”, “Adj' Isten magyarok”, “Servus Szia Zdravo Del tuha” and “České Ozvěny / Slovenské Ozveny” as live stream to members of the ethnic groups throughout Austria and worldwide at the respective broadcasting times.

In addition, after the TV magazines “Dobar dan Hrvati”, “Dober dan, Koroška” and “Dober dan, Štajerska” have been broadcast, they can be downloaded as video-on-demand around the clock *until the next programme is broadcast*, and the ethnic group magazines “Adj' Isten magyarok”, “Servus Szia Zdravo Del tuha” and “České Ozvěny / Slovenské Ozveny”, which are broadcast six times per year, are available as video-on-demand for *30 days*.

Since the relaunch in 2013 the members of the ethnic groups can also listen to programmes in their mother tongue when *en route*, for example on their smart phones.

burgenland.orf.at; kaernten.orf.at; steiermark.orf.at

The programme of the respective ethnic group can also be accessed from the web pages of the ORF regional studios. Since 2013 the Slovenian editorial desk of the ORF Regional Studio Carinthia has also owned the domain slovensi.ORF.at which is interconnected to volksgruppen.ORF.at. This facilitates access to the web pages in the Slovenian language.

II.4.1.4 Teletext

Programme information is available about all ORF radio and TV programmes of interest to the ethnic groups as well as daily information concerning events concerning the ethnic groups (page 414).

II.4.1.5 Private radio station Agora and cooperation between the ORF and Agora

KommAustria, the media authority, issued a license for a period of ten years, i.e. until June 2021, to the private radio station “AGORA Arbeitsgemeinschaft offenes Radio – Avtonomno gibanje odprtega radia” (briefly referred to as AGORA), covering the frequencies in the settlement areas of the Slovenian ethnic group in Carinthia. AGORA broadcasts programmes in the Slovenian language on “radio AGORA 105.5” during four hours every day, and bilingual and multilingual programmes during the night from 6 p.m. to 6 a.m. on “radio AGORA 105.5”. In addition, AGORA makes available its frequencies eight hours every day so that the ORF can broadcast programmes in the Slovenian language. The ORF and AGORA, as partners, produce the programmes for their respective broadcasting times at their individual responsibility and split them up as follows:

Table 15 ORF – Radio AGORA

Broadcasting time	produced by
06 – 10 o’ clock	ORF
10 – 12 o’ clock	AGORA
12 – 13 o’ clock	ORF
13 – 15 o’ clock	AGORA
15 – 18 o’ clock	ORF
18 – 06 o’ clock	AGORA

Source: Radio Agora

In addition to programmes focusing on Carinthia and many features about Styria and Slovenia, there are also specific programme sections for the Slovenian population in Styria.

The programmes relating to Styria are partly co-produced by the ORF Regional Studio Styria.

The programme that AGORA broadcasts from 6 p.m. to 6 a.m. is multilingual, which also gives the immigrated population groups the opportunity to produce programmes in their own mother tongue. Programmes during these periods are regularly, but to a varying extent, offered in Spanish, English, Bosnian-Croatian-Serbian, German and Slovenian. This part of the programme is produced by *pro bono* staff members in the framework of “open access”. During that period, i.e. from 6 p.m. to 6 a.m., the moderators continue to use the Slovenian language.

II.4.1.6 Radio in the Slovenian language in Styria

On 21 May 2012, AGORA obtained the radio license to cover the region of Soboth/Sobot, and on 9 October 2013 for the region Leutschach/Lučane, both in Styria. AGORA also applied for a license that will allow broadcasting programmes to the largest settlement area of the Slovenian population in southern Styria, namely Bad Radkersburg/Gornja Radgona. It obtained this license in September 2014 (which became effective in October 2014). The station began broadcasting in the last-mentioned area in September 2015.

As a result, the settlement area of the Slovenian population in Styria is well covered by terrestrial radio.

II.4.1.7 Audio-visual media services

In 2010 Austria's broadcasting laws were amended on a broad scale, which became necessary in the course of transposing the Directive on audio-visual media services as well when implementing and adapting the legal requirements for grants to the legal framework applicable to public-law broadcasting.

No admission procedures are required for audio-visual media services (e.g. web streaming), except for terrestrial radio and satellite radio. The launch of operations must merely be notified to the regulatory authorities (KommAustria).

II.4.1.8 Promoting private radio stations

In 2013, for example, 10 million euros of financial assistance were available to promote private, especially local and regional radio stations as well as to support the production of a range of diverse and high-quality programmes that will especially contribute towards promoting Austrian culture, cultural diversity, Austrian and European awareness as well as to inform and educate the population. One of the criteria which must be satisfied when applying for funding is to take account of the languages of the ethnic groups recognised in Austria

when producing programmes. The results of every year can be downloaded under Decisions of Rundfunk & Telekom Regulierungs-GmbH¹¹.

In 2015 Radio Agora received € 136,060 from the available funds, in keeping with § 29 of the KommAustria Act.

II.4.2 The presence of ethnic group languages in cultural programmes

Without claiming to be a complete listing, the following examples demonstrate that the languages of the ethnic groups are well represented in cultural programmes.

At the LET'S CEE Film Festival in Vienna, which took place for the fourth time already this year, it was possible to view films in the Croatian, Slovenian, Hungarian, Czech and Slovak languages, amongst others. In 2015 a total of more than 110 feature films, documentaries and short films from the Eastern-European region were shown in the original languages with German or English subtitles: Let's Cee Film Festival Programme 2015¹².

A Roma film festival also took place in Vienna. However, these films had not been produced in the Romani language: Opre Roma Film Festival 2015¹³.

On 30 August 2014, Landestheater Linz staged a guest performance of the Prague National Theatre. Guest performance of the National Theatre Prague – Robert Wilson's "1914" at Landestheater Linz¹⁴.

During the Wiener Festwochen 2015, Studio Hrdinů performed "Kauza Schwejk / The Švejk Case".

On 11 November 2015 a performance of the Theatre of the Art Academy of Banska Bystrica in Slovakia took place at Wiener Theaterbrett, followed by a performance of the Janáček Academy of the Performing Arts (JAMU) from the Czech Republic on 13 November 2015. These performances were part of a cycle called "The Central European Theatre Carousel" which took place for the eleventh time in 2015. This festival offers audiences in Vienna interesting productions from Poland, the Czech Republic, Hungary and Slovakia.

¹¹ <https://www.rtr.at/de/foe/EntscheidungenNKRF>

¹² <http://www.letsceefilmfestival.com/programmuebersicht-2015.html>

¹³ <http://opre-roma-film.org/programm/>

¹⁴ <https://www.landestheater-linz.at/DE/sitemap/lth/stuecke/detail?EventSetID=1941&ref=194111408306#.U7wgYUCubGj>

The Czech-Slovak-Austrian Contact Forum shows plays from the Czech Republic and Slovakia in Vienna: [Czech-Slovak-Austrian Contact Forum](#)¹⁵.

Moreover, one should mention the [productions of the Czech-language amateur theatre group Vlastenecká omladina](#)¹⁶ in Vienna.

The Slovak-Austrian Cultural Association shows Slovak plays in Vienna: [Slovaci.at](#)¹⁷.

Theater Akzent in Vienna staged Croatian plays on several occasions. [Akzent-Theater search for results under "Croatian"](#)¹⁸.

In 2014 the Vienna Burgtheater staged guest performances focusing on Hungary under the title of "Szene Ungarn"¹⁹.

II.4.3 Information in the ethnic group languages offered by the public sector

Various state-run institutions offer information in different languages on their Internet sites, including the languages of the ethnic groups, such as brochures or information services.

II.4.3.1 Parliament

The Austrian Parliament has published information for visitors in a number of languages, including the languages of the ethnic groups. [Website Parliament / language selection](#)¹⁹.

Moreover, folders in different languages (also in Burgenland Romani) are available at the visitors' centre.

¹⁵ <http://www.kontaktforum-cs.at/index.php/de/>

¹⁶ <http://www.omladina.at/kdo-jsme-co-delame-nedelame-jak-to-u-nas-vlastne-chodi-dovolte-abychom-se-vam-predstavili/>

¹⁷ <http://www.slovaci.at/rsks-sk.html>

¹⁸ <http://akzent.at/home/spielplan/archiv?suchbegriff=kroatisch>

¹⁹ <https://www.parlament.gv.at/LANG/>

II.4.3.2 Labour Inspectorate (Federal Ministry of Labour, Social Affairs and Consumer Protection)

In addition to comprehensive information in English, the website of the Labour Inspectorate, for example, also includes information materials for downloading in the following languages:

- ▶ Labour Inspectorate – organisation, rights and duties (in Czech, Croatian, Hungarian as well as Esperanto)
- ▶ Workplace evaluation (in Czech, Croatian, Hungarian)
- ▶ CE markings (in Czech, Croatian, Hungarian)
- ▶ Maternity protection provisions (in Czech, Croatian, Bosnian) as well as

folders, information leaflets, brochures and studies by the Labour Inspectorate²⁰.

II.4.3.3 Women's protection (Federal Ministry for Education and Women)

The women's advice centres and the protection against violence centres/intervention centres also offer mother-tongue counselling, to the extent possible. The languages offered are guided by client needs and the specific circumstances, i.e. whether and/or for which languages advisors with the respective occupational background need to be hired for a specific region. Turkish and Serbian/Croatian/Bosnian are the main languages required.

The Intervention Centre for Victims of Trafficking in Women offers mother-tongue advice also in Slovak and Hungarian, as well as information folders in Slovak, Czech and Hungarian: Information about LEFÖ-IBF²¹.

The women's helpline against violence²², supported by the Minister for Women, offers first advice and counsel in crisis situations over the telephone throughout Austria, 24 hours per day, free of charge and anonymously to women/migrants, children and young persons affected by violence. This assistance is offered and available in several languages, including Croatian, amongst others.

²⁰ <http://www.arbeitsinspektion.gv.at/AI/Service/Publikationen>

²¹ <http://www.lefoe.at/index.php/ibf.html#Informationsmaterialien>

²² www.frauenhelpline.at

The association Romano Centre in Vienna, which offers life coaching and social counselling to Roma and Sinti, has received financial support since 2013: [Life coaching and social counselling for women at the Romano Centro](#)²³.

Publications:

Brochures with information about the rights and possibilities in case of domestic violence are available at least in the following languages: Slovenian, Hungarian, Slovak and Romani: [folder on protection against violence in several languages](#)²⁴, [brochure on protection against violence in several languages](#)²⁵.

The publication „What is CEDAW?“²⁶ can also be found in Croatian, amongst others, on the website of the women’s department of the Federal Ministry for Education.

Application „fem:HELP“: In addition to contact data, this application also offers the possibility of documenting the consequences of injuries, stalking acts as well as violations of injunctions prohibiting access and contact. The application is also available in Croatian and Serbian, amongst others. The accompanying video, too, was translated into several languages, including Croatian, amongst others: [Video accompanying the “fem:HELP” application](#)²⁷.

II.4.3.4 Federal Ministry of Health

Several brochures are also available in Croatian on the website of the Federal Ministry of Health (BMG). [Brochures of the BMG in several languages](#)²⁸.

II.4.3.5 Federal Ministry of Justice

This information folder on support during legal proceedings is also offered in Hungarian, Slovenian and Croatian: [information folder on support in legal proceedings](#)²⁹.

²³ http://www.romano-centro.org/index.php?option=com_content&view=article&id=128%3Aalebens-und-sozialberatung-fuer-frauen&catid=12%3Aprojekte&Itemid=4&lang=de

²⁴ <http://www.aoef.at/index.php/infomaterial-zum-downloaden/gewaltschutzfolder>

²⁵ <http://www.interventionsstelle-wien.at/start.asp?ID=321&b=67>

²⁶ https://www.bmbf.gv.at/frauen/euint/cedaw_bks_2009_26054.pdf?4dz8a1

²⁷ http://www.youtube.com/watch?v=gwYDI_q2MZo

²⁸ <http://bmg.gv.at/home/Service/Broschueren/>

²⁹ <https://www.justiz.gv.at/web2013/html/default/2c948485371225d601397bee5b620df3.de.html>

II.4.3.6 Pension Insurance Institute

The Pension Insurance Institute regularly holds “international consultation days” in Austria and the neighbouring countries. These are organised in cooperation with the pension insurance institutes of these countries, for example with the Croatian Pension and Disability Insurance Institute, the Slovak Pension Insurance, the Slovenian Pension and Disability Insurance, the General Administration of the Hungarian Pension Insurance and the Czech Pension Insurance.

II.4.3.7 Federal Ministry of Education

An information brochure by the Education Ministry on education allowances³⁰ is available in a number of languages, including the languages of the ethnic groups.

II.4.3.8 Municipality of Vienna

The Municipality of Vienna pages in Bosnian/Croatian/Serbian³¹.

II.4.3.9 Bilingual municipalities

It is gratifying to see that several of the bilingual municipalities use the language of the ethnic group in their Internet presentations, the municipal newspaper or in speeches at public events. Public facilities such as the community centre, the primary school or the nursery school have bilingual signs in some of the municipalities. Zell/Sele is a municipality that demonstrates its bilingual character already in the name of its Internet domain.

Municipal websites in the languages of the ethnic groups: Trausdorf-Wulka³², Grosswarasdorf³³, Official Newsletter of the Municipality of Globasnitz³⁴, Bad-Eisenkappel³⁵.

³⁰ <http://schuelerbeihilfen.bmbf.gv.at/>

³¹ <https://www.wien.gv.at/bh-hr-sr/>

³² <http://www.trausdorf-wulka.gv.at/index.php/pocetak.html>

³³ <http://www.grosswarasdorf.at/system/web/sonderseite.aspx?menuonr=221275184&detailonr=221275184>

³⁴ http://www.globasnitz.at/sites/globasnitz.publicipixel.at/files/gn3_2015.pdf

³⁵ <http://www.bad-eisenkappel.info/sl/>

II.4.4 Ethnic group languages in tourism

The hospitality sector, especially near borders, employs persons with language skills in the languages of the neighbouring country, which are the languages of the ethnic groups at the same time. Tourist destinations, particularly in the border regions, are often also marked with signs in these languages, and the websites are designed in two or several languages. The following references can be given as examples:

- ▶ Slovak and Hungarian in Lower Austria for the National Park of the Danube Floodplains³⁶
- ▶ Slovak and Hungarian in Burgenland, Seewinkel/Neusiedler See – Illmitz³⁷
- ▶ Slovak and Hungarian in Eisenstadt – Esterhazy³⁸
- ▶ Forchtenstein Castle³⁹
- ▶ Slovenian, Hungarian, Croatian, Slovak on the Carinthian Tourism Portal⁴⁰
- ▶ Slovenian in Klagenfurt: Minimundus⁴¹
- ▶ Slovenian in Southern Carinthia: Geo Park Karawanks⁴²
- ▶ Czech in Lower Austria: Renaissance Palace Rosenberg⁴³

II.5 Maintenance and Development of Links (Article 7 paragraph 1 letter e)

Article 7 paragraph 1 letter e of the Language Charter

The maintenance and development of links in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

³⁶ <http://www.donauauen.at/besucherinfo/>

³⁷ <http://www.illmitz.co.at/Slovensky.165.0.html>

³⁸ <http://esterhazy.at/hu/index.do>

³⁹ <http://esterhazy.at/de/burgforchtenstein/index.do>

⁴⁰ <http://www.kaernten.at/de/?noSplash=1>

⁴¹ <http://www.minimundus.at/>

⁴² <http://www.geopark-karawanken.at/slo/vstopna-stran.html>

⁴³ <http://www.rosenburg.at/zamek-rosenburg>

Please refer to the Third Periodical Report for details.

II.6 Teaching and Studying Minority Languages (Article 7 paragraph 1 letters f, g, h)

Article 7 paragraph 1 of the Language Charter

- f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
- h. the promotion of appropriate types of transnational exchanges, in the fields covered by the Charter, for regional or minority languages used in identical or similar form in two or more States.

II.6.1 Working group “Education and Language”

The Committee of Experts looks forward to receiving information in the next monitoring cycle as to how the recommendations from the working group have been taken into account by the authorities [in connection with the reform of legislation concerning the ethnic groups]. (Margin note 99)

The working group “Education and Language” met at the Federal Chancellery in 2010. The strategy development process “Conference on the Future of the Minorities School System”, which was launched at the beginning of 2015, builds on the results of this working group. This process can be seen as the continuation of the political dialogue with the ethnic groups concerning the bilingual education system. The goal of this process is, first of all, to establish a new communications structure between the Education Ministry, the school supervisory bodies, the educational institutions training bilingual teachers and representatives of the ethnic group so that then, in a next step, current problems and future-oriented developments in the minorities’ school system can be dealt with directly and effectively. It should be mentioned, for the sake of completeness, that it was not possible to include those ethnic groups into the process for which no minorities’ school system has been enacted. The Conference on the Future of the Minorities School System met three times in 2015.

With regard to the implementation of the recommendations issued by the working group “Education and Language” it can be reported that the following measures are currently being implemented:

- ▶ Descriptions of the competences and the language portfolios for the ethnic group languages Slovenian, Hungarian and Croatian are currently being developed and partly already tested for the primary and secondary school level.

- ▶ Research and development: A project has been commissioned and is currently ongoing to evaluate practical bilingual education.

The Annex to the present report contains a table summarizing the implementation status.

The Committee of Experts looks forward to receiving more information about plans to establish a private Burgenland-Croatian school. (Margin note 103)

At present, the Education Ministry does not plan to establish a private Burgenland-Croatian school. Concrete projects by third parties are not known either.

The Committee of Experts encourages the Austrian authorities to pursue their efforts to create conditions for education in or teaching of all regional or minority languages in Vienna, Burgenland and Styria. (Margin note 135)

Please refer to the comments below.

II.6.2 Teaching languages in school

The table below demonstrates that mother-tongue teaching in the languages of the ethnic groups is also offered outside the traditional settlement areas. It should be noted that Croatian is taught in the framework of teaching Bosnian/Croatian/Serbian, with Burgenland-Croatian differing from standard Croatian, which is a known fact. The information concerning Romani needs to be qualified in as much as the mother-tongue classes, which are taught by Roma persons, in practice are also often taught in Serbian or in another language of origin.

Table 16 Mother-tongue education according to federal provinces (Burgenland to Salzburg) during the 2013/14 school year:

Language	Burgenland		Carinthia		Lower Austria		Upper Austria		Salzburg	
	pupils	hours	pupils	hours	pupils	hours	pupils	hours	pupils	hours
Bosnian/Croatian/Serbian	26	12	564	151	254	50	1,262	265	570	91
Romani										
Slovak	73	5			127	18.5				
Slovenian										
Czech										
Hungarian					49	6				

Source: Education Ministry

Table 17 Mother-tongue education according to federal provinces (Styria to Vienna and total figures) during the 2013/14 school year:

Language	Styria		Tyrol		Vorarlberg		Vienna		Total	
	pupils	hours	pupils	hours	pupils	hours	pupils	hours	pupils	hours
Bosnian/ Croatian/ Serbian	829	171	329	63	101	27	6,972	1,931	10,907	2,761
Romani							203	61	203	61
Slovak							105	41	305	64.5
Slovenian	19	4							19	4
Czech							63	16	63	16
Hungarian	91	21	26	6			63	8	229	41

Source: Education Ministry

The languages of the ethnic groups can also be chosen as foreign languages, provided that sufficient pupils have signed up. The Education Ministry did not communicate detailed data material on this issue.

II.6.3 University education

The languages of the ethnic groups which are shown below can be studied at Austria's universities. It should also be mentioned here that Burgenland-Croatian cannot be studied as a subject at universities. The University of Vienna only sporadically offers courses in Burgenland-Croatian. However, it should become possible in about one to two years to study Burgenland-Croatian at the university college of teacher education in Eisenstadt.

Table 18 Languages of the ethnic group at universities

Language	University
Slovenian	Vienna, Graz, Klagenfurt
Bosnian/Croatian/Serbian	Vienna, Graz, Klagenfurt, Innsbruck
Czech	Vienna, Salzburg
Slovak	Vienna
Hungarian	Vienna

Source: Federal Chancellery/Ethnic Groups

Table 19 Regular students, winter semester 2014

Language	University of Vienna	University of Graz	University of Klagenfurt	Total
Bosnian/Croatian/Serbian	196	122	1	319
Slovak	23	-	-	23
Slovenian	15	38	36	89
Czech	51	-	-	51
Hungarian	61	-	-	61

Source: Federal Ministry of Science, Research and Economy, own presentation

Table 20 University graduates, 2013/14 study year

Language	University of Vienna	University of Graz	University of Innsbruck	University of Klagenfurt	Total
Bosnian/Croatian/Serbian	4	20	6	-	30
Slovak	1	-	-	-	1
Slovenian	2	5	-	1	8
Czech	3	-	-	-	3
Hungarian	-	-	-	-	-

Source: Federal Ministry of Science, Research and Economy, own presentation

II.6.4 Basic and further training in the civil service

Time and again the regional administrative academies in Carinthia and Burgenland schedule language course in the languages of the ethnic groups in order to prepare officials for tasks in their bilingual administrative system.

The language institute of Austria's armed forces puts particular emphasis on the languages of the neighbouring countries, including Czech, Hungarian, Croatian and Slovenian. The languages of the ethnic groups are languages for cross-border cooperation, for example in connection with bilateral disaster relief and good neighbourly relations. The language institute of Austria's armed forces therefore promotes these languages and builds up staff resources with "language reserves". This was and is being done in the following way:

- In the course of the training provided at the Theresian Military Academy, a second foreign language, in addition to English, has been taught as a compulsory subject to attendants of the officer training course since 2008. The foreign languages are assigned on the basis of the previously acquired language skills. Since 2009, for example, Croatian has been run as a language course for advanced language skills. If other

language skills should emerge, the plan is to enlarge the scope to Hungarian, Czech or Slovak.

- In line with the requirements catalogue “languages”, “language reserves” are being built up in the languages of the neighbouring countries by training soldiers and civilian staff members of Austria’s armed forces who do not have any or only insufficient language skills. In the past five years soldiers and staff members have thus been trained in Hungarian, Czech, Slovak, Slovenian, Croatian and Serbian up to level B2 according to the European Framework of Reference for Languages (it corresponds to university-level skills in these languages) .
- In the form of decentralised language training, the engineers within the territorial range of the military command of Carinthia are trained in Slovenian up to reference level B1. In this connection, tandem teaching together with Slovenian engineers is also used as a training method.

Language training at the SIB (Language Institute of Austria’s Armed Forces) 2016⁴⁴.

In addition, military dictionaries in these languages are published.

II.6.5 Adult education

Different adult-education institutions, especially adult education colleges but also WIFI (Institute of Economic Promotion) and BFI (Institute of Vocational Promotion), the organisations of the ethnic groups and private language schools such as Ahoj Europa Neu Woodhams & Maurer GmbH offer languages courses in the languages of the ethnic groups. However, due to the specific nature of Burgenland-Croatian, this language variant can only be acquired in courses organised by the ethnic groups. Language courses in Romani, too, are only offered by organisations of the ethnic groups such as Romano Centro, Roma Service or the Adult-Education Centre of the Burgenland Roma. Occasionally, individual Romani courses were held at the University of Graz. In Burgenland there are specific adult-education institutes for the ethnic groups, namely the Adult-Education Centre for Hungarians in Burgenland and the Adult-Education Centre for Croatians in Burgenland, in addition to the aforementioned adult-education institute for the Roma.

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https://www.oeffentlicherdienst.gv.at/vab/seminarprogramm/in_verwaltung_arbeiten/SIB_Kursuebersicht_2016.pdf?5316f5

II.6.6 Vienna

Members of the Czech, Slovak and Hungarian ethnic groups live in Vienna. Moreover, members of the Roma and the Burgenland-Croatian communities live here. Members of the Slovenian ethnic group, too, have moved to Vienna in the course of time.

The schools of the Komensky School Association are of central significance for the Czech ethnic group and also for the Slovak ethnic group in Vienna. They ensure a consistent educational programme from nursery school to school-leaving examination. About 500 pupils attend the nursery school and the schools of the Komensky School Association. By the way, a Hungarian nursery-school group has been set up at the Komensky School Association. Moreover, the schools and the nursery school are closely associated with the events organised by the associations of the ethnic group, especially associations that offer leisure-time activities in the Czech language such as Tschechische Mission, the Sokol Turnverein (gymnastics clubs) and Vlastenecka Omladina, the theatre group. The schools of the Komensky School Association are private schools; yet, the Education Ministry refunds the expenses for the teachers. Moreover, there is funding from the budget for the ethnic groups for the overhead costs of the school as well as repeatedly for refurbishing and conversion measures. The Municipality of Vienna and the Education Ministry each contributed one million euros to the conversion of the school building at Schützengasse.

With regard to the Hungarian ethnic group in Vienna, Hungarian is taught to mother-tongue children almost exclusively outside the school system by three associations: the Vienna Hungarian School Association, the Central Association of Hungarian Associations and Organisations in Austria and AMAPED, the Association of Hungarian Teachers in Austria.

The public-school system in Vienna offers the languages of the ethnic groups essentially in two forms, namely “mother-tongue teaching”, on the one hand, and “teaching the languages of the neighbouring countries”, on the other hand. Participant numbers are shown in the table below.

Table 21 Mother-tongue education, Vienna 2013/14

Language	Number of pupils
Bosnian/Croatian/Serbian	6,972
Romani	203
Slovak	105
Czech	63
Hungarian	63

Source: Education Ministry

Table 22 Education in the languages of the neighbouring countries, 2014/15, Vienna

Language	Location	Number of participants	Format
Czech	Primary school 1110, Svetelskystr. 5	ca. 24	Optional exercise – language course 1x per week
	Primary school 1150, Goldschlagstraße 14-16	ca. 100	Language course – integrated
	New middle school 1220, Anton Sattler G. 93	200	Language course - integrated
Hungarian	Primary school 1030, Reisnerstraße. 43	ca. 12	Optional exercise – language course 1x per week
	New middle school 1070, Neustiftgasse 100	ca. 12	Optional exercise – language course 1x per week
	Primary school 1150, Goldschlagstraße 14-16	ca. 100	Language course - integrated
	New middle school 1220., Anton Sattler G. 93	320	Language course - integrated
Slovak	Primary school 1160, Liebhartsgasse 19-21	ca. 75	Language course - integrated
	Primary school 1150, Goldschlagstraße 14-16	ca. 100	Language course - integrated
	New middle school 1220, Anton Sattler Gasse 93	200	Language course - integrated
	New middle school 1070, Neustiftgasse 100	ca. 12	Optional exercise – language course 1x per week
	Primary school 1110, Laaer Berg Straße 170	ca. 24	Optional exercise – language course 1x per week

Source: Europa Office of the Vienna Schools Council

Especially concerning the Burgenland-Croatians in Vienna, to which the Committee of Experts referred in margin note 44, and the Roma population in Vienna, referenced in margin note 45, it needs to be stated that, regrettably no and/or relatively little demand for mother-tongue teaching has been reported. It is also true that mother-tongue teachers for Romani frequently do not teach in Romani but in other languages of origin such as Serbian.

Various projects for the languages of the ethnic groups such as “Projekt Hungaricum” or “HIP” (for Croatian) have expired in the meantime. The Europa Office of the Vienna School Board reports that there are plans for follow-up projects.

II.6.7 Burgenland

In Burgenland the languages of the ethnic groups are also taught outside the autochthonous settlement areas in the form of compulsory subjects, optional compulsory subjects, optional subjects as well as optional and compulsory exercises.

The Regional School Board for Burgenland regularly communicates information about the possible options in the languages of the ethnic groups (Burgenland-Croatian, Hungarian,

Romani) both in the autochthonous and in the non-autochthonous areas. Regrettably, the required number of (five) registrations for Romani education were not reached in recent years.

In addition, the Minority Schools Department of the Regional School Board for Burgenland is currently working on a “regional languages plan” which is intended to open up possibilities to learn the respective indigenous language of a region.

II.6.8 Styria

Table 23 Teaching Slovenian in Styria

District	School	Number of pupils 2014/2015
Leibnitz	Primary school Arnfels	5
	Primary school Wildon	12
	Primary school Leutschach	14
	Primary school Langeegg	7
	New middle school Arnfels	24
	New middle school Ehrenhausen	20
	New middle school Leibnitz II	13
	New middle school Lebring	15
Radkersburg	Primary school Straden	16
	Primary school Radkersburg	10
	Primary school Mureck	19
	Primary school Ratschendorf	11
	Primary school Brunnsee	5
	New middle school Straden	5
	Federal upper-level modern-language grammar school Radkersburg	50
Deutschlandsberg	Primary school Eibiswald	12
	Primary school Wies	24
Feldbach	Mother-tongue teaching	5
Bruck an der Mur	Federal Higher Training Institute for Forestry	24
Graz	Mother-tongue teaching	23
	Course for several schools	15
Total		329

Source: Article VII Cultural Association for Styria

II.6.9 Lower Austria

The Lower Austrian Language Campaign has been conducted since September 2003. It offers a range of options to learn Czech, Slovak or Hungarian to children and young persons but also adults in Lower Austria.

Since the beginning of the Lower Austrian Language Campaign, more than 43,000 pupils have used the possibility offered by their schools to learn these languages. At present, more than 15,000 children in more than 100 nursery-schools in Lower Austria learn Czech, Slovak or Hungarian by playing. Currently 4,059 pupils in 151 schools as well as 108 nursery schools are participating in the Lower Austrian Language Campaign⁴⁵. Teaching materials have also been published.

II.7 Transnational Exchanges (Article 7 paragraph 1 letter i)

Article 7 paragraph 1 letter i of the Language Charter

the promotion of appropriate transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

The transnational exchanges take place on many levels and have actually increased considerably since the so-called kin states of Austria's ethnic groups joined the European Union: Slovakia, Czech Republic, Slovenia, Hungary in 2004 and Croatia on 1 June 2013. Many of the transnational exchanges also take place in the framework of co-financed EU programmes. Many organisations of the ethnic groups are involved in cross-border contacts and cooperation.

There are numerous town-twinning agreements, school partnerships, pupil exchanges, exchange programmes for university staff and students.

⁴⁵ <https://www.sprachkompetenz.at/sprachenoffensive/allgemeines/>

II.7.1 Academic exchange programmes

II.7.1.1 CEEPUS – Central European Exchange Programme for University Studies

CEEPUS is a multilateral exchange programme for Central and Eastern Europe that was initiated by Austria in 1995. It is a transnational, Central-European university network composed of different discipline-specific individual networks and intended to promote academic mobility and transnational cooperation among universities in this region. The participating countries include Croatia, Slovenia, the Slovak Republic, the Czech Republic and Hungary as well as Austria.

The participants of the exchange programme are exempt from any possible course fees and receive a full scholarship from the host country, which is geared to the cost of living of the respective country.

To give one example, reference is made to the project “4th International Summer School on Sustainable Buildings for Europe” which is promoted by CEEPUS. It took place at Pinkafeld from 23 September to 2 October 2015. Fachhochschule Burgenland GmbH, a university of applied science, hosted the event, and universities from Slovenia, Hungary, Slovakia and the Czech Republic participated in the project.

<http://www.fh-burgenland.at/internationales/international-summer-school/>

II.7.1.2 Campaigns: Slovakia, Czech Republic, Hungary

The idea underlying the projects of these three campaigns makes it possible for university teachers and researchers from Austria to collaborate with their counterparts in the partner countries on specific projects. Support is given to projects in all scientific disciplines. As a matter of principle, the projects have a limited term of one year. The campaigns can be used to apply for various types of financial support, depending on required needs, such as stays in the host country, teaching events or meetings.

Universities, universities of applied science, study courses of universities of applied science, research and educational institutions, but also institutes and individual persons of these institutions are eligible to submit applications. A body with parity membership, which consists of 5 Austrian and 5 Slovak, Czech or Hungarian members, decides on the project applications.

In addition to promoting projects, scholarships are granted to students, doctoral students and young university graduates:

- ▶ [Campaign Austria - Slovakia⁴⁶](#)
- ▶ [Campaign Austria – Czech Republic⁴⁷](#)
- ▶ [Campaign Austria - Hungary⁴⁸](#)

II.7.1.3 ERASMUS mobility programme

Stays abroad by students and teachers are promoted in the course of the ERASMUS mobility programme (EuROpean Action Scheme for the Mobility of University Students) of the European Union.

Students of Slavic studies can stay for a study visit at one of the partner universities for a minimum of 3 months and a maximum of 12 months. They receive a mobility grant during the time of their stay abroad and are exempt from paying tuition fees both at their home and their host university for the period of their stay abroad. The academic achievements obtained abroad can be transferred to their studies at the home university.

ERASMUS teaching staff mobility make it possible for teachers to receive funding for a teaching period at one of the partner universities during a minimum stay of one week and/or 5 hours of teaching and a maximum duration of 4 weeks.

II.7.1.4 Student mobility at universities

Table 24 Regular students outgoing (PU), 2013/14 study year

Mobility programme (acronym)	Hungary	Croatia	Slovenia	Slovakia	Czech Republic
Teaching assignments abroad	4			1	5
CEEPUS		1	7		5
German as a foreign language – practical training		1			
ERASMUS study visits (SMS)	13	31	28	8	87
ERASMUS practical training for students (SMP)	2	1	1	10	3
university-specific mobility programme	5	6	21	4	6
Total	24	40	57	23	106

Source: Federal Ministry of Science, Research and Economy, Department IV/9

⁴⁶ <http://www.aktion.saia.sk/>

⁴⁷ <http://www.dzs.cz/de/>

⁴⁸ <http://www.omaa.hu/indexde.htm>

Table 25 Regular students incoming (PU), 2013/14 study year

Mobility programme (acronym)	Hungary	Croatia	Slovenia	Slovakia	Czech Republic
Exchange scholarships	1	1		1	2
CEEPUS	23	14	6	14	13
ERASMUS study visits (SMS)	144	136	99	142	241
ERASMUS practical training for students (SMP)	14	1	12	4	11
Ernst Mach scholarship	1				
EU third-country programme	1	3	3		1
Mobility programme for graduates in the EU area		1			
Development cooperation scholarships				1	
unknown					1
university-specific mobility programme	17	19	9	19	35
Total	201	175	129	181	304

Source: Federal Ministry of Science, Research and Economy, Department IV/9

II.7.2 Cooperation within the EU – territorial cooperation

One should highlight the EU funding pool for ETC funds with the programmes “Slovakia – Austria”, “Austria – Hungary”, “Austria – Czech Republic” and “Slovenia – Austria”, which could be used to co-finance several projects specifically for ethnic groups.

- [AT-HU 2007-2013](#)⁴⁹
- [AT-CZ 2007-2013](#)⁵⁰
- [SK-AT 2007-2013](#)⁵¹
- [SI Interreg SI-AT](#)⁵²

The Slovenian scientific institute in Klagenfurt, for example, received ETC funding for the library project MINDOC-EU, which it conducted jointly with Slovenian partners. The Croatian Culture and Documentation Centre conducted several transnational EU projects such as, for example, CROSCAT and COCU. The Europa Office of the Vienna School Board conducted

⁴⁹ <http://www.at-hu.net>

⁵⁰ <http://www.at-cz.eu>

⁵¹ <http://www.sk-at.eu>

⁵² <http://www.si-at.eu>

programmes which aimed at getting to know neighbours as well as the languages of the neighbouring countries: CentroLING Language and Cultural Encounters.

Two further examples, namely Geopark Karavanke and Project IGR – Zukunft ImGrenzRaum (Future in the Border Region) will be presented in detail in the sections on the Slovenian and the Hungarian ethnic groups.

II.7.3 Bilateral cultural agreements

Austria has signed cultural agreements with the Czech Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Hungary and the Croatian Republic. Multi-annual working programmes are negotiated on the bilateral level at regular intervals.

Austria maintains cultural fora in Prague, Bratislava, Ljubljana, Budapest and Zagreb. By the same token there are also cultural institutes of the Czech Republic, Slovakia, Hungary and Croatia in Vienna.

II.7.4 Trans-frontier activities of the ethnic group organisations

There are also brisk exchanges on the level of the ethnic group organisations with the countries where the languages are used in an identical or similar form. Various ethnic group associations offer and organise special language courses, holiday stays and excursions for children and adults both in Austria and abroad. Artists and lecturers from in these countries are invited to Austria to events of the ethnic group associations. Austrian ethnic group associations take part in events such as, for example, folklore festivals or theatre workshops abroad.

II.8 Eliminating Discrimination (Article 7 paragraph 2)

Article 7 paragraph 2 of the Language Charter

The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.

For details please refer to the Third Periodical Report.

II.9 Promoting Respect and Understanding between the Linguistic Groups (Article 7 paragraph 3)

Article 7 paragraph 3 of the Language Charter

The Parties undertake to promote, by appropriate measures, mutual understanding between all linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.

II.9.1 Curricula

The Committee of Experts encourages the authorities to include in the general national curricula relevant information about the regional or minority languages as an integral part of Austria's cultural heritage. (Margin note 145)

The curriculum for primary schools is very general on the topic of languages/ethnic groups:

- ▶ General educational objective – primary schools as centres of living and learning: “A particular socio-educational task accrues to primary schools in those situations where they can facilitate intercultural learning because children with German and non-German mother tongue are taught together. Aspects of intercultural learning, with special consideration to the cultural heritage of the respective ethnic group will have to be implemented to a special extent in those federal provinces where members of an ethnic group and/or Austrian and foreign children are taught together.”
- ▶ Basic level 2: “To the extent possible languages are observed by means of such forms of teaching that facilitate discussions about language and which help children to understand linguistic structures by discovering, arranging and comparing them.”

The observations on the curricula of public compulsory schools comprise the following statements:

“A comprehensive language education as well as a sustainable language and reading culture are central tasks of schools and thus fixed components of what all-day schools can offer. It is part of language education that all pupils are made aware of and promoted in their linguistic competences, and it comprises multilingualism (native languages and foreign languages), the educational language (mostly German but, for example, also the minority languages) with a view to the requirements of the language of education as well as German as a second language. On account of the importance of languages for teaching and learning processes, methods must be provided which will systematically build up language competences both during learning times and leisure times. It is particularly important to use and promote all language-learning experiences of pupils – both concerning the language of instruction and the native languages, as well as multilingualism in general.”

The curriculum for teaching modern foreign languages states the following for the educational and teaching task:

“Through intercultural topics, pupils shall be promoted in their sensitivity for Europe’s and the world’s language diversity, their receptiveness for the languages of the neighbouring countries – and/or the languages of the autochthonous minorities and labour migrants of their own countries shall be promoted, and their understanding for other cultures and lifestyles shall be deepened.”

The geography and economics curriculum for the eighth grade states: “Developing tolerance vis-à-vis minorities.”

The “Curriculum Multilingualism“, which is a model commissioned by the Education Ministry to develop the basic and further training of teachers, takes account of the minority languages. It states for the fifth and sixth grades:

“Pupils

- can give the names of the minority languages in Austria and several of the native languages of migrants and can link them roughly to historical events;
- can describe the concept of language minority and give some first thoughts to the language rights of minorities;
- inquire about the cultural background of selected linguistic phenomena.”

II.9.2 Teaching principle “intercultural education”

“Intercultural learning” and “political education” or “media education” are so-called teaching principles that apply to all schools and subjects. This means that, in the context of these principles, the issue of respect and understanding which different language groups should afford for one another can be raised in all subjects taught. In this connection teachers have much discretion, also concerning the use of additional materials. *Zentrum polis* makes available materials (upon instruction by the Education Ministry): [projects at politik-lernen.at](http://www.politik-lernen.at)⁵³.

⁵³ <http://www.politik-lernen.at/site/projekte>

Teachers will find additional suggestions for intercultural projects on the following sites: [Multilingual schools topics](#)⁵⁴.

II.9.3 Travelling exhibition for schools

It can be reported that the Education Ministry has commissioned a travelling exhibition on the minorities' school system. This exhibition is meant to bring knowledge about the ethnic groups and their history to schools, also outside the autochthonous settlement areas. All pupils are the target group. The focus will be placed on pupils on secondary level I. Moreover, the exhibition will be used also at university colleges of teacher education and universities for the future teachers as a target group.

The structure of the exhibition should facilitate its use together with experts but also without experts – in the latter case by teachers who have briefed themselves by using the accompanying brochure for teachers.

The Education Ministry specified as follows (excerpt):

“The basic targets of the project are, on the one hand, strengthening the identity and awareness for the specific history of the members of the recognised minorities and, on the other hand, increasing the awareness for the minorities in Austria and/or the knowledge about the policy for the minorities and its possibilities in general. The content should be a historical overview of the development of the minorities and the minority situation and policy in Austria as well as comparisons with other countries.”

The project shall comprise the following elements:

- ▶ A travelling exhibition on a methodical-didactic basis which is designed in a form which appeals to pupils; as a minimum 10 pictures, preferably on roll-up banners.
- ▶ Accompanying material which provides teachers with ideas on how to design their teaching in connection with the exhibition and which comprises concrete teaching examples and lesson plans.
- ▶ Setting up and administering a project advisory board (about 10 to 12 persons) and a lead group (about 4 to 5 persons). Both bodies have to convene for 2 meetings, as a minimum, in the course of the project (preferably at the beginning and the end).

⁵⁴ <http://www.schule-mehrsprachig.at/index.php?id=51>

- ▶ Existing works and/or works under development on this topic shall be taken into account. In this connection, one can especially mention the history book for the Slovenian population in Carinthia and the regional language portfolios for the minority languages as well as the exhibitions “Romane Thana” and “Language Landscape”.
- ▶ Dispatching the exhibition and, if required, activities by lecturers at schools and/or other institutions of the education sector
- ▶ Preparing the project content for digital use by the target groups (pupils and teachers) – accessible via the Internet (optimum scenario).
- ▶ Public relations for the exhibition on the broadest possible basis and announcing it to the target group.

II.9.4 European Studies

European Union Studies can be pursued at the University of Salzburg which focus on the relations to the Czech Republic, Slovakia and Hungary. The inter-disciplinary study course “European Union Studies” is meant to provide students with knowledge about current transformations. It serves to acquire additional competences on issues concerning the transformation of the European Union and its Member States. In addition to the legal and political sciences, other fields of science are part of the inter-disciplinary didactic concept such as history, communications and economics. The geographic focus of the study course and educational programme is on the Czech Republic and the Republic of Slovakia, Poland and Hungary. The practice-oriented approach ensures that graduates are empowered to combine scientific expertise with strategic and practical thinking.

“German and transcultural communication” can be studied at the University of Graz. The bachelor course on transcultural communication offers an introduction, on a scientifically sound basis, to all areas of transcultural communication for the languages Arabic, Bosnian/Croatian/Serbian, German English, French, Italian, Austrian sign language, Russian, Slovenian, Spanish, Turkish and Hungarian. The training is offered in the mother tongue or educational language and two foreign languages, namely foreign language 1 and foreign language 2, which must be chosen from the aforementioned languages. The students are meant to acquire, amongst other things, a sound knowledge of their mother tongue and/or educational language as well as of two foreign languages; comprehensive knowledge of the social, political, cultural and economic situation in the countries of the studied languages as well as cognitive and social competences.

“Transcultural communication” can be studied at the University of Vienna: The bachelor course in transcultural communications conveys the basic scientific knowledge and methods for the purpose of analysing and reflecting on intercultural and transcultural communication. Students acquire knowledge and competences which are required for working in occupations involving multilingual communication at international or multicultural institutions, companies and organisations.

II.10 Taking Account of the Expressed Wishes and Needs and Establishing Bodies (Article 7 paragraph 4)

Article 7 paragraph 4 of the Language Charter

In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.

The Ethnic Groups Act stipulates that ethnic group advisory boards shall be set up for all ethnic groups. Half of the advisory board members are appointed upon proposal by the representative ethnic group organisations. The other half of the members is made up of representatives from political life and the churches. At present, all ethnic group advisory boards have been constituted and are operational. On 8 June 2015 there was also a joint session of all ethnic group advisory boards. The ethnic group advisory boards are the bodies that represent the interests of the ethnic groups, on the one hand, and they have also been set up to advise the Federal Government as well as the governments of the federal provinces, if so requested, on the other hand. Bills that might be of relevance to the ethnic groups are forwarded to the ethnic group advisory boards in the course of the review process. However, the different federal provinces and federal ministries make use of the possibility to seize the ethnic group advisory boards to a different extent. The ethnic group advisory boards submit recommendations on the use of the budget funds earmarked to promote the ethnic groups. The Federal Chancellery endorses these recommendations for promotional funding to the greatest possible extent. The Ethnic Groups Department in the Federal Chancellery is the contact point for the ethnic groups on the level of the federal administration.

On the level of the federal provinces the Ethnic Group Office set up with the Office of the Carinthian Regional Government, in particular, takes important measures for the protection and promotion of the Slovenian ethnic group and its language. In Burgenland the Constitutional Service at the Regional Administrative Office has coordinating responsibilities, amongst others, for the ethnic groups of the Croatian, Hungarian and Roma populations.

All ethnic groups have established a large number of associations on a private basis which organise the life of the community and the educational options for the members of the ethnic groups. The umbrella organisations of the ethnic groups also regard themselves as representatives of the interests of the ethnic groups.

There are good contacts between the representatives of the ethnic groups and the departments of the regional school boards in Carinthia and Burgenland which are responsible for the minorities' school system and/or with the body in control of the Komensky private schools in Vienna. The Department for the Minorities School System in the Education

Ministry plays an active role in conveying the concerns of the ethnic groups in the field of education to the competent units of the Education Ministry.

The Department for the Minorities School System launched the process “Strategy development for the minorities’ school system”, where representatives of the ethnic groups are just as much a part as are the representatives of the Education Ministry and the Federal Chancellery, the regional school boards for Carinthia and Burgenland, the university colleges of teacher training as well as the universities responsible for training teachers. This is meant to specifically feed the needs of the ethnic groups into the development of the minorities’ school system. Three conferences were held on this level in the course of 2015.

The Committee of Experts encourages the Austrian authorities to take the view of the speakers [of the languages of the ethnic groups] into account when revising the legislation concerning the representative bodies of the minority groups [the ethnic group advisory boards] and it looks forward to receiving more information [...] on the effect of the change introduced in the Ethnic Groups Act as to the functioning of the advisory boards in practice. (Margin note 156)

The legal basis concerning the ethnic group advisory boards has not been changed. After a draft for an amendment of the Ethnic Groups Act was sent out for review in February 2012, on which no political consensus could be reached, the programme of the current government does not foresee an amendment of the Ethnic Groups Act. However, the Federal Chancellery, which is responsible for preparing an amendment, has stated repeatedly that it will not refrain from acting if all ethnic group advisory boards express an agreed wish to change specific provisions of the law.

II.11 Non-territorial Languages (Article 7 paragraph 5)

Article 7 paragraph 5 of the Language Charter

The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

The Committee of Experts urges the Austrian authorities to clarify the status of Romani with regard to the traditional presence outside Burgenland as well as whether it is a non-territorial language. (Margin note 159)

Upon ratification of the Language Charter, Austria stated that Part II of the Charter is applied to the minority language “Romani of the Austrian ethnic group of the Roma”. The objectives and principles laid down in Part II of the Charter are therefore applied with regard to this

language. As a matter of principle, this applies throughout the federal territory, yet, it takes into consideration the actual needs and the respective settlement density of the Romani speakers.

III Protection of Languages according to Part III of the Charter

III.1 Burgenland-Croatian in the Burgenland-Croatian language region of the Federal Province of Burgenland

III.1.1 Article 8 Education

III.1.1.1 Pre-school education

Austria has accepted the commitment according to Article 8 paragraph 1 letter a ii.

Article 8 paragraph 1 of the Language Charter

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the state:

- a) ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or

§ 7 paragraph 1 number 1 of the 2009 Burgenland Child Education and Care Act, Regional Law Gazette No. 7/2009 in its currently valid version, provides that Croatian-bilingual care must be provided in the child-care facilities of the following municipalities:

- a) in the political district of Eisenstadt-Umgebung (Eisenstadt and environs): Hornstein, Klingebach, Oslip, Siegendorf, Steinbrunn, Trausdorf an der Wulka, Wulkaprodersdorf, Zagersdorf and Zillingtal;
- b) in the political district of Güssing: Güttenbach, Hackerberg, Heiligenbrunn (in the municipal administrative district of Reinersdorf), Heugraben, Kukmirn (in the municipal administrative district of Eisenhüttl), Neuberg im Burgenland and Stinatz;
- c) in the political district of Mattersburg: Antau, Baumgarten and Draßburg;
- d) in the political district of Neusiedl am See: Neudorf, Pama and Parndorf;
- e) in the political district of Oberpullendorf: Frankenau-Unterpullendorf, Großwarasdorf, Kaisersdorf, Nikitsch and Weingraben;

f) in the political district of Oberwart: Markt Neuhodis (in the municipal administrative district of Althodis), Rotenturm an der Pinka (in the municipal administrative district of Spitzzicken), Schachendorf, Schandorf and Weiden bei Rechnitz;

The Croatian ethnic group language must be used during twelve hours per week, as a minimum. Unless urgent organisational reasons (e.g. assignment to groups, work schedules of the carer staff) prevent it, the language of the ethnic group should be used in the caring activities for one hour every day, if possible, on which the child-care facility is open (§ 2 paragraph 1 of the Ordinance of the Burgenland Regional Government, Regional Law Gazette No. 13/2007).

§ 1 paragraph 2 of the Burgenland law on the specific employment requirements for nursery-school teachers and tutors, Regional Law Gazette 1/1998, in its currently valid version, stipulates proof of the respective language skills as an additional employment requirement for bilingual nursery-school teachers:

Sufficient knowledge of the respective ethnic group language (Croatian or Hungarian) is an additional specific employment requirement for nursery-school teachers who are in charge of heading groups at mixed-language nursery schools. Proof of this knowledge must be provided by submitting the relevant certificate or by successful attendance of courses within one year of the employment, at the latest. If the applicant could not provide the relevant proof within this period for reasons which the applicant does not have to justify, this evidence must be submitted without delay upon completion of the course. In these cases the employment relations shall be limited to two years, as a maximum, and the employment relationship can be converted into an unlimited one upon successful completion of the course.

The authorities report that in autumn 2011, a study course in Croatian was launched, lasting 4 semesters. It is intended for all nursery-school pedagogues and is organised by the Pedagogical University in Eisenstadt. The costs are also paid by Burgenland. The Committee of Experts is very pleased to note this positive development and would welcome information on the concrete results achieved by this training in the next periodical report. (Margin note 170)

The study course for nursery-school teachers at the Pedagogical University Burgenland was offered as of the 2011/12 study year and consisted of altogether 24 ECTS points, to be obtained in four semesters. A total of 16 days of practical work at bilingual nursery schools was required. Successful completion of the study course was linked to the qualification for bilingual education at child-care facilities.

III.1.1.2 Primary education

Austria has accepted the commitment according to Article 8 paragraph 1 letter b ii.

Article 8 paragraph 1 letter b ii of the Language Charter

- ii) to make available a substantial part of primary education in the relevant regional or minority languages; or

The Committee of Experts encourages the Austrian authorities to solve the issue of the absence of criteria and standards for language teaching and to find innovative ways for tackling the problems of the disparity in language skills among pupils as well as a solution for the “opt-out” possibility. (Margin note 179)

Descriptions of competences for the fourth and eighth grade of schooling as well as a language portfolio for the languages of the ethnic groups were elaborated. The regional language portfolio as well as the descriptions of competences account for a higher level of standardisation and professionalization and make it easier to move from one grade of schooling to the next. As part of school autonomy, schools are empowered to adapt their curriculum autonomously and, thus, to design the options available in an ethnic group language to the individual needs of the specific location.

Efforts are made in the field of teacher training in order to prepare them even better for the challenges of teaching in heterogeneous classes. Emphasis was put on expanding all-day school types so that bilingual care can be given over longer periods.

No changes need to be reported with regard to the possibility to opt out from bilingual education at primary schools. In general, the efforts of school authorities are aimed at keeping pupils within the bilingual educational system and to dispel any concerns of parents who are considering the opt-out alternative.

III.1.1.3 Secondary education

Austria has adopted the commitment according to Article 8 paragraph 1 letter c iii.

Article 8 paragraph 1 letter c iii of the Language Charter

- iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;

The following tables show the development of teaching Croatian at secondary schools (lower-level secondary schools and/or new middle schools [NMS], upper-level secondary general schools [AHS], middle and upper-level secondary vocational schools [BMHS]).

Table 26 Lower-level secondary schools and/or new middle schools teaching Croatian, Burgenland

School	Number of pupils 2011	Comments 2011	Number of pupils 2014/15	Comments 2014/15
HS Oberpullendorf-NMS	26	optional compulsory subject	38	compulsory subject
HS Oberpullendorf-NMS	8	optional exercise		
HS Stegersbach-NMS	19	optional compulsory subject	8	compulsory subject
HS Rechnitz-NMS	6	optional compulsory subject	19	compulsory subject
NMS St. Michael			19	compulsory subject
HS Mattersburg-NMS	17	optional compulsory subject		
HS Theresianum Eisenstadt, NMS	21	optional subject	16	of which 6 alternative compulsory subject 10 optional subject
HS Eisenstadt Rosental-NMS	12	optional exercise	27	of which 19 alternative compulsory subject, 8 optional exercise
R.K. HS Neusiedl/See	5	optional exercise		
HS Neufeld-NMS	7	optional exercise	6	optional exercise
HS Purbach-NMS	10	optional exercise	8	optional exercise
HS Siegendorf-NMS	18	optional exercise	18	of which 7 alternative compulsory subject, 11 optional exercise
HS Schattendorf-NMS	7	optional exercise		
HS Stoob-NMS	8	optional exercise		
HS Deutschkreutz-NMS	5	optional exercise		
HS Großpetersdorf	6	optional exercise		
HS Kohfidisch	8	optional exercise		
HS Rudersdorf-NMS	7	optional exercise		
Total	190		159	

Source: Regional School Board Burgenland, own presentation

Table 27 Lower-level secondary schools and/or new middle schools with Croatian in other forms of teaching, Burgenland

School	Number of pupils 2011	Comments 2011	Number of pupils 2014/15	Comments 2014/15
HS Großwarasdorf – NMS	52	bilingual school	48	bilingual school
HS St. Michael, NMS	68	optional compulsory subject and bilingualism in some subjects	52	bilingual teaching in some subjects
HS Großpetersdorf –Music NMS Großpetersdorf	19	optional compulsory subject and bilingualism in some subjects	42	bilingual teaching in some subjects
NMS Rechnitz			10	bilingual teaching in some subjects
Total	139		152	

Source: Regional School Board Burgenland, own presentation

Croatian taught in different forms of teaching is offered at several upper-level secondary general schools (grammar schools) in Burgenland. Details are shown in the table below.

Table 28 Croatian at upper-level secondary general schools (AHS), Burgenland

Form of teaching	School	Number of pupils 2011	Number of pupils 2014/15
Optional subject	G Diözese Eisenstadt	7	12
	ORG Theresianum Eisenstadt	20	6
	BG Mattersburg	18	18
	Bildungsanstalt für Kindergartenpädagogik Oberwart	27	29
	Total	72	65
Optional exercise	BG Oberschützen	-	-
	BG Oberwart	-	19
	Gesamt	--	19
Compulsory subject	BG Oberpullendorf	24	70
	BG Eisenstadt	21	58
	Total	45	128
Optional compulsory subject	BG Oberpullendorf	-	-
	ORG Theresianum Eisenstadt	5	11
	BG/BRG/BORG Eisenstadt	-	35
	Total	5	46
Pilot project	BG Eisenstadt	49	-
	BG Oberpullendorf	44	-
	Total	123	-
Bilingual school	BG Oberwart	104	110
	Total	104	110
Total		349	368

Source: Regional School Board Burgenland, own presentation

G = grammar school; BG = federal grammar school, ORG = senior level modern-language grammar school, BRG = federal modern-language grammar school; BORG = federal senior level modern-language grammar school.

Attendance of Croatian classes at vocational middle and upper-level schools in Burgenland was as follows:

Table 29 Croatian at vocational middle and upper-level schools (BMHS), Burgenland

Form of teaching	school	Number of pupils 2011	Number of pupils, 2014/15
optional subject	HLW + FW Theresianum	14	17
	BHAK/BHAS Eisenstadt	11	32
	BHAK/BHAS Mattersburg	24	6
	BHAK/BHAS Oberpullendorf	15	11
	Total	64	66
compulsory subject	BHAK Frauenkirchen	-	-
	Total	-	-
optional compulsory subject	BHAK/BHAS Stegersbach	71	60
	BHAK Oberwart	-	-
	BHAK Mattersburg	-	-
	HBLW Oberwart	-	-
	HLW Pinkafeld	-	-
	Total	71	60
Total		135	126

Source: Regional School Board Burgenland, own presentation

HLW + FW = higher training institute for commercial occupations + vocational school for commercial occupations; BHAK = Federal Commercial College; BHAS = federal business school; HBLW = federal higher training institute for commercial occupations

The Committee of Experts encourages the authorities to study [...] the possibility to modify the statutory arrangements of the Minority School Act, in order to promote a better continuation of bilingualism at secondary school level. (Margin note 186)

Only a relatively small percentage of the pupils that receive instruction in the language of the ethnic group at primary school continue learning the language of the ethnic group on the secondary level. The requirement to sign up for lessons in the language of the ethnic groups on the secondary education level – in contrast to the primary level – is *only one factor*. In addition, organisational and resource-related issues also play a role. The main aspect is whether parents/guardians and pupils themselves strive for comprehensive skills in the language of the ethnic group, or whether they are satisfied with beginners' skills. In this connection, the horizon of expectations of the social environment has a decisive impact on mastering the language of the ethnic group. Attitudes concerning importance in society and economic exploitability of the language of the ethnic group, but also the confidence of individual persons in their personal ability to acquire an additional language play a role in this context.

At present, there are no plans to change the statutory provisions of the school laws with the effect of using an opt-out principle instead of the opt-in principle on the secondary school level.

III.1.1.4 Technical and vocational education

Austria has accepted the commitment according to Article 8 paragraph 1 letter d iv.

Article 8 paragraph 1 letter d of the Language Charter

- i) to make available technical and vocational education in the relevant regional or minority languages; or
- ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;**

The Committee of Experts encourages the authorities to continue their efforts in expanding the offer of Burgenland-Croatian education to other vocational schools. (Margin note 189)

As a matter of principle, Croatian can also be taught at middle and upper-level technical vocational schools as well as at vocational schools as soon as the required number of pupils has signed up. (See § 5 paragraph 2 of the Burgenland Compulsory School Act and § 14 of the Minority School Act for Burgenland). However, pupils and/or their parents often prefer subjects offered by specific school types and focusing on specific areas.

III.1.1.5 University education

Austria has accepted the commitment according to Article 8 paragraph 1 letter e iii.

Article 8 paragraph 1 letter e of the Language Charter

- i) to make available university and other higher education in regional or minority languages; or
- ii) to provide facilities for the study of these languages as university and higher education subjects; or
- iii) if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

Croatian can be studied at various universities in Austria as part of the Bosnian/Croatian/Serbian studies, namely in Vienna, Graz, Innsbruck and Klagenfurt. Only isolated courses are offered specifically for Burgenland-Croatian such as – currently in

Vienna – “The older Burgenland-Croatian literature” or “Burgenland-Croatian between standard and dialect: Current linguistic trends”.

Every year, about 150 students learn Croatian at the University of Applied Sciences Burgenland, either in the study courses “international trade relations”, “European studies” or in the course on “human resource management”. Many of the students also spend their compulsory traineeship in Croatia. In addition, the University of Applied Sciences Burgenland organises summer colleges in Croatia, amongst others. For example, every year a summer college takes place at Pula/Croatia. The most recent one was held from 5 to 25 July 2015. The goal is to learn and improve the language skills by teaching the language on site, sometimes by way of tandem teaching.

III.1.1.6 Adult education

Austria has accepted the commitment according to Article 8 paragraph 1 letter f iii.

Article 8 paragraph 1) letter f iii of the Language Charter

iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

Since Burgenland-Croatian deviates from standard Croatian, it can actually only be learnt in courses which the organisations of the ethnic groups offer (in particular, the Adult Education Centre of the Burgenland-Croatians; KUGA kulturna zadruga; Education Centre of the Burgenland-Croatians; Burgenland-Croatian Cultural Association in Vienna).

III.1.1.7 Teaching history and culture

Austria has accepted the commitment according to Article 8 paragraph 1 letter g.

Article 8 paragraph 1 of the Language Charter

g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

The Committee of Experts encourages the authorities to make provision in the general curriculum to ensure the teaching of the history and the culture reflected by the regional or minority languages. The Committee of Experts encourages the authorities to intensify their efforts in including in the curriculum of the German (monolingual) schools in Burgenland the teaching of the history and the culture reflected by the Burgenland-Croatian language. (Margin note 193)

See comments in connection with margin note 145.

III.1.1.8 Teacher training

Austria has accepted the commitment according to Article 8 paragraph 1 letter h.

Article 8 paragraph 1 of the Language Charter

h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

At the university college of teacher education in Eisenstadt teachers are trained for the bilingual Burgenland-Croatian school system on a regular basis: [Education Server Burgenland School Guide](#)⁵⁵.

III.1.1.8.1 Initial and additional training for bilingual Croatian teachers

The Committee of Experts encourages the authorities to increase their efforts concerning the training of the teachers. (Margin note 198)

The following comments are submitted on this point: The study course at the University College of Teacher Education Burgenland was successfully transferred to the system “New Teacher Training”. In the new curriculum for the training of primary school teachers, the content of the training for bilingual teachers has been assigned systematically to the focus “multilingualism”. This option is available both to teachers receiving their initial training and as additional training to active teachers.

On the basis of a recently signed agreement with the Education Ministry, work has begun on developing a separate subject “Standard Croatian and Burgenland-Croatian” for the entire secondary school level at the Eisenstadt location. Half a teaching position will most likely be available for a professorship in Croatian as of 2016. In the same year the curriculum will be developed with the support of the University of Graz. It is expected that students will be able to study the subject Burgenland-Croatian as of 2017/18 at the latest.

⁵⁵ <http://www.bildungserver.com/schulfuehrer/news/1321/schule/312/action/showNews/controller/School/>

III.1.1.8.2 Language workshop

In cooperation with the Regional School Board for Burgenland and after obtaining the approval and support of the Education Ministry, the University College of Teacher Education Burgenland has set up a regional special didactics centre for languages, taking particular account of the languages of the ethnic groups in Burgenland. Since the beginning of the 2008/2009 school year the centre has provided teaching support and promoted the further professionalization of active teachers. This language workshop has provided the infrastructure for ongoing activities of the permanent teachers' working groups of the ethnic groups in Burgenland and for projects of the University College of Teacher Education Burgenland to further develop teaching.

The function of the language workshop:

- ▶ regional special didactics centre (especially for the ethnic groups)
- ▶ a place for the activities of the working groups
- ▶ a library and media library with publications of the ethnic groups in Burgenland (especially didactic materials, textbooks and specialised literature)
- ▶ a place for meetings and cooperation events of the ethnic groups in Burgenland
- ▶ a place to present new publications
- ▶ a location for further training and continuous development seminars
- ▶ new teaching materials are being developed in this language workshop on an ongoing basis which can be accessed on the website (lms - Learning with a System⁵⁶) after logging in on the welcome page.

III.1.1.9 School supervisory board

Austria has accepted the commitment according to Article 8 paragraph 1 letter i.

Article 8 paragraph 1 of the Language Charter

- i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings which will be made public.

⁵⁶ https://lms.at/dotlrn/classes/bgld_kroatisch/1.SPRACHENWERKST_SPRW.12_13/register

A department in the Regional School Board for Burgenland has competences for the minorities' school system: Staff members on the Regional School Board for Burgenland⁵⁷.

The authorities report that statistical data are published every year by the Regional School Board for Burgenland. In the view of the Committee of Experts, these cannot however be compared with periodic public reports in terms of the Charter, evaluating the progress achieved in establishing and/or developing the teaching of Burgenland-Croatian. (Margin note 200)

The Committee of Experts looks forward to receiving more concrete information on this undertaking, especially with regard to the development of the reporting system in terms of the Charter, mentioned in margin note 200. (Margin note 202)

No changes can be reported concerning the reporting structure of the Regional School Board for Burgenland in relation to the minorities' school system. The Education Ministry is examining the considerations of the Committee of Experts concerning a publicly accessible reporting structure in terms of the Charter.

III.1.1.10 Education outside the autochthonous settlement area

Austria has accepted the commitment according to Article 8 paragraph 2.

Article 8 of the Language Charter

(2) With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all appropriate stages of education.

§ 5 paragraph 2 of the Burgenland Compulsory School Act, Regional Law Gazette No. 36/1995 in its currently valid version, stipulates for Burgenland that for the Croatian, Romani, Slovak, Slovene, Czech and Hungarian languages an optional subject or a voluntary exercise shall be taught as soon as five pupils have signed up, even in cases where this does not concern traditionally bilingual municipalities.

⁵⁷ <http://www.lsr-bgld.gv.at/index.php?id=276>

In other federal provinces Croatian is offered as part of mother-tongue teaching, for example. In the 2013/14 school year, 140 teachers taught 10,907 pupils in mother-tongue classes “Bosnian/Croatian/Serbian”. However, there is no mother-tongue education in Burgenland-Croatian. The bilingual model at the “Sir Karl Popper School” with the title “HIP – Hrvatski integrativni projekt” at a primary school in Vienna has ended and was not continued, due to lack of interest on the part of Burgenland-Croatian parents. There is sporadic teaching of Croatian as a second foreign language such as, for example, at the commercial academy at Grazbachgasse, Graz, at the Training Centre St. Josef in Salzburg or at the Vocational School for Office Clerks at Meiselstraße in the fifteenth district of Vienna. Croatian is taught in Vienna at adult-education institutes as well as at the WIFI (Institute for Economic Promotion). As was mentioned before, there is also teaching of Burgenland-Croatian in Vienna at the Croatian Centre at Schwindgasse. There is also a Burgenland-Croatian nursery-school group at the Croatian Centre.

III.1.2 Article 9 Judicial authorities

The Ethnic Groups Act in the version of the amendment of July 2011, Federal Law Gazette No. 46/2011, contains the obligation stipulated as *constitutional law* that the authorities listed in Schedule 2 to the Ethnic Groups Act must ensure that the Croatian, Slovenian or Hungarian language can be used as official language, in addition to the German language, in communications with the respective authorities and offices. The courts listed in the Schedule have remained the same for the Croatian ethnic group: the district courts of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart and the regional court of Eisenstadt.

The aforementioned amendment eliminated the restriction to Austrian nationals of the right to use the language of the ethnic group as official language. This took account of the case law of the European Court of Justice.

The Committee of Experts would welcome more information in the next monitoring cycle as to what extent the amendment of the Ethnic Groups Act has led to concrete changes and improvement on the use of Burgenland-Croatian in courts in practice. (Margin note 208)

The Federal Ministry of Justice reported that, in the absence of automation-supported records on the use of Burgenland-Croatian before courts (number of cases), no report can be given on possible specific changes or improvements concerning the actual use of Burgenland-Croatian before courts. During the years in question, there were no indications of any problems concerning the use of Burgenland-Croatian before courts. Please refer to the comments on margin notes 68, 69 for further information.

As far as is known, in practice the amendment of the Ethnic Groups Act did not lead to any changes concerning the Croatian ethnic group. Even though the courts have been instructed to strictly comply with any requests for the use of Croatian as an official language, the demand for Croatian as an official language appears to be small both in civil-law and in criminal-law cases. One of the reasons might be that the language competence of many members of the ethnic group – especially for using the language in other than everyday

contexts or in written form – is not sufficient, or that the language of the ethnic group has been mastered to a lesser degree than the German language.

The Committee of Experts strongly urges the authorities to take practical steps so as to ensure that the possibility to use Burgenland-Croatian in criminal and civil proceedings and in proceedings before courts concerning administrative matters is secured in practice. (Margin note 210)

For particularly frequent legal procedures such as legal aid, orders for payment procedure, legal actions in labour and social law proceedings, applications for execution/forced collection, the necessary forms have been made available in the Croatian language on the website of the Federal Ministry of Justice⁵⁸, in order to facilitate the use of the Croatian language in practice.

III.1.2.1 Judicial authorities – Criminal proceedings

Austria has accepted the commitment according to Article 9 paragraph 1 letters a ii and iii.

Article 9 paragraph 1 of the Language Charter

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- a) in criminal proceedings:
 - ii) to guarantee the accused the right to use his/her regional or minority language; and/or
 - iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

See above; there are no further changes that need to be reported.

⁵⁸ <https://www.justiz.gv.at/web2013/html/default/8ab4ac8322985dd501229ce38af900a6.de.html>

III.1.2.2 Judicial authorities – Civil proceedings

Austria has accepted the commitment according to Article 9 paragraph 1 letters b ii and iii.

Article 9 paragraph 1 of the Language Charter

b) in civil proceedings:

ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii) to allow documents and evidence to be produced in the regional or minority languages if necessary by the use of interpreters and translations;

See above; there are no further changes that need to be reported.

III.1.2.3 Proceedings before administrative courts

Austria has accepted the commitment according to Article 9 paragraph 1 letters c ii and iii.

Article 9 paragraph 1 of the Language Charter

c) in proceedings before courts concerning administrative matters:

ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

iii) to allow documents and evidence to be produced in the regional or minority languages if necessary by the use of interpreters and translations;;

A two-tier administrative justice system was introduced in Austria at the beginning of 2014, as has been mentioned before repeatedly. In the course of this reform, administrative appeals processes were eliminated. The Federal Court of Administration is now responsible for complaints concerning matters affecting the immediate federal administration, the Federal Fiscal Court deals with complaints in matters of public charges and there is one administrative court for every federal province. The administrative courts of the federal provinces succeeded the independent administrative senates of the federal provinces. The legal remedy against decisions of the administrative courts is to appeal to the Supreme Administrative Court as well as to lodge a complaint to the Constitutional Court, in case of violations of rights under constitutional law.

The Administrative Court Burgenland is an authority under I.C.1.b) of Schedule 2 to the Ethnic Group Act, as a result of which Croatian is admitted as an official language.

In keeping with § 13 paragraph 13 of the Federal Fiscal Court Act, the main location and the branch offices of the Federal Fiscal Court are regarded as public offices according to § 13 of

the Ethnic Group Act, Federal Law Gazette No. 396/1976⁵⁹. In other words, they are regarded as authorities or public offices where Croatian can be used as official language.

III.1.2.4 No charges for translations

Austria has accepted the commitment according to Article 9 paragraph 1 letter d.

Article 9 paragraph 1 of the Language Charter

d) to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

Please refer to the Second Periodical Report.

III.1.2.5 Validity of documents

Austria has accepted the commitment according to Article 9 paragraph 2 letter a.

Article 9 paragraph 2 of the Language Charter

The Parties undertake:

a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

Please refer to the Second Periodical Report.

III.1.3 Article 10 Administrative authorities and public services

III.1.3.1 Administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 1 letters a iii and c.

⁵⁹ https://www.ris.bka.gv.at/Dokumente/BgblPdf/1976_396_0/1976_396_0.pdf

Article 10 paragraph 1 of the Language Charter

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a)
- iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
- c) to allow the administrative authorities to draft documents in a regional or minority language.

The Committee of Experts asks the authorities for more information on the possibility for Burgenland-Croatian speakers to submit oral or written applications and receive a reply in this language. (Margin note 215)

A survey among the federal ministries concerning their respective subordinate public offices shows the following:

At present, the Regional Office Burgenland of the Federal Office for Social and Disability Matters (Social Ministry Service) has two staff members who, if necessary, can provide information and advice in Croatian. One of these officials works at the Public Client Reception (OKE) and can mostly offer immediate advice/information on the phone or in person. The Labour Inspectorate Eisenstadt has four staff members who have Croatian language skills.

The Federal Ministry of Finance reports that the tax offices in Eisenstadt and Oberwart have staff with Croatian language skills. The most important forms of the fiscal administration⁶⁰ are available in the languages of the ethnic groups, among them Croatian.

At the land surveying offices at Eisenstadt, Neusiedl am See and Oberwart, at the weights and measures office of Eisenstadt and at the information and tele-working centre at Güssing, there are no staff members who speak Burgenland-Croatian. In recent years there were neither official acts nor any customer services where the use of this language was requested for oral or written communication. When so needed, there can be recourse to administrative assistance from the local authorities and administrative institutions such as the municipal

⁶⁰ https://service.bmf.gv.at/Service/Anwend/Formulare/_start.asp??typ=AW&styp=spr

office, the labour inspectorate, or the district commission. One staff member speaks Burgenland-Croatian at the information and tele-working centre at Oberpullendorf of the weights and measures office.

The Federal Ministry of Defence and Sports reported that use of the Croatian language, in keeping with the provisions of the Ethnic Groups Act, has been ensured at the Military Command Burgenland as well as the draft boards in Vienna and Styria. Especially during office hours (for the draft boards only on the drafting days of the respective municipalities) an official is available, who is skilled in writing and speaking in the language of the ethnic group.

III.1.3.2 Local and regional administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 2 letters b and d.

Article 10 paragraph 2 of the Language Charter

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;

In Burgenland many officials, who are competent in the minority language, are employed on the regional and municipal level. The Regional Administrative Training School and/or the Administration Academy Burgenland offer language courses (beginners and advanced courses) on an ongoing basis to regional and local officials. The Office of the Burgenland Regional Government underlines that, to date, there has not been a single case in which the use of the official language – be it in oral or written form – was obstructed or not facilitated. In recent years data material was collected which documents that the use of the minority languages as official language has remained relatively constant. There are, though, differences between the various municipalities. It also needs to be emphasized that the use of the ethnic group language as official language at oral official acts is of great significance. In some municipalities, for example, up to 80% of all (oral) inquiries and customer services (by phone or personal interventions) are handled in the language of the ethnic group.

The amendment of the National Minorities Act lists six administrative districts in Burgenland where Burgenland-Croatian is an official language and where its use is mandatory. Eisenstadt, which is the administrative capital and where a number of Burgenland-Croatian speakers reside, is out of the list. The city of Eisenstadt is not classified as an autochthonous settlement area of the Burgenland-Croatian population. However, within the administrative district of Eisenstadt, nine municipalities are included in the list. The double status of

Eisenstadt as district centre and as regional capital requires a clarification of the position of Burgenland-Croatian in the city of Eisenstadt. Therefore the Committee of Experts asks the authorities to clarify this issue in the next periodical report. (Margin note 217)

The district commissions are set up as authorities of the general administration of the State. In Burgenland there are seven *district commissions* plus the *municipal authorities* of the two towns with independent statute, i.e. Eisenstadt and Rust. One of the district commissions is “Eisenstadt Environs”. This district commission exclusively covers municipalities that are situated around Eisenstadt. The municipal departments for the urban area of Eisenstadt act as district commission. It is for purely practical reasons that the offices of the district commission “Eisenstadt Environs” are located in the urban area of Eisenstadt. Croatian is admitted as an official language at the district commission “Eisenstadt Environs”. However, it is not admitted at the municipal authorities of the Free City of Eisenstadt.

However, there are also authorities that have their offices in Eisenstadt and whose geographic scope goes beyond the urban area of Eisenstadt. If their scope of coverage (partly) overlaps with bilingual districts, then the language of the ethnic group is also admitted at those authorities and their offices in Eisenstadt. This applies to federal authorities (see item III.1.3.1 above), on the hand, and the regional administrative court (see item III.1.2.3. above), on the other hand, as well as the Office of the Burgenland Regional Government.

The Committee of Experts encourages the authorities to extend the possibility of submitting oral or written applications to the entire Burgenland-Croatian speaking area. (Margin note 221)

Austria does not plan any change in the provisions on official languages in the direction of extending the list of those municipalities and districts where Croatian is admitted as an official language. When reforming the provisions on official languages in 2011, it was examined whether all municipalities in Burgenland with a significant percentage of Croatian-speaking and/or bilingual citizens have been identified. As this was the case, it was not necessary to change the substance of these provisions. As Croatian has been admitted as an official language at six of the altogether nine district commissions, the largest part of the regional territory and, in any event, the autochthonous settlement area of the Croatian ethnic group is covered.

The Committee of Experts urges the Austrian authorities to take measures to facilitate the publication by local authorities of their official documents in Burgenland-Croatian. (Margin note 225)

As far as it is known, municipalities do not make use of the possibility of § 13 paragraph 4 of the Ethnic Group Act to additionally use the language of the ethnic group for public announcements. However, the Internet pages of the bilingual municipalities, as well as brochures and municipal newsletters often comprise sections in the language of the ethnic group.

III.1.3.3 Translations at administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 4 letter a.

Article 10 paragraph 4 of the Language Charter

With a view to putting into effect those provisions of paragraphs 1, 2, and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a) translation or interpretation as may be required;

Unless the competent official himself/herself has (sufficient) knowledge of the official language Croatian, interpreters shall be called in to attend proceedings, and/or documents shall be translated.

III.1.3.4 Family names

Austria has accepted the commitment according to Article 10 paragraph 5.

Article 10 paragraph 5 of the Language Charter

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

The use and the adoption of first and family names in the languages of the ethnic groups have been ensured. § 5 of the Civil Status Ordinance, Federal Law Gazette No. 629/1983 in the version of Federal Law Gazette II No. 1/2010, provides that names must be reproduced faithfully in every letter and sign when entered into public civil registries on the basis of public documents.

The 2013 Act Amending the Rights of Children and Use of Name Law, Federal Law Gazette I No. 15/2013, has made it possible since 1 April 2013 to choose a gender-related form of the family name by simple statement if this correlates with the origin of the person or the tradition of the language from which the name is derived. However, it can also be determined – if so requested – that any ending of the name pointing to the gender of the person concerned shall be avoided. The same applies to the name given to a child. The above law also introduced as explicit facts in the law on name changes that no fee shall be charged when obtaining a gender-related form of the name (see § 2 paragraph 1, numbers 7 and 7a in conjunction with § 6 of the Change of Name Act (see § 2 paragraph 1 number 7 and 7a in conjunction with § 6 of the Change of Name Act in the version of Federal Law Gazette I No. 161/2013).

III.1.4 Article 11 Media

III.1.4.1 Radio

Austria has accepted the commitment according to Article 11 paragraph 1 letter b ii.

Article 11 paragraph 1 of the Language Charter

(1) The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

b) ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

The following radio programmes are produced for the Croatian ethnic group:

Table 30 ORF Regional Studio Burgenland (Radio)

Programme	Broadcast	from	to	Duration
Croatian news	Mon – Sat	12:40	12:42	00:02
Croatian journal	Sun – Fri	18:15	18:25	00:10
Croatian journal	Sat	18:15	18:22	00:07
Misao za smisao (religious programme in Croatian)	Sat	18:22	18:25	00:03
Croatian programmes:	Mon – Sun	18:25	18:55	00:30
Kulturni tajedan (Croatian cultural programme)	Mon	18:25	18:55	00:30
Plava rasa (Croatian children's programme)	Tues	18:25	18:55	00:30
Širom-barom (Croatian magazine)	Wed	18:25	18:55	00:30
Poslušajte priliku (Croatian Talk)	Thurs	18:25	18:55	00:30
Živo srebro (Croatian youth programme)	Fri	18:25	18:55	00:30
Časak radosti (Croatian musical request programme)	Sat, Sun	18:25	18:55	00:30
Rub i sredina (Croatian magazine)	Mon	20:04	20:30	00:26

Source: ORF Activity Report 2014

III.1.4.2 Television

Austria has accepted the commitment according to Article 11 paragraph 1 letter c ii.

c) ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

The following television programmes are produced for the Croatian ethnic group:

Table 31 Television programmes in Burgenland

Programme	Station	Broadcast	from	to	Duration of programme	Language
Dobar dan, Hrvati	ORF 2 Burgenland	Sun (1 x week)	13:30	14:00	00:30	Burgenland-Croatian
Servus, Szia, Zdravo, Del tuha	ORF 2 Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland-Croatian, Romani

Source: ORF Activity Report 2014

These Croatian programmes are broadcast as repeat programmes throughout Austria:

Table 32 Television programmes that can be received throughout Austria

Programmes	Station	Broadcast	Broadcasting time	Duration	Language
Dobar dan, Hrvati, repeat programme	ORF 2	Mo (1 x week)	night programme	00:30	Burgenland-Croatian
Dobar dan, Hrvati, repeat programme	ORF III	Di (1 x week)	09:30	00:30	Burgenland-Croatian
Servus Szia Zdravo Del tuha, repeat programme	ORF III	Di (6 x year)	11:00	00:25	Burgenland-Croatian, Hungarian, German, Romani

Source: ORF Activity Report 2014

III.1.4.3 Audio and audio-visual works

Austria has accepted the commitment according to Article 11 paragraph 1 letter d.

d) to encourage and/or facilitate the broadcasting of audio and audio-visual works in the regional or minority languages;

The production and dissemination of audio and audio-visual works in the languages of the ethnic groups is supported from the budget for the promotion of the ethnic groups. Productions with Burgenland-Croatian songs and tamburizza music are particularly popular. KUGA kulturna zadruga, the cultural association, has repeatedly produced bilingual musicals with children or young persons. These were audio-recorded. A DVD was produced of the musical production of the Youth Initiative Croatian-Minihof "Za dobra stara vremena".

Moreover, reference is made to film recordings of performances of Burgenland-Croatian amateur theatre groups⁶¹ which can also be rented.

Furthermore, the ORF Regional Studio Burgenland also engages in off-air initiatives for the ethnic groups. In November 2014 a CD with songs of the Hornstein composer Johann Probst⁶² was presented to an audience at the public studio of ORF Burgenland and a folder of his music scores was presented. The CD with Croatian hit songs is a co-production of ORF and HKDC, the Croatian Cultural and Documentation Centre.

III.1.4.4 Newspapers

Austria has accepted the commitment according to Article 11 paragraph 1 letter e i.

e) i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

The Committee of Experts urges the authorities to take measures to ensure the continued existence of a newspaper in Burgenland-Croatian [Hrvatske novine]. (Margin note 239)

The situation of the Burgenland-Croatian newspaper Hrvatske novine is unchanged. It receives considerable grants every year from the promotional funding for the ethnic groups and press promotion funding. In addition, the newspaper editor is contributed by the public sector as a so-called “living subsidy”.

III.1.4.5 Financial support for audio-visual productions

Austria has accepted the commitment according to Article 11 paragraph 1 letter f ii.

f) ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;

⁶¹ http://www.hkd.at/index.php?option=com_content&view=article&id=90&Itemid=273&lang=de

⁶² <http://volksgruppen.orf.at/hrvati/meldungen/stories/2678047/>

As far as is known, no Burgenland-Croatian production of a television or feature film was promoted during the monitoring period. Please refer to the comments in connection with margin note 235 concerning the provisions for promotion Austrian film productions.

The film “The Burgenland-Croatians” – artkicks by DI Helmut Potutschnig was promoted by the Television Fund Austria. However, it is not written in the Croatian language.

III.1.4.6 Radio and television from neighbouring countries / Freedom of expression

Austria has accepted the commitment according to Article 11 paragraph 2.

(2) The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the re-transmission of radio and television broadcasts from neighbouring countries in such a language, They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interest of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Broadcasting stations from Croatia can be received via satellite or Internet and partly also via cable. Books and other print media can be obtained from abroad.

III.1.5 Article 12 Cultural activities and facilities

III.1.5.1 Support for cultural and linguistic activities

Austria has accepted the commitment according to Article 12 paragraph 1 letters a and d.

(1) With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including *inter alia* the use of new technologies – the

Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
- d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

In 2015, an amount of € 1,110,600 was available to the Croatian ethnic group from the budget of the Federal Chancellery for the promotion of the ethnic groups. The largest part of this sum was allocated to the ethnic group organisations in Burgenland and a smaller amount to the ethnic group organisations in Vienna. In addition, there is financial assistance by the Education Ministry, the Federal Province of Burgenland and the municipalities. The promotional funding is used both for maintaining the infrastructure in the form of clubhouses or staff and for specific activities of the ethnic groups. The organisations of the ethnic groups then organise cultural programmes, lectures, language courses, holiday camps for children, publish newsletters of the organisation in the language of the ethnic group or in bilingual form, books, CDs, in addition to offering tamburizza lessons as well as sports activities. There is no specific fixed theatre building for the ethnic group, but there are a number of Burgenland-Croatian amateur theatre groups. One of the most recent productions was also noticed by the supra-regional media: My Fair Lady in Burgenland-Croatian⁶³.

KUGA Kulturna zadruga at Großwarasdorf in the centre of Burgenland can be mentioned as the cultural centre. In many cases the local ethnic group associations can use municipal premises. There is close cooperation with, and support of the associations of the ethnic groups by the municipalities. The Croatian Cultural Association in Burgenland has a library, an archive of tamburizza scores and a videothek. Individual municipal libraries also have a section for the Croatian language such as, for example, the municipal library at Nikitsch. The Croatian Centre for Culture and Documentation collects archive records that are specific of the ethnic groups. The Scientific Institute of the Croatian population in Burgenland has set up a Burgenland-Croatian dictionary on its website. The so-called language commission sheds scientific light in case of doubts concerning linguistic issues and finds recognised

⁶³ <http://kurier.at/lebensart/kiku/welturauffuehrung-my-fair-lady-als-open-air-musical-auf-burgenland-kroatisch/71.710.028>

translations. Furthermore, the new media are taken into account, as textbooks for the minorities' school system comprise attached data supports. Several years ago an e-learning programme in the three languages of the ethnic groups in Burgenland was published with support from the Federal Chancellery. Last year the Croatian Cultural Association in Burgenland published an application for mobile phones where the text of well-known Burgenland-Croatian songs can be downloaded. The presidium of the SPÖ members of parliament from Croatian and mixed-language municipalities has published data supports with bilingual profiles of their municipalities.

III.1.5.2 Cultural activities outside the autochthonous settlement area

Austria has accepted the commitment according to Article 12 paragraph 2.

(2) In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

The Croatian Centre, the Burgenland-Croatian Cultural Association and the Croatian Association of University Graduates have their offices in Vienna. The premises of the Croatian Centre at Schwindgasse are used for social and cultural events. A Burgenland-Croatian children's group has been set up at the Centre. There is a library with literature in the Croatian language at this location. One should also mention the cooperation with Croatian associations that do not belong to the organisations of the ethnic group. In addition, cultural events of artists from Croatia are held in Vienna time and again.

<http://www.hrvatskicentar.at/>

III.1.5.3 Cultural policy abroad

Austria has accepted the commitment according to Article 12 paragraph 3.

(3) The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

At present, no current examples can be given of cases where Burgenland-Croatian was taken into account in the framework of Austria's cultural policy abroad.

III.1.6 Article 13 Economic and social life

Austria has accepted the commitment according to Article 13 paragraph 1 letter d.

- (1) With regard to economic and social activities, the Parties undertake, within the whole country:
- a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
 - b) to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
 - c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
 - d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above-sub-paragraphs.**

There are no changes that can be reported.

III.1.7 Article 14 Trans-frontier exchanges

Austria has accepted the commitment according to Article 14 letter b.

The Parties undertake:

- b) for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

The West-Balkan countries, including Croatia, constitute a geographic focus of Austria's cultural policy abroad. There is a bilateral cultural agreement between Austria and Croatia as well as an agreement on scientific-technical cooperation. An Austrian cultural forum has been set up in Zagreb. Moreover, there are Austrian libraries in Osijek, Rijeka and Zadar.

In view of the fact that Croatian is also spoken by groups in Slovakia and Hungary, it can be reported that cultural agreements have also been signed with these countries, and that Austrian cultural fora have been set up in Bratislava and Budapest.

Cooperation with Austria was further intensified with Croatia's accession to the EU on 1 July 2013. The Burgenland-Croatian ethnic group but also the migratory Croatian community constitute important connecting links between the two countries. Already before EU accession, twinning projects – for example in the fields of security and the environment – were carried out with Croatia. During the programme period 2014 to 2020, Croatia will take part in several EU programmes in which Austria also cooperates. There is no bilateral ETC (European Territorial Cooperation) programme, though, because Austria and Croatia are not immediate neighbours. However, there have been projects with Slovakia and Hungary in the

framework of bilateral ETC programmes, where the local resident Croatian minorities were also involved.

Every year the applied-science university Burgenland organizes a three-week summer college at Pula⁶⁴, Croatia, for its students of the study course international economic relations where they can acquire in-depth Croatian language skills. The programme is promoted by the Federal Ministry of Science and Research.

Like Austria, Slovakia and Hungary, Croatia is a partner of the CEEPUS Central European Exchange Programme for University Studies. Further options for academic exchanges exist in the framework of the ERASMUS programme of the EU. In addition, there is the scholarship programme “Aktion” with Slovakia and Hungary.

The organisations of the ethnic groups are very active in the trans-frontier area. The Burgenland-Croatian population has a long tradition of trans-frontier contacts, especially to the Croatian-language minorities in Slovakia and Hungary. Their language variant is more like the language spoken in Burgenland than standard Croatian and also called “Burgenland-Croatian”. There were contacts, even at the time of real communism. However, after the fall of the Iron Curtain these contacts were intensified considerably. Later, the options available for EU funding were used for many projects. A few examples are given below:

- In the summer 2014 the Croatian Cultural Association in Burgenland, together with the Regional Youth Department Burgenland, organized a EURO CAMP 2014 at Rust on the occasion of the 25th anniversary of the fall of the Iron Curtain. This project was supported with funding from ERASMUS+. Croatians from Austria, Croatia, Hungary and Slovakia, amongst others, took part in the project.
- In 2014 a Tamburizza and Folklore Festival⁶⁵ was held in Eisenstadt, together with Croatian associations from Hungary and Slovenia.
- For the fifth time already, the Austrian Klapa Festival⁶⁶ took place, which was attended by guests from Croatia, Slovakia and Hungary.
- The Croatian Centre/Hrvatski centar represented the City of Vienna during three days at the so-called “Bundekfest” in Zagreb⁶⁷. As on the occasion of the Oktoberfest in Munich, people came to parties on the shores of lake “Bundek” in Zagreb for a total of 11 days.

⁶⁴ http://www.fh-burgenland.at/fileadmin/user_upload/PDFs/Internationales/2015/FolderPula2015.pdf

⁶⁵ <http://volksgruppen.orf.at/hrvati/meldungen/stories/2650504/>

⁶⁶ <http://at.mfa.hr/de/nachrichten/festival-der-klapa-ges%C3%A4nge-in-der-pfarrscheune-trausdorf,32595.html>

⁶⁷ <http://volksgruppen.orf.at/hrvati/meldungen/stories/2672587/>

The Burgenland-Croatians set up a typically Viennese wine tavern (Heuriger) in a tent. Culinary and musical specialties from Vienna were in the foreground.

- The Croatian Cultural and Documentation Centre carried out a number of trans-frontier EU projects with associations in Slovakia and Hungary, including CROSKAT⁶⁸ and COCU⁶⁹.
- In 2015 the “Sajam Gradišćanskih Hrvatov” (Market of the Burgenland-Croatians)⁷⁰ took place for the third time in Bratislava. The first of these fairs was held in Kópháza / Koljnof, and the second one at Oberwart. As in previous years attendees are offered a mix of folklore and market.⁷¹

Associations organize cultural events with performances by (Burgenland-) Croatian artists from abroad on a regular basis. Croatian teachers often teach tamburizza groups. Audiences are also attracted from across frontiers, for example to the annual Dan mladine⁷², which is organized by the Croatian University Graduates Club in cooperation with different local cultural associations in Burgenland.

⁶⁸ <http://www.croskat.eu/>

⁶⁹ http://www.recom-huat.eu/files/projektdatenblatt_cocu_de.pdf

⁷⁰ http://www.hkd.at/index.php?option=com_phocagallery&view=category&id=97:sajam-u-bratislavi-2015&Itemid=432&lang=de

⁷¹ <http://hrvatskenovine.at/dogadjaji-i-priredbe/2015-07-18t120000/3-festival-dobro-dosli-sajam-gradiscanskih-hrvatov>

⁷² <http://www.danmladine.at/index.php/program>

III.2 Slovenian in the Slovenian Language Area of the Federal Province of Carinthia

III.2.1 Article 8 Education

III.2.1.1 Pre-school education

Austria has accepted the commitment according to Article 8 letter a iv b.

Article 8 paragraph 1 of the Language Charter

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a)
- i) to make available pre-school education in the relevant regional or minority languages; or
 - ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii) to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - iv) if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;**

In Carinthia, different institutions operate bilingual child-care facilities. In addition to the municipalities, private associations and church entities run these facilities:

Table 33 Bilingual private nursery-schools in Carinthia, 2014

Private nursery-schools with funding	Village/Municipality	Number of groups
"Jaz in ti"	Ferlach	2 groups
Convent of the School Sisters St. Peter	St. Jakob im Rosental	2 groups
"Mavrica"	Eberndorf	1 group
"Naš otrok"	Klagenfurt	2 groups
"Ringa raja"	Ledenitzen/Finkenstein	1 group
"Kekec"	Völkermarkt	1 group
"Sonce"	Klagenfurt	2 groups
"Minka"	Schiefling	1 group
"Pika"	St. Primus/St.Kanzian	1 group
"Crea Vita"	Hallegg/Klagenfurt	1 group

Source: Office of the Carinthian Regional Government

The Carinthian Nursery-School Fund Act, Regional Law Gazette No. 74/2001 in its currently valid version, is the basis for promoting bilingual or multilingual nursery schools in the settlement area of the Slovenian ethnic group in Carinthia. Those municipalities constitute the settlement area of the Slovenian ethnic group in Carinthia where bilingual instruction must be given in one primary school, as a minimum, in keeping with § 1 and § 3 of the Law implementing the minority-school system. The board of trustees of the Carinthian Nursery-School Fund agreed on a current lump sum of € 43,000 per group to cover operating deficits. This amount is paid out in addition to the standard regional contribution to nursery schools, so that a bilingual group can expect to receive about € 74,000 per year in the form of regional funding. During the period 2011 to 2015, € 750,000 were distributed among bilingual municipal nursery schools, and € 200,000 to bilingual private nursery schools, on the basis of the Federal law on granting federal grants and other promotional funding on the occasion of the 90th anniversary of the referendum in Carinthia (Federal Law Gazette I 48/2011).

Table 34 Municipal nursery schools with bilingual groups, 2014

Municipality
Bleiburg
Eisenkappel-Vellach
Feistritz im Rosental
Feistritz ob Bleiburg
Ludmannsdorf
Sittersdorf
Globasnitz
Völkermarkt

Source: Federal Chancellery

In addition, there is also a private toddler group for children below the age of three in Bleiburg: Kindergruppe Zwerge – Otroška skupina Palčki – Kleinkindergruppe

The Committee of Experts encourages the authorities to increase their efforts to improve the offer of bilingual nursery-school teacher training. (Margin note 262)

The Training Institute for Nursery-School Pedagogy (BAKIP) in Klagenfurt offers instruction in the Slovenian language, which is taken up by large numbers of students. Slovenian is taught as an optional subject at the BAKIP. Those students who enrol in the course have the possibility of a traineeship at a nursery school in Slovenia in the framework of an EU project.

The further-training options for nursery-school teachers at bilingual nursery schools comprises the programme developed by Univ. Prof. Dr. Georg Gombos (Institute for Educational Sciences and Educational Research at the University of Klagenfurt), on the one hand, and the further-training initiatives launched by the Institute for Education and Advisory (focus: promoting language learning), on the other hand. (<http://www.ibb-bildungsberatung.at/>) The Working Group of Bilingual and Multilingual Nursery Schools (Društvo

Delovna skupnost privatnih dvo-in večjezičnih vrtcev) conducts seminars for bilingual teachers in order to evaluate the educational work and to engage in an exchange of experience.

III.2.1.2 Primary education

Austria has accepted the commitment according to Article 8 paragraph 1 letter b ii.

Article 8 paragraph 1 letter b of the Language Charter

ii) to make available a substantial part of primary education in the relevant regional or minority languages; or

The positive trend in Carinthia concerning registrations for receiving training in Slovenian has continued in recent years. During the 2015/16 school year, bilingual education was offered at 63 (66)⁷³ primary schools, of which 3 (6) are school branches, within the local scope of application of the Minority Schools Act.

Outside the local scope of application, bilingual education in keeping with the Minority Schools Act can be obtained at 2 (2) primary schools in Klagenfurt-City.

Within the local scope of application of the Minority Schools Act, a total of 4,462 (4,535) pupils receive an education. Of these, 2,037 (2,052) have registered for bilingual education, which translates into a percentage share of 45.65% (45.25%).

In addition, 208 (188) pupils attended bilingual classes in Klagenfurt-City.

There were no registrations for bilingual education at 2 (2) primary schools, of which 0 (0) branch offices within the local scope of application of the Minority School Act.

⁷³ The figures in brackets always refer to the previous year.

Table 35 Number of pupils registered for bilingual education, 2015/16 school year, primary school level, Carinthia

Primary schools	1 st grade	2 nd grade	3 rd grade	4 th grade	Total
within the local scope of application of the Minority Schools Act	553	543	485	456	2,037
other primary schools / optional exercise					0
primary schools in Klagenfurt	50	60	52	46	208
Total for Carinthia					2,245

Source: Regional Schools Board for Carinthia

The table below shows a multi-year comparison indicating that the number of pupils who attend bilingual education is on a continuous rise on the primary school level.

Table 36 Registrations for bilingual education, Slovenian education (primary schools), a comparison since 1959/60

School year	Number of primary school pupils, total	of these bilingual	in %	Klagenfurt
1959/60	10,325	1,994	19.31	0
1979/80	7,435	1,065	14.32	0
1998/99	6,108	1,620	26.52	103
2005/06	5,018	1,819	36.25	165
2006/07	4,818	1,855	38.50	180
2007/08	4,666	1,892	40.55	187
2008/09	4,506	1,853	41.12	190
2009/10	4,437	1,831	41.27	185
2010/11	4,385	1,928	43.96	182
2011/12	4,395	1,975	44.93	166
2012/13	4,451	1,972	44.37	173
2013/14	4,486	2,000	44.58	183
2014/15	4,535	2,052	45.25	188
2015/16	4,462	2,037	45.65	208

Source: Regional Schools Board for Carinthia

These statistics clearly document the wish for forms of multilingual education, including the language of the ethnic group. Children with very different language backgrounds attend the bilingual classes. However, the majority has no previous knowledge of the language of the ethnic group when entering school. The statutory special provision on the formation of classes, especially the rule that the number of pupils in one class between the first and the fourth grade must not surpass 20 pupils (§ 16a of the Minority School Act for Carinthia) is a factor that creates a positive effect on the relative increase in registrations for bilingual education at the primary school level.

The different language levels are a major teaching challenge. Classes must be adjusted individually so as to involve the children at their respective level of language skills. The university colleges of teacher education put special emphasis on conveying didactic methods for the teaching of heterogeneous groups of pupils in order to prepare teachers in the best-possible form for this situation.

As a matter of principle, bilingual education is given according to the applicable curricula. The implementation of the curriculum facilitates different variations of bilingual education. Some schools have chosen a form where there are longer periods in one or the other language (changing the language of instruction on a daily and/or weekly basis). Scientific investigations and experiences of the school supervisors show that these models have a positive impact on acquiring the language of the ethnic group.

The Committee of Experts encourages the authorities to continue their efforts towards improving the Slovenian language skills of pupils by using if need be innovative methods in close co-operation with the speakers. (Margin note 266)

The school supervisors for the minorities' school system are focusing on quality development during the 2015/16 school year: "Full-scale implementation of the defined competences for Slovenian in the fourth and eighth grade of school. The teaching tools should support the teachers in designing a modern type of instruction that corresponds to the individual needs of pupils. Another essential measure is to improve the quality of the bilingual and multilingual all-day school forms. Schools should interact increasingly with the local cultural associations and sports clubs, with the objective of strengthening the linguistic and regional identity. Intensifying cooperation between bilingual nursery schools and primary schools is the third important initiative that is promoted so that children can smoothly transfer, which will ensure continuous language education.

III.2.1.3 Secondary education

Austria has accepted the commitment according to Article 8 paragraph 1 letter c iii.

Article 8 paragraph 1 letter c of the Language Charter

iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum

In Austria secondary education on level I can be obtained either at a lower-level secondary school or a new middle school, or on the junior level of a grammar school. The secondary school level II can be attended at an upper-level secondary increasingly school (= senior level of a grammar school) or an upper-level vocational school or a middle-level vocational school.

III.2.1.3.1 New middle schools:

283 (278)⁷⁴ pupils attend the Slovenian classes at 17 (17) new middle schools, which is a percentage of 8.51% (9.43%). Outside the scope of application of the Minorities School Act, 25 (40) pupils attend the optional subject Slovenian at 2 new middle schools.

⁷⁴ The figures in brackets always refer to the 2014/15 school year.

Table 37 Development of the registrations for Slovenian classes at lower-level secondary schools / new middle schools as of the 1990/91 school year within the scope of application of the Minorities School Act for Carinthia

School year	Total number of pupils	percentage	Registrations for Slovenian courses
1990/91	4,583	6.55	300
1991/92	4,826	6.57	317
1992/93	4,970	5.53	275
1993/94	4,905	5.81	285
1994/95	5,258	5.52	290
1995/96	5,005	5.69	285
1996/97	4,941	6.03	298
1997/98	4,925	5.58	275
1998/99	4,950	5.29	262
1999/2000	4,859	4.94	240
2000/01	4,848	5.59	271
2001/02	4,710	5.22	246
2002/03	4,770	5.62	268
2003/04	4,760	6.28	299
2004/05	4,607	7.31	337
2005/06	4,379	7.74	339
2006/07	4,326	8.04	348
2007/08	4,000	8.85	354
2008/09	3,907	8.31	325
2009/10	3,917	8.9	349
2010/11	3,808	8.79	335
2011/12	3,819	9.37	358
2012/13	3,705	9.61	356
2013/14	3,067	10.50	322
2014/15	2,947	9.43	278
2015/16	3,326	8.51	283

Source: Regional Schools Board for Carinthia

III.2.1.3.2 Upper-level general and vocational schools

The Federal Grammar School and Federal Modern-Language Grammar School in Klagenfurt is attended by 575 (571) pupils, the bilingual Federal Commercial College in Klagenfurt by 216 (199), and the Private Higher Training Institute for Commercial Occupations as well as the One-Year Applied-Science School for Economics as St. Peter bei St. Jakob is attended by 147 (134) students. Thus, a total of 934(904) pupils attend the three upper-level schools within the scope of the applications of the Minorities School Act, where Slovenian and/or Slovenian and German are equivalent languages of instruction.

At other upper-level general (AHS) and vocational (BMHS) schools, outside the scope of application of the Minorities School Act, 561 (723) pupils studied Slovenian as an optional compulsory subject, or as an alternative compulsory subject and/or an optional subject.

Table 38 Slovenian classes at AHS and BMHS schools, Carinthia

School	Pupils 2010/11	Type of class	Pupils 2015/16	Type of class
Europagymnasium Klagenfurt	22	optional subject	10	optional subject
BG/BRG Mössingerstr. Klagenfurt	24	optional subject	14	optional subject
ORG Klagenfurt	1	optional subject	0	
BORG Klagenfurt	7	compulsory subject	2	optional subject
BG/BRG Lerchenfeldstr. Klagenfurt	8	optional subject	5	optional subject
BG/BRG Viktring	17	optional subject	17	optional subject
BG/BRG St. Martin Villach	12	optional subject	11	optional subject
BG/BRG Villach Perau	10	optional subject	7	optional subject
BG/BRG Alpen-Adria Völkermarkt	89	of which 67 compulsory subject, 22 optional subject	112	of which 71 compulsory subject, 41 optional subject
BG Tanzenberg	14	optional subject	10	optional subject
BG Porcia Spittal	16	optional subject	0	
BHAK International Klagenfurt	36	compulsory subject	29	compulsory subject
BHAK Völkermarkt	70	of which 59 compulsory subject, 11 optional subject	98	of which 81 compulsory subject, 17 optional subject
HBLA Villach	23	optional subject	0	
HBLA Klagenfurt	3	optional subject	0	
HTBLVA Villach	14	optional subject	0	
HTL Mössingerstraße Klagenfurt	7	optional subject	10	optional subject
FS for Social Occupations II Klagenfurt	280	of which 199 compulsory subject, 81 optional subject	136	compulsory subject
BAKIP Klagenfurt	59	optional subject	100	optional subject
Private FS St. Andrä	9	optional subject	0	
BG/BRG for Slovenians Klagenfurt	503	bilingual classes	575	bilingual classes
ZBHAK Klagenfurt	161	bilingual classes	216	bilingual classes
HLA St. Peter	107	bilingual classes	133	bilingual classes
One-year applied-science school for economics at St. Peter	11	bilingual classes	14	bilingual classes
Total	1,503		1,499	

Source: Regional School Board for Carinthia, own presentation

BG/BRG = federal grammar school / federal modern-language grammar school
 BHAK = federal commercial college
 HBLA = higher federal training institute
 HTBLVA = higher technical federal training institute
 HTL = higher technical training institute
 FS = special school

III.2.1.3.3 Break-down into secondary level I and secondary level II

Table 39 Slovenian at secondary level I, 2015/16 school year

School	5 th grade	6 th grade	7 th grade	8 th grade	Total
Grammar school/Modern language grammar school for Slovenes. – junior level	83	98	99	93	373
New middle school	92	69	54	93	308
Upper-level secondary general schools – junior level	56	30	32	22	140
Total	231	197	185	208	821

Source: Regional School Board for Carinthia

Table 40 Slovenian at secondary level II, 2015/16 school year

School	9 th grade	10 th grade	11 th grade	12 th grade	13 th grade	Total
Grammar school/Modern-language grammar school for Slovenes – senior level	53	52	47	50	0	202
Bilingual commercial college	57	55	53	27	24	216
Higher training institute for business occupations	33	32	21	20	27	133
One-year special school for economics	14	0	0	0	0	14
Upper-level secondary general schools – senior level	16	14	10	8	0	48
Upper-level secondary vocational schools	64	32	59	44	38	373
Total	237	185	190	149	89	986

Source: Regional School Board for Carinthia

Table 41 Summary for Slovenian education at the secondary level; 2015/16 school year

School	Secondary level I Number of pupils	Secondary level II Number of pupils
Bilingual grammar school – junior level	373	
Bilingual grammar school – senior level		202
Higher Training Institute St. Peter and one-year special school		147
Bilingual commercial college		216
Other upper-level secondary general schools – junior level	140	
Other upper-level secondary general schools – senior level		48
Other upper-level secondary vocational schools		373
New middle schools	308	
total	821	986

Source: Regional School Board for Carinthia, own presentation

When looking at the statistics, one can see that the total number has more or less remained the same for the students who receive Slovenian instruction in a secondary school of one or the other type. However, there is a certain shift to schools with bilingual education, whereas Slovenian classes as an optional subject, especially at vocational schools, are recording a decrease. A gratifying increase occurred with regard to students of the Training Institute for Nursery-School Teaching.

The Committee of Experts invites the authorities to take further measures to address the problem of the high drop-out rate of pupils in Slovenian education as of the 5th grade. (Margin note 271)

The trend continues to be confirmed, namely that many children will not continue learning Slovenian on the secondary level after learning it at primary school. During the 2015/16 school year, for example, 55.40% of the pupils in question were registered for Slovenian classes in primary school, yet, only 20.26% of the pupils in secondary level I (ages 10 to 14) and 24.33% of the pupils on secondary level II (ages 15 to 18/19). There are many different reasons for this phenomenon. Firstly, the scarce resources for offering optional subjects and optional compulsory subjects as well as competition from other attractive educational options can be regarded as one reason. Organizational questions such as availability of teacher resources must also be taken into account. Secondly, it also matters whether the parents and pupils themselves strive for in-depth knowledge of the language of the ethnic group or are satisfied when acquiring basic skills. In this connection, the level of expectations in the social environment concerning the level of language skill has a decisive impact. Attitudes concerning the importance in society and the commercial exploitation of the language of the ethnic group are also factors of influence.

The school supervisors, though, point to the statutory provisions and the options available under the Minorities School Act on the various levels.

III.2.1.4 Technical and vocational education

Austria has accepted the commitment according to Article 8 paragraph 1 letter d iv.

- d) i) to make available technical and vocational education in the relevant regional or minority languages; or
- ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;**

The number of pupils at upper-level vocational and middle schools was already shown in the previous chapter. At vocational schools which train apprentices in the framework of the dual

training system, the subject “occupation-related foreign language” is taught on one to two days per week; it is exclusively dedicated to English.

III.2.1.5 University education

Austria has accepted the commitment according to Article 8 paragraph 1 letter e iii.

- e) i) to make available university and other higher education in regional or minority languages; or
- ii) to provide facilities for the study of these languages as university and higher university subjects; or
- iii) if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

Slovenian can be studied in Vienna, Graz and Klagenfurt. Slovenian is also part of the curriculum or an optional subject at the University of Applied Science Carinthia.

III.2.1.6 Adult education

Austria has accepted the commitment according to Article 8 paragraph 1 letter f iii.

- f) iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

Slovenian language courses are offered by adult-education institutions, especially at adult-education colleges, the Institute for Economic Promotion (WIFI) and the Institute for

Promoting Vocational Training (BIFI). See, for example: Slovenian Language Course at WIFI Carinthia⁷⁵, Education offered by the Federal Province of Carinthia⁷⁶.

III.2.1.7 Teaching history and culture

Austria has accepted the commitment according to Article 8 paragraph 1 letter g.

g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

Please refer to the comments under Item II.9 (ad margin note 145).

III.2.1.8 Teacher training

Austria has accepted the commitment according to Article 8 paragraph 1 letter h.

h) to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

The bilingual nursery-school teachers are trained at the Training Institute for Nursery-School Teachers in Klagenfurt. In this context, Slovenian is taught as an optional subject.

It is enshrined in law that the University College of Teacher Education in Klagenfurt has to ensure the training of teachers for the Slovenian-bilingual school system. However, Slovenian can also be studied at the universities of Klagenfurt, Graz and Vienna, when wishing to become a teacher.

The teacher training facilities of Carinthia, Styria and Burgenland have joined forces and set up the “Development Network South-East”, and they offer a joint study programme. For further information see Information of the Institute for Multi-Lingualism and Inter-Cultural Education of the University College of Teacher Education Carinthia⁷⁷:

⁷⁵ <http://www.wifikaernten.at/eShop/bbDetails.aspx?bbnr=245025&zg=Ce&SIM=on>

⁷⁶ http://www.ktn.gv.at/37291_DE-BILDUNGSANGEBOTE-Detail?vid=54726

⁷⁷ <http://www.ph-kaernten.ac.at/organisation/institute-zentren/30/>

The University College of Teacher Education Carinthia also engages in research projects. For example, the project “Drei Hände – Tri roke – Tre mani” (trilingual tripartite [school] pilot project for nursery-schools and at the primary schools/primary level) was evaluated: research reports of the University College of Teacher Education Carinthia⁷⁸.

Two new curricula were developed recently, namely for Slovenian teaching posts at primary schools and for teaching Slovenian at new middle schools: teaching post studies at the University College of Teacher Education Carinthia⁷⁹.

III.2.1.9 School supervisory board

Austria has accepted the commitment according to Article 8 paragraph 1 letter i.

- i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

Department VII – Minorities School System at the Regional School Board for Carinthia is the competent authority for supervising the minorities’ school system in Carinthia. The Regional School Board publishes detailed reports every year on current developments, including statistics. Further information can be found on the bilingual website: 2-lingual education.⁸⁰

III.2.1.10 Education outside the autochthonous settlement area

Austria has accepted the commitment according to Article 8 paragraph 2.

- (2) With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

⁷⁸ <http://www.ph-kaernten.ac.at/forschung/forschungsberichte/>

⁷⁹ <http://www.ph-kaernten.ac.at/studium/lehramtsstudien/>

⁸⁰ <http://www.2sprachigebildung.at/>

Slovenian can be chosen as “foreign language” (optional compulsory subject or optional subject), whenever a sufficient number of persons signs up.

III.2.2 Article 9 Judicial authorities

There are no changes as to the admission of Slovenian as an official language at the district courts of Ferlach, Eisenkappel and Bleiburg as well as at the regional court in Klagenfurt.

The Committee of Experts encourages the Austrian authorities to consult with representatives of the speakers [of the languages of the ethnic groups] in the preparation of the law [in order to merge district court districts into larger units] to make sure that the implementation of the Charter undertakings is not affected by the pending reform [of the court districts]. (Margin note 284)

Austria takes note of this recommendation. However, no negative effects on the implementation commitments under the Language Charter need to be feared in connection with the merger of very small courts into larger units, as the arrangements on official language have been secured under constitutional law.

The Committee of Experts asks the authorities to make sure that Slovenian will continue to be used in the future in the three bilingual district courts. (Margin note 287)

As was mentioned before, the arrangements on official language have been secured under constitutional law. Austria is aware of the fact that priority should be given to the language competence of officials, who can act directly, over the use of interpreters. The judicial authorities therefore continue to make efforts to increasingly deploy more court staff with skills in the respective languages at those courts where languages of the ethnic groups are admitted as official languages.

The Committee of Experts looks forward to receiving information about the use of the Slovenian diacritic signs [in databases, registers, submissions, ...]. (Margin note 291)

In the meantime diacritic signs are being used for applications to the land register, ELIAS (electronically integrated assistance in proceedings of public prosecutors), and the company register as well as in parts of the insolvency database. Up to the middle of the year 2014 the technical requirements needed to process diacritic signs did not exist for the other central applications. These prerequisites are now available for the databases (however, not on the user interface and/or at printers). Further implementations of diacritic signs will continue to be made in the future, depending on personnel and financial resources. Diacritic signs can be used in court forms and standardized documents.

III.2.2.1 Judicial authorities – Criminal proceedings

Austria has accepted the commitment according to Article 9 paragraph 1 letter a ii and iii.

Article 9 paragraph 1 of the Language Charter

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority language justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- a) in criminal proceedings:
- ii) to guarantee the accused the right to use his/her regional or minority language; and/or
- iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;

There are no changes that need to be reported.

III.2.2.2 Judicial authorities – Civil proceedings

Austria has accepted the commitment according to Article 9 paragraph 1 letter b ii and iii.

Article 9 paragraph 1 of the Language Charter

- b) in civil proceedings;
- ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
- iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

For particularly frequent legal procedures such as legal aid, orders for payment procedure, legal actions in labour and social-law proceedings, applications for execution/forced collection, the necessary forms have been made available in the Slovenian language on the

website of the Federal Ministry of Justice⁸¹, in order to facilitate the use of the Slovenian language in practice.

In view of the conflicting information [about the amendment of the Ethnic Groups Act {Federal Law Gazette I No. 46/2011}], the Committee of Experts cannot conclude on this undertaking [whether this matter has been completed] and asks the authorities to clarify this contradiction in their next periodical report (re.: right of legal entities to use the language of the ethnic groups as official language). (Margin note 295)

The following clarification is offered: Pursuant to § 13 (2) of the Ethnic Groups Act in the version of the amendment published in Federal Law Gazette I No. 46/2011, *everybody* can use the language of the ethnic group in interactions with a bilingual authority or public office. The requirement to be a resident was deleted, as was the restriction to Austrian citizens. The law does not contain any restrictions of the right to use an official language to physical persons.

The guidance notes to the government bill for this amendment contains the following paragraph: “In municipalities where the Croatian, Slovenian and Hungarian languages can be used as official language, in addition to the German language, the representatives of legal entities, where the by-laws comprise matters of the ethnic group among their purposes, shall also be able to submit applications in the language of the respective ethnic group.”

As this paragraph led to misunderstandings, the Constitutional Committee of the National Council agreed on the following clarification of § 13 of the Ethnic Groups Act, when dealing with this government bill: “The Constitutional Committee presumes that in municipalities where the Croatian, Slovenian or Hungarian languages can be used as official language, in addition to the German language, representatives of other legal entities than those where the by-laws comprise matters of the ethnic group among their purposes, shall also be able to submit applications in the language of the respective ethnic group.”

This means that the right to use the language of the ethnic group is not limited to the organisations of the ethnic groups but also accrues to any other legal entity.

III.2.2.3 Proceedings before administrative courts

Austria has accepted the commitment according to Article 9 paragraph 1 letter c ii and iii.

⁸¹ <https://www.justiz.gv.at/web2013/html/default/8ab4ac8322985dd501229ce38af900a6.de.html>

Article 9 paragraph 1 of the Language Charter

- c) in proceedings before courts concerning administrative matters:
- ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
- iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

A two-tier administrative court system was introduced in Austria at the beginning of the year 2014, in the course of which the successive stages of appeal in administrative cases were eliminated. The Administrative Court of the Federal Province of Carinthia, which succeeded the Independent Administrative Senate for Carinthia, is an authority according to II.C.1 b) of Schedule 2 to the Ethnic Group Act, so that Slovenian is admitted as official language.

According to § 13 (13) of the Federal Fiscal Jurisdiction Act, the office and the branch offices of the Federal Fiscal Court have been classified as public offices according to § 13 of the Ethnic Groups Act (VoGrG), Federal Law Gazette No. 396/1976⁸², namely as an authority and/or a public office where Slovenian may be used as an official language. This applies to the branch office Klagenfurt of the Federal Fiscal Court.

III.2.2.4 No charges for translations

Austria has accepted the commitment according to Article 9 paragraph 1 letter d.

Article 9 paragraph 1 of the Language Charter

- d) to take steps to ensure that the application of sub-paragraphs i and iii of paragraph b and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

The costs and fees for translations in connection with minority languages must be borne *ex officio*, in keeping with § 22 of the Ethnic Groups Act. This provision also contains further

⁸² https://www.ris.bka.gv.at/Dokumente/BgblPdf/1976_396_0/1976_396_0.pdf

measures which ensure that a speaker does not incur any additional costs when using a minority language.

III.2.2.5 Validity of legal documents

Austria has accepted the commitment according to Article 9 paragraph 2 letter a.

Article 9 paragraph 2 of the Language Charter

The Parties undertake:

- a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;

There are no changes that need to be reported.

III.2.3 Article 10 Administrative authorities and public services

III.2.3.1 Administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 1 letters a iii and c.

Article 10 paragraph 1 of the Language Charter

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a)
 - iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
 - c) to allow the administrative authorities to draft documents in a regional or minority language.

A survey among the federal ministries with regard to lower-tier public offices yielded the following result:

The Labour Inspectorate Klagenfurt did not have a staff member with sufficient Slovenian language skills, as one of their employees retired. If necessary, translations services must be used in order to ensure that services can be provided in the Slovenian language.

With regard to the Labour Market Service, there have not been any major changes since 2012. Sensitivity has grown vis-à-vis job-seekers with another mother tongue, and when a

new staff member is hired, more attention is paid to recruiting persons with a different mother tongue.

The Regional Centre Carinthia of the Federal Offices for Social and Disabilities Affairs (Social Ministry Service) has made sure that applications can also be submitted and advice can also be given in the Slovenian language. Since 2006 it has been possible to use Slovenian application forms to ascertain whether a disabled person belongs to the group of persons entitled to benefits, to determine the level of disability, to issue a disability card, to re-assess the level of disability in the disability card, and to extend the validity of temporary disability cards. In connection with applications for disability cards there is also an information letter on “advantages of a disability card” in a Slovenian translation. It is possible to use Slovenian diacritic signs for drawing up pleadings and decrees. The technical IT requirements for converting into Slovenian written language have been satisfied. Slovenian names can be produced with correct spelling. It can also be reported that in connection with the projects NEBA and Youth Coaching a Slovenian folder on “Training for the future, Youth Coaching helps you check your future prospects” is used, in addition to the German version.

The Federal Ministry of Finance reported that staff with Slovenian language skills works at the tax office in Klagenfurt. Recently, a tax assistant with Slovenian language skill was once again hired there. Slovenian as official language was used by 48 persons.

The Ferlach test centre for firearms has a staff member who speaks Slovenian.

III.2.3.2 Local and regional administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 2 letters b and d.

Article 10 paragraph 2 of the Language Charter

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;

In Carinthia, eight district commissions and two towns with independent charters (Klagenfurt, Villach) have been set up as authorities providing general public administrative services. Slovenian has been admitted as additional official language in three district commissions, namely Rural Villach, Urban Klagenfurt and Völkermarkt. All bilingual authorities have been instructed to strictly comply with requests to use the official language.

The Ethnic Group Office set up with the Office of the Carinthian Regional Government performed a total of 760 transactions in the Slovenian languages in the year 2014 and the

first half of the year 2015. These related to processing applications for funding (particularly cultural projects of ethnic group associations) as well as various translations for different public offices and authorities. Among these authorities, for which the Ethnic Group Office makes the translations, there are the district commissions, in addition to the Office of the Regional Government and – to a lesser degree – municipalities. The Ethnic Group Office also produced translations for district commissions where Slovenian is *not* obligatory under the Ethnic Group Act. However, the Ethnic Group Office did not make any translations for the district commission of Völkermarkt, as it has its own resources with the required language qualifications.

During the same period, the district commission Völkermarkt produced 1194 translations into the Slovenian language. For the Slovenian-speaking population a link to the Ethnic Group Office of the Federal Province of Carinthia was set up on the website of the district commission Völkermarkt. From there, all application forms can be downloaded in the Slovenian language. The district commission Völkermarkt reports that it has hired staff members who belong to the Slovene ethnic group and/or have mastered the Slovenian language and can thus be used as translators, or can conduct proceedings in the Slovenian language. If so requested by the Slovenian-speaking population, the district commission Völkermarkt is also in a position to handle and/or perform every process and every application in Slovenian at any time.

However, the strikingly high total number of transactions is the consequence of the Convention to Facilitate Mutual Assistance in Criminal Matters between Member States of the European Union. In this context the Ethnic Group Office and the district commission Völkermarkt translate charge sheets and penal orders concerning citizens of the Republic of Slovenia as well as the respective documents for communication with the authorities in the Republic of Slovenia. In the table below, the number in brackets refers to the number of cases where Slovenian was used as official language by members of the ethnic groups, in line with the provisions of the Ethnic Groups Act. It indicates that only a relatively small part involves the ethnic group.

**Table 42 Slovenian as official language (written interventions)
1 January 2014 to 30 June 2015**

Authorities	Total number of translations (of these cases concerning official language acc. to the Ethnic Groups Act)
Office of the Carinthian Regional Government, including lower-tier public offices as well as (occasionally) municipalities	499 (145)
District Commission Rural Klagenfurt	44 (of these 13)
District Commission Rural Villach	78 (1)
District Commission St.Veit/Glan	19 (0)
District Commission Spittal/Drau	99 (0)
District Commission Wolfsberg	21 (0)
District Commission Völkermarkt	1194 (5)
Total	1954 (164)

Source: Office of the Carinthian Regional Government

Moreover, employees of the Ethnic Group Office were regularly called on by regional authorities and/or other public institutions to act as *ex officio* interpreters. The total number of interpreting assignments covers 48 negotiations and meetings (0 in official language).

Application forms in the Slovenian language can be found on the website of the Ethnic Group Office: <http://www.volksgruppenbuero.at/services/C4>

In 2015 a pilot project will be conducted in the municipality of Ludmannsdorf, Carinthia, in connection with 70 on-line forms in Slovenian. Individual forms in the Slovenian language can also be found in the municipality of Eisenkappel-Vellach:

- ▶ [forms in the municipality of Ludmannsdorf](#)⁸³
- ▶ [forms in the municipality of Bad-Eisenkappel](#)⁸⁴

The number of Carinthian municipalities, where the Slovenian language has been admitted as official language, was raised to a total of 16 by the amendment to the Ethnic Groups Act in 2011. The municipalities of Eberndorf and St. Kanzian are new on this list; yet, the right to use Slovenian as an official language in these two municipalities is limited to the inhabitants of certain villages within the municipal territory.

The Committee of Experts encourages the authorities to seek solutions, in cooperation with the speakers and the relevant local authorities, for Slovenian to be used also in municipalities that fall outside the 16 listed municipalities [listed in the Schedule to the Ethnic Groups Act], but where Slovenian has a traditional presence and there is a sufficient number of speakers. (Margin note 313)

The Ethnic Groups Act grants authority, within a certain framework, to additionally use the Slovenian language on an optional basis, beyond the scope of compulsory application of the statutory arrangements for the use as official language. In keeping with § 13 (3) of the Ethnic Groups Act (VoGrG), other bodies than the authorities and public offices listed in the referenced § 13 (1) – namely bodies outside the compulsory scope of application of the arrangements for the use as official language – can use the Slovenian language, amongst others, as an official language in oral and written communications in addition to the German language, depending on the provisions of Chapter V of the cited law, if this helps communication. In the intention of the legislator this authorizing stipulation is regarded as a specific provision protecting minorities, which is covered by the clause on exceptions in

⁸³ <http://www.ludmannsdorf.gv.at/sl/servisobcanov-548078a71a6e7/formularjiodaz-548078a71e4e0.html>

⁸⁴ <http://www.bad-eisenkappel.info/sl/obcina/spletni-servis/obrazci.html>

Article 8 (2) of the Federal Constitution Act (B-VG) (see guidance notes to government bill 1220 of annexes XXIV, GP, page 7 and following).

No information is available as to the use, made so far, of this possibility.

The Committee of Experts encourages the Austrian authorities to take concrete measures to encourage or facilitate publications by local authorities of their official documents in Slovenian too. (Margin note 316)

As far as is known, municipalities do not use the possibility available under § 13 (4) of the Ethnic Groups Act, namely to use the language of the ethnic group additionally for general public announcements. However, the Slovenian language is also taken into account on the websites, in information sheets as well as municipal newsletters and public addresses of certain municipalities:

- ▶ [municipality of Zelle](#)⁸⁵
- ▶ [municipality of Feistritz-Bleiburg](#)⁸⁶
- ▶ [municipality of Ludmannsdorf](#)⁸⁷

III.2.3.3 Translations at administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 4 letter a.

Article 10 paragraph 4 of the Language Charter

With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- a) translation or interpretation as may be required;

In keeping with § 22 of the Ethnic Groups Act the costs and fees for translations into the minority languages must be borne *ex officio*. This provision also contains further measures which make sure that a speaker does not incur additional costs when using a minority language.

⁸⁵ <http://www.zell-sele.at/sl/oobcini-5481aa7522c57.html>

⁸⁶ <http://www.feistritz-bleiburg.gv.at/system/web/default.aspx?sprache=1>

⁸⁷ <http://www.ludmannsdorf.gv.at/sl>

III.2.3.4 Family names

Austria has accepted the commitment according to Article 10 paragraph 5.

Article 10 paragraph 5 of the Language Charter

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

The use or adoption of first and family names in the languages of the ethnic groups has been ensured. § 5 of Civil Status Ordinance, Federal Law Gazette No. 629/1983 in the version published in Federal Law Gazette II No. 1/2010, provides that names have to be reproduced faithfully in letters and signs when recording them in public civil registers on the basis of public documents. This statutory provision is complemented by § 11 (5) of the 2013 Ordinance on the Implementation of the Civil Status Act, which stipulates that signs conforming to UTF-8 must be used. This is a technical standard which can be used to display in registers all letters and special signs from non-German languages.

The 2013 Act to Amend the Law on the Rights of Children and the Use of Name, Federal Law Gazette I No. 15/2013, provided the possibility, as of 1 April 2013, to choose a gender-related form of the family name upon marriage by simple statement before the civil registrar, if this corresponds to the origin of a person or the tradition of the language from which the name originates. However, it can also be determined, if so requested, that the ending of a name indicating a person's gender, shall be deleted. Similar arrangements also apply to the name given to a child. In addition, the same law also introduced explicitly the fact in the Change of Name Act that obtaining a gender-related form of the name is free of charge (see § 2 (1) numbers 7 and 7a in conjunction with § 6 of the Change of Name Act in the version published in Federal Law Gazette I No. 161/2013).

According to the information contained in the third periodical report, there are no obstacles when registering and using the Slovenian names in their original spelling. Representatives of the speakers affirm the contrary, and refer to correspondence with the Federal Ministry of Justice concerning problems especially in respect of land-registers and company-registers. Other representatives of the speakers, whom the Committee of Experts met during the monitoring cycle, indicated that as of May 2012, it will be possible to register Slovenian names in the correct spelling in the land register. In their view, the Court forms and templates should therefore follow the same path. No problems were reported with regard to the registration of family names for ID cards. (Margin note 318)

The Committee of Experts encourages the authorities to comment in their next periodical report on the information that is mentioned above. (Margin note 319)

Since the previous monitoring cycle, there has been progress in showing diacritic signs in public registers as well as databases. An adequate and uniform implementation in the registers has been achieved since the introduction of the Central Civil Status Register and the Central Citizenship Register as of 1 November 2014. The Central Registration Register,

the Central Firearms Register and the Identity Documents Register support the spelling of names in certain languages of the ethnic groups.

In the land registers the presentation of diacritic signs and thus the correct reproduction of names in the languages of the ethnic groups have already been implemented. The amendment to the law on the conversion of land registers, Federal Law Gazette I No. 30/2012, provides the possibility to apply, free of charge, for corrections if the recorded spelling of a name or company name does not correspond to the actual spelling of that name or company name, in the absence of using diacritic signs. Concerning company registers, the technical requirements have also been implemented in the meantime for the use of diacritic signs. The extension is to be completed by 2016, at the latest. In November 2015 the respective bill was sent out for commenting. The next step is to work on the conversion of the associations' registers to create there the technical requirements for presenting diacritic signs.

III.2.4 Article 11 Media

III.2.4.1 Radio

Austria has accepted the commitment according to Article 11 paragraph 1 letter b ii.

Article 11 paragraph 1 of the Language Charter

(1) The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

b) ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;

Please refer to the comments on Article 7 paragraph 1 letter d.

III.2.4.2 Television

Austria has accepted the commitment according to Article 11 paragraph 1 letter c ii.

c) ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

Please refer to the comments on Article 7 paragraph 1 letter d.

III.2.4.3 Audio and audio-visual works

Austria has accepted the commitment according to Article 11 paragraph 1 letter d.

d) to encourage and/or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;

As a matter of principle, funding by the Federal Chancellery for the ethnic groups can be used to produce and distribute audio and audio-visual works in the Slovenian language. Frequently, CDs with choir recordings and children's songs are promoted.

All productions by amateur theatre groups of an ethnic group are recorded.

The film project "ISKRICA" was carried out with the support of the Education Ministry, amongst others, and the ORF. It was launched by Miha Dolinšek, the cameraman and film producer from Klagenfurt. By the way, 34 stories for the youngest viewers, namely "Mihec und Maja", and "An unforgettable summer", a reality-soap for 14-18 year-olds, also originate with Miha Dolinšek.

In the framework of ISKRICA, young persons from the Slovenian ethnic group produce their own short films under professional guidance and present them to audiences, which will award prizes to the best films. The young ISKRICA film-makers attend the BG/BRG (grammar school and modern-language grammar school) for Slovenes, the bilingual commercial college and the higher institute for business occupations at St. Peter bei St. Jakob. Over several months they develop their scripts and do their own filming. Filming and cutting proceeds with professional guidance from Miha Dolinšek. The films are produced in the Slovenian language (with German sub-titles) or bilingual. The pupils learn about both the technical and the artistic aspects of film production. At the final presentation the best films in the different categories (best idea, best script, best actor, best actress, "best drama", "best comedy", best film, and audience film) receive an award. All prize-winning films are shown in the ORF programme "Dober dan Koroška"

- ▶ [Iskrica multimedia project](#)⁸⁸
- ▶ [Dolnisek videos](#)⁸⁹
- ▶ [Youth TV series Ludmannsdorf](#)⁹⁰

⁸⁸ <http://www.iskrica.tv>

⁸⁹ <https://www.youtube.com/user/dolnisek/videos>

⁹⁰ <http://www.nepozabnooletje.com>

III.2.4.4 Newspapers

Austria has accepted the commitment according to Article 11 paragraph 1 letter e i.

e) i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

However, it is not clear to the Committee of Experts whether the [Slovenian] newspapers are published on a weekly basis, monthly, etc. (Margin note 330)

Both Nedelja, Slovenian Church Newspaper of the Gurk Diocese, and NOVICE, Slovenian Weekly Newspaper for Carinthia, are published weekly.

The Committee of Experts encourages [the authorities] to increase their support for newspapers in Slovenian. (Margin note 332)

For reasons of budget constraints, promotional funding for the press was not increased. NOVICE will receive grants in the amount of € 80,000 from the budget for promoting the ethnic groups.

III.2.4.5 Financial assistance for audio-visual productions

Austria has accepted the commitment according to Article 11 paragraph 1 letter f ii.

f) ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;

The Committee of Experts would welcome more specific information on this undertaking in the next periodical report. (Margin note 335)

III.2.4.5.1 Television Fund Austria

Television Fund Austria, which was mentioned in the previous periodical report, promotes the production and distributions of television films dealing with Austria. It is possible to cooperate with foreign partners. As a matter of principle, the amount of financial assistance to the production costs is limited to 20%; yet, it can be combined with other types of financial assistance. However, the grant from Television Fund Austria must not be higher than the share contributed by that television organiser who, in comparison to the other television organisers participating in the production, contributes to the overall financing. In case of difficult productions, for example also productions where several non-German television organisers each participate with very small amounts, this may also be seen in proportion to the joint shares of several television organisers (Item 7.1 of the Guidelines). In case of difficult productions, the share of the public financial assistance may amount up to a total of 80%. A production is regarded as difficult when only low acceptance by the market is expected and when the chances of economic exploitation must therefore be qualified as

limited. (Item 10.6 of the Guidelines for Financial Assistance). As part of the financial assistance for exploitation, an additional amount of up to 50% of the costs and/or € 30,000, as a maximum, can be granted for the production of film versions in foreign languages. Evidence of adequate buyers' interest must be shown when intending to produce a foreign-language version (Item 8.1 (3) of the Guidelines).

Although there is no provision stating that only productions in the German language can be promoted, it seems to be that – to the extent known – no production in the Slovenian language received financial assistance. This ought to be seen in connection with item 4.1 of the Guidelines for Financial Assistance, which state that a production can only be supported if one or several television organisers participate in the financing of the production with a contribution of 30%, as a minimum, of the total production costs.

In 2014 Film Fund Austria granted financial assistance to the documentary film “Der Graben/Grapa”, which deals with the Slovenian ethnic group and its history. However, this film is for the Austrian majority audience and was written in German. Further information about the film “Der Graben/Grapa”⁹¹:

Guidelines of Television Fund Austria⁹²:

The decisions on financial assistance by the Television Fund of recent years⁹³:

III.2.4.5.2 Austrian Film Institute

The Austrian Film Institute grants financial assistance to promote the production and distribution of feature films. According to the guidelines of the Austrian Film Institute one final version of the film must be in German, except for dialogue and sections with songs where the script requires the use a foreign language for the action (see Item 3 (2) c) of the guidelines for financial assistance). Moreover, measures to improve the distribution and exploitation of films in line with market requirements may also be financed (Item 9. (2) of the Guidelines) by, for example, dubbing or sub-titling them in a foreign language.

The film “Ma Folie” (2015) by Andrina Mračnikar, a Carinthian Slovenian, received financial assistance from the Austrian Film Institute; yet, it is in German.

⁹¹ <http://kaernten.orf.at/tv/stories/2710610/>

⁹² <https://www.rtr.at/de/ffat/Richtlinien>

⁹³ <https://www.rtr.at/de/ffat/EntscheidungenFFFF>

- ▶ Guidelines for financial assistance by the Film Institute⁹⁴
- ▶ Film Institute: Financial assistance to films in Austria⁹⁵

III.2.4.6 Radio and television from neighbouring countries / Freedom of expression

Austria has accepted the commitment according to Article 11 paragraph 2.

(2) The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the re-transmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Broadcasting stations from Slovenia can be received via satellite or Internet and partly also via cable. Books and other print media can be obtained from abroad.

III.2.5 Article 12 Cultural activities and facilities

III.2.5.1 Support for cultural and linguistic activities

Austria has accepted the commitment according to Article 12 paragraph 1 letters a and d.

⁹⁴ <http://www.filminstitut.at/de/richtlinien/>

⁹⁵ <http://www.filminstitut.at/de/filmfoerderung-oesterreich/>

(1) With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including *inter alia* the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
- d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which the initiate or for which they provide backing;

In 2015, an amount of € 1,161,700 was made available to the Slovenian ethnic group from the budget of the Federal Chancellery to promote the ethnic groups. The largest part of this sum went to organisations in Carinthia, and a smaller part was allocated to organisations in Styria. The Education Ministry and the Federal Province of Carinthia granted further financial assistance.

The Slovenian ethnic group has a rich variety of cultural associations. One should mention the theatre and puppet theatre groups and choirs. The Slovenian Study Library has a large number of media in the Slovenian language which are specific of the ethnic group. The folklore association “Urban Jarnik” deals with ethnological research and documentation. The education centre of Soliditas at Tainach is an important adult-education institution. There is a multi-functional event location at Bleiburg, where many associations of the Slovenian ethnic group stage their events.

There are three publishing houses that have specialized on Slovenian-language authors and specific topics of the ethnic group. Some of the works are also published in two or several languages.

- ▶ Publishing house Drava novelties⁹⁶

⁹⁶ <http://www.drava.at/novitaeten.php>

- ▶ [Wieser publishing house Slovenian library](#)⁹⁷
- ▶ [Mohorjeva Hermagoras, publishing house Zalozba, books](#)⁹⁸

The large number of authors that have emerged from the Slovenian ethnic group is remarkable. They write partly in Slovenian and partly in German. To some extent they also work as translators. Some of them have become known far beyond the ethnic group.

[Authors of Slovenian literature in Carinthia](#)⁹⁹.

Please refer to the second Periodical Report for further details.

It is unclear what consequences [the Memorandum signed in Klagenfurt on 26 April 2011] has had for the future existence of the [Slovenian music] school. (Margin note 338)

In 2015 the Carinthian music school “Glasbena šola” was integrated into the Carinthian music schools by means of a regional law. This ensures its long-term existence (see Regional Law Gazette No. 29/205 of 19 May 2015). As a result, the relevant agreement in the Memorandum of 26 April 2011 was thus implemented.

III.2.5.2 Cultural activities outside the autochthonous settlement area

Austria has accepted the commitment according to Article 12 paragraph 2.

(2) In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with paragraph 1.

Outside Carinthia, the Article VII Association for Styria Pavel House was promoted from the budget of the Federal Chancellery for the ethnic groups with an amount of € 56,300 in 2015, the Club of Slovenian Students in Graz with € 4,500, and the Club of Slovenian Students in Vienna with € 4,500. It is noted that Styria comprises autochthonous settlement area for the Slovenian ethnic group.

⁹⁷ <https://www.wieser-verlag.com/reihe/slowenische-bibliothek/>

⁹⁸ http://www.mohorjeva.com/search/results_de

⁹⁹ <http://www.slolit.at/autoren/index>

III.2.5.3 Cultural policy abroad

Austria has accepted the commitment according to Article 12 paragraph 3.

- (3) The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

The Committee of Experts [...] would welcome more information with regard to the practical implementation of this item in the next periodical report. The Committee of Experts reminds the authorities that this provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to Slovenian in the context of exhibitions or events, or information material concerning Austria targeting an international public. (Margin note 342)

The department for cultural policy in the Federal Ministry for Europe, Integration and External Affairs initiated schreibART AUSTRIA, a literature recommendation programme, in 2012, which presents a remarkable cross-section of contemporary creative literary activities in Austria. This promotional programme covers a period of three years (2012 to 2015) and is intended to make 20 selected Austrian authors publicly known to a broad international audience. One of the participating authors is Maja Haderlap, the Slovenian-language author. She belongs to the Slovenian minority in Austria, writes both in the Slovenian and German languages and also publishes in Slovenian, German and international literary journals and anthologies.

In the course of the TRANSPOESIE project, the Austrian Cultural Forum in Brussels participated in the transformation of a public-transport underground space into a platform for European poetry, using a poem by Maja Haderlap in the Slovenian language. TRANSPOESIE displayed 24 European poems in Brussels at public-transport underground stations and provided a public platform for their authors and their art, as well as a platform for interaction with poetry for the approximately three million weekly underground users. In 2012 the project, which emerged from a cooperation project between the European Union National Institutes for Culture (EUNIC) and Société des Transports Intercommunaux de Bruxelles (STIB), circled around the topic of the European Year of Active Ageing and Solidarity between Generations. Maja Haderlap is an important voice among Austrian women who write in Slovenian (she won the renowned Ingeborg Bachmann Prize in 2011, amongst others) and was represented at TRANSPOESIE in Brussels with her poem “Kmečka mati in hči” (= countrywoman and daughter).

In the autumn 2014 the Austrian Culture Forum in Brussels, in cooperation with the Austria Association, staged a reading of Lojze Wieser, the Slovenian-language Austrian author and publisher. The performance comprised his own works, amongst others, and poems in Slovenian, Serbian, Bosnian, Slovak, Bulgarian and Kajkavian. This event received organizational and financial support from the Culture Forum.

III.2.6 Article 13 Economic and social life

Austria has accepted the commitment according to Article 13 paragraph 1 letter d.

- (1) With regard to economic and social activities, the Parties undertake, within the whole country:
- a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products and installations;
 - b) to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
 - c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
 - d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs a to c.**

There are no new developments requiring reporting.

III.2.7 Article 14 Trans-frontier exchanges

Austria has accepted the commitment according to Article 14 letter b.

The Parties undertake:

- b) for the benefit of regional or minority languages, to facilitate and/or promote cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

III.2.7.1 Cultural agreement

Austria entered into a cultural agreement with Slovenia, where work programmes are drawn up on a regular basis. There is an Austrian Culture Forum in Ljubljana, and an Austrian Library in Maribor. There is close cooperation between Austria and Slovenia, which has further deepened since Slovenia's accession to the EU in the year 2004.

III.2.7.2 Interreg V-A Slovenia-Austria

Within the European Union there is a specific ETC programme for Slovenia-Austria. Numerous projects were implemented during the programme period 2007 to 2013, involving organisations of the ethnic groups to some extent such as the Slovenian Culture Association and the Christian Cultural Association.

List of approved projects SL-AT:

http://84.39.218.252/de/wp-content/uploads/sites/2/2015/08/Seznam_izbranih_operacij_Liste_der_bewilligten_Vorhaben_JP_13_10_2014_1.pdf

The successor programme Interreg V-A Slovenia-Austria¹⁰⁰ was approved by the Commission on 16 September 2015.

III.2.7.2.1 Geopark Karavanke

Geopark Karavanke is presented here as one example for ETC projects, as it was possible to set up the park on the basis of a cooperation that already existed and which could also be communicated by a common language. Geopark Karavanke is located between the Alpine summits of Peca/Petzen and Koschuta. It is characterized by a rich geological diversity between the Alps and the Dinarides. The administrative borders of Geopark Karavanke follow the borders of thirteen municipalities, of which eight are on Austrian bilingual territory and five in Slovenia:

Feistritz ob Bleiburg/Bistrica nad Pliberkom, Črna na Koroškem, Dravograd, Galicia, Globasnitz/Globasnica, Mežica, Bleiburg/Pliberk, Prevalje, Ravne na Koroškem, Zell/Sele, Neuhaus/Suha, Bad Eisenkappel/Železna Kapla, Sittersdorf/Žitara vas.

Objectives of Geopark Karavanke

- ▶ To preserve natural resources
- ▶ To create awareness/knowledge/to position Geopark Karavanke
- ▶ To create economic value for Geopark Karavanke
- ▶ To cooperate across frontiers as well as regional development/regional policy

In 2013 Geopark Karavanke was included into the European Geopark Network and the Network of UNESCO Global Geoparks..

Geopark Karavanke¹⁰¹

¹⁰⁰ <http://84.39.218.252/si2/>

¹⁰¹ <http://www.geopark-karawanken.at/>

III.2.7.3 Alp-Adria Centre for trans-frontier cooperation

The Alp-Adria Centre¹⁰² for trans-frontier cooperation is dedicated to

- ▶ promoting and intensifying cross-border neighbourly cooperation in Europe by means of confidence-building measures
- ▶ promoting inter-ethnic relations with a view to securing peace in Central and Eastern Europe through economic cooperation within the EU and with the accession countries,
- ▶ organising lectures, meetings, discussions and excursions,
- ▶ as well as preparing proposals for solutions that are intended to serve the promotion of peaceful cooperation of the European nations in general and a future EU region of peace in particular.

III.2.7.4 The Slovenian Trade Association

The Slovenian Trade Association Carinthia is the commercial umbrella association of the Slovenian ethnic group in Carinthia. The association participates in cross-border economic projects, supports the ethnic group in economic matters and promotes the regional development of the Alp-Adria region as a multilingual economic region. In this context, there is close cooperation with the trade organisations, authorities and NGOs in Slovenia, Austria and also Southern Tyrol as well as the regional programmes of the EU.

Slovenian Trade Association¹⁰³.

III.2.7.5 Cooperation in artistic fields and exchanges among artists

In the artistic field it is mainly the cross-border activities of the University Cultural Centre UNIKUM¹⁰⁴, which time and again cooperates with Theatre Group Trotamora¹⁰⁵ of the Slovenian Cultural Association Rož, as well as Music Theatre Gabriel¹⁰⁶, where Carinthian-Slovenian musicians perform together with musicians from Slovenia.

The theatre workshop has become a traditional institution, where amateur theatre groups perform at Ankaran in Slovenia every year.

¹⁰² http://www.aacc.or.at/deu/deu_pro.htm

¹⁰³ <http://www.sgz.at>

¹⁰⁴ <http://www.unikum.ac.at/>

¹⁰⁵ <http://www.roz.si/de/teatr-trotamora/chronik/>

¹⁰⁶ http://www.gabriel.co.at/ger/index_ger01.php

On 17 March 2014 the dramatized novel of the Carinthian-Slovenian author Maja Haderlap “Angel of Oblivion” in a Slovenian language version¹⁰⁷ was performed by the Slovenian National Theatre in Klagenfurt.

¹⁰⁷ <http://www.stadttheater-klagenfurt.at/de/produktionen/angel-pozabe-engel-des-vergessens/>

III.3 Hungarian in the Hungarian Language Territory of the Federal Province of Burgenland

III.3.1 Article 8 Education

III.3.1.1 Pre-school education

Austria has accepted the commitment according to Article 8 letter a ii.

Article 8 paragraph 1 of the Language Charter

With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a)
 - i) to make available pre-school education in the relevant regional or minority languages; or
 - ii) to make available a substantial part of pre-school education in the relevant regional or minority languages; or**
 - iii) to apply one of the measures provided for under I and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - iv) if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under I to iii above;

§ 7 paragraph 1 number 2 of the 2009 Burgenland Childcare and Education Act, Regional Law Gazette No. 7/2009 in its currently valid version, provides Hungarian/bilingual childcare in the childcare facilities of the following municipalities:

- a) in the political district of Oberpullendorf: Oberpullendorf
- b) in the political district of Oberwart: Rotenturm an der Pinka (in the municipal administrative district of Siget in der Wart), Oberwart and Unterwart.

The language of the Hungarian ethnic group must be used for a minimum of twelve hours per week. Unless cogent organisational reasons (e.g. assignment to groups, service schedule of the child-caring staff) prevent such arrangements, one hour per day, on which the childcare facility is open, shall be used, if possible, for child-caring in the language of the ethnic group (§ 2 paragraph 1 of the Ordinance of the Burgenland Regional Government, Regional Law

Gazette No. 13/2007). The statutory specifications concerning the requirements to be met by Hungarian/bilingual nursery-school teachers are the same as for the Croatian ethnic group.

III.3.1.2 Primary education

Austria has accepted the commitment according to Article 8 letter b ii.

Article 8 paragraph 1 letter b of the Language Charter

ii) to make available a substantial part of primary education in the relevant regional or minority languages; or

The Committee of Experts encourages the authorities to provide more comprehensive information on the availability and development of primary education in Hungarian. (Margin note 363)

The more recent figures have been contrasted to the figures shown in the previous Periodical Report in order to describe the development of primary education in the Hungarian language. It is stated, by way of introduction, that the same legal status applies to Hungarians in Burgenland as to Croatians in Burgenland. However, the Hungarian autochthonous settlement area is comparatively smaller. It is concentrated on the Wart region (Oberwart, Unterwart, Siget in der Wart) and Oberpullendorf. The fact that a much larger number of primary schools educate in Hungarian/bilingually demonstrates that parents have recognised the value of bilingualism. Outside the autochthonous settlement area, education in the language of the ethnic group is provided only on the basis of the required registrations. A further table shows that an even larger number of children become acquainted with Hungarian in the form of an optional exercise. This means that no grade is given for this subject. Moreover, there are differences concerning the length and intensity of the teaching provided.

Table 43 Bilingual primary school classes and/or classes with Hungarian as a compulsory subject (PFG)

School	Number of pupils 2011	Type of education	Number of pupils 2015/16	Type of education 2015/16
Eberau			7	compulsory subject
Frauenkirchen	16	compulsory subject	20	compulsory subject
Horitschon	35	bilingual (17) / compulsory subject (18)	28	of these bilingual: 14 compulsory subject: 14
Lutzmannsburg	11	bilingual education	26	bilingual education
Markt Neuhodis	10	bilingual education	12	compulsory subject
Mörbisch	11	bilingual education	59	compulsory subject
Neusiedl/See–Am Tabor	99	compulsory subject	77	compulsory subject
Nickelsdorf	25	compulsory subject	34	compulsory subject
Oberpullendorf	49	bilingual (30) / compulsory subject (19)	55	of these bilingual: 25 compulsory subject: 30
Oberwart	66	bilingual education	65	of these bilingual: 50 compulsory subject: 15
Rechnitz			24	compulsory subject
Siget in der Wart	26	bilingual primary school	26	bilingual primary school
Steinberg-Dörfl	24	bilingual education	12	bilingual education
Untervart	35	bilingual primary school	32	bilingual primary school
Total	407		477	

Source: Regional School Board Burgenland, own presentation

Table 44 Primary schools with Hungarian as an optional subject (FG) and/or optional exercise (UÜ)

School	Number of pupils 2011	Type of education 2011	Number of pupils 2015/16	Type of education 2015/16
Andau	48	optional subject (14) optional exercise (34)	46	optional subject (21) optional exercise (25)
Bad Tatzmannsdorf	7	optional exercise		
Buchschachen	21	optional exercise	26	optional exercise
Deutsch Kaltenbrunn	15	optional exercise	15	optional exercise
Deutschkreutz	6	optional exercise	7	optional exercise
Deutsch Schützen	17	optional exercise	5	optional exercise
Draßmarkt	25	optional exercise		
Draßburg			14	optional exercise
Dürnbach	10	optional exercise	8	optional exercise
Eberau	29	optional subject (11) optional exercise (18)	13	optional exercise
Eisenstadt	8	optional exercise	17	optional exercise
Forchtenstein	10	optional exercise	11	optional exercise
Frauenkirchen	9	optional exercise	7	optional exercise
Goberling	9	optional exercise		
Gols	28	optional exercise	13	optional exercise
Großmürbisch			11	optional exercise
Großwarasdorf			17	optional exercise
Güssing	12	optional exercise		
Halbtum	18	optional exercise	10	optional exercise
Hannersdorf	13	optional exercise		
Heiligenbrunn			18	optional exercise
Horitschon	5	optional exercise	6	optional exercise
Illmitz	8	optional exercise		
Jennersdorf	51	optional exercise	8	
Jois	24	optional exercise	13	optional exercise
Kalkgruben	13	optional exercise	13	optional exercise
Kemeten	13	optional exercise	10	optional exercise
Kleinhöflein	6	optional exercise	11	optional exercise
Klingenbach	25	optional exercise	11	optional exercise
Kobersdorf	14	optional exercise	6	optional exercise
Kohfidisch	14	optional exercise		
Krobotek	12	optional exercise		
Kroatisch Minihof	9	optional exercise	5	optional exercise
Lackenbach	7	optional exercise		
Lackendorf	11	optional exercise		
Lockenhaus	24	optional exercise	11	optional exercise
Loipersbach	6	optional exercise	13	optional exercise

Protection of Languages acc. to Part III of the Charter

School	Number of pupils 2011	Type of education 2011	Number of pupils 2015/16	Type of education 2015/16
Loipersdorf/Kitzladen	68	optional exercise	27	optional exercise
Lutzmannsburg	8	optional exercise		
Maria Bild	11	optional exercise	7	optional exercise
Mariasdorf	13	optional exercise	20	optional exercise
Markt Allhau	30	optional exercise	32	optional exercise
Markt Neuhodis	13	optional exercise		
Marz	5	optional exercise		
Mattersburg	7	optional exercise	9	optional exercise
Mischendorf	15	optional exercise	12	optional exercise
Mogersdorf	23	optional exercise	9	optional exercise
Moschendorf	20	optional exercise	7	optional exercise
Mönchhof	11	optional exercise	12	optional exercise
Neckenmarkt			11	optional exercise
Mörbisch	24	optional exercise		
Neudörfel	5	optional exercise	8	optional exercise
Neusiedl/See-Am Tabor	28	optional exercise	25	optional exercise
Neusiedl/See r.k.	9	optional exercise	10	optional exercise
Neutal	17	optional exercise	14	optional exercise
Nikitsch	7	optional exercise		
Oberloisdorf	10	optional exercise		
Oberschützen	9	optional exercise	9	optional exercise
Oberwart	23	optional exercise	15	optional exercise
Pamhagen	18	optional exercise		
Podersdorf	21	optional exercise	17	optional exercise
Rattersdorf	7	optional exercise		
Rechnitz	49	optional exercise	25	optional exercise
Riedlingsdorf	6	optional exercise	6	optional exercise
Rotenturm	16	optional exercise		
Rudersdorf	10	optional exercise		
Rust	25	optional exercise	8	optional exercise
Schattendorf	13	optional exercise	41	optional exercise
Sigleß	6	optional exercise	10	optional exercise
Stadtschlaining	16	optional exercise		
St. Andrá	7	optional exercise	10	optional exercise
St. Georgen	13	optional exercise	6	optional exercise
St. Margarethen	22	compulsory exercise		
St. Martin/Raab	12	optional exercise	12	optional exercise
Stoob			12	optional exercise
Strem	11	optional exercise	16	optional exercise
Steinberg-Dörfel	13	optional exercise	29	optional exercise
Tadten	21	optional exercise		
Unterpetersdorf	15	optional exercise	15	optional exercise

School	Number of pupils 2011	Type of education 2011	Number of pupils 2015/16	Type of education 2015/16
Unterrabnitz	22	optional exercise	18	optional exercise
Wallern	21	optional exercise	26	optional exercise
Weiden			12	optional exercise
Weppersdorf	29	optional exercise	10	optional exercise
Wiesen	7	optional exercise	33	optional exercise
Wimpassing/L.	8	optional exercise	5	optional exercise
Winden	12	optional exercise	18	optional exercise
Wolfau	21	optional exercise	26	optional exercise
Wörterberg	13	optional exercise		
Zemendorf			19	optional exercise
Zurndorf			25	optional exercise
Total	1,328		971	

Source: Regional School Board Burgenland, own presentation

III.3.1.3 Secondary education

Austria has accepted the commitment according to Article 8 letter c iii.

Article 8 paragraph 1 letter c of the Language Charter

iii) to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum;

In Austria pupils can attend either a new middle school (NMS) or the junior level of a grammar school for their secondary education, level I. The new middle schools emerged from the lower-level secondary schools. On the secondary level II, pupils can attend either the senior level of a grammar school (AHS) or a middle or upper-level vocational school (BMHS). On the secondary level, which is in contrast to the primary level, it is necessary to sign up for Hungarian classes. The table below shows that at the new middle schools (formerly: lower-level secondary schools) Hungarian is not only chosen in the autochthonous settlement areas (NMS Oberpullendorf, NMS Oberwart) as a (optional) compulsory subject. Moreover, there are a number of schools which offer Hungarian as an optional subject or an optional exercise.

Table 45 Lower-level secondary schools and/or new middle schools with Hungarian as a compulsory subject or an optional compulsory subject

School	Number of pupils 2011	Type of education	Number of pupils 2015/16	Type of education
Andau, NMS	20	optional compulsory subject	38	compulsory subject
Eberau Josefinum	30	optional compulsory subject	58	compulsory subject
Markt Allhau, NMS	53	compulsory subject		
Oberpullendorf, NMS	53	optional compulsory subject	45	compulsory subject
Oberwart, EMS/NMS	51	optional compulsory subject	42	compulsory subject
Pamhagen, NMS			12	alternative compulsory subject
Rechnitz	60	optional compulsory subject	38	compulsory subject
Zurndorf, NMS	33	optional compulsory subject	20	alternative compulsory subject
Total	300		253	

Source: Regional School Board Burgenland, own presentation

Table 46 Lower-level secondary schools (HS) and new middle schools (NMS) with Hungarian as an optional subject (FG), compulsory exercise (VÜ) or optional exercise (UÜ)

School	Number of pupils 2011	Type of education	Number of pupils 2015/16	Type of education
Andau, NMS	69	FG	34	optional subject: 21 optional exercise: 13
Bernstein, NMS	15	UÜ		
Eberau Josefinum	38	UÜ	19	optional exercise
Eisenstadt Theresianum	10	FG	8	optional subject
Frauenkirchen, NMS	29	UÜ		
Großpetersdorf, music HS	7	UÜ	7	optional exercise
Güssing	11	UÜ		
Horitschon, NMS	11	FG	8	optional subject
Jennersdorf	11	UÜ		
Kobersdorf	181	VÜ		
Kohfidisch	5	UÜ		
Mattersburg, NMS	5	UÜ		
Markt Allhau			46	optional exercise
Neusiedl/See r.k.	8	UÜ	12	optional exercise
Oberpullendorf, NMS	12	UÜ	12	optional exercise
Pamhagen, NMS	26	UÜ		
Rechnitz			5	optional exercise
Rudersdorf	13	UÜ		
Rust	7	UÜ		
Schattendorf			5	optional exercise
Steinberg r.k., NMS	20	UÜ		
Stoob, NMS	16	UÜ		
Zurndorf, NMS	16	UÜ	8	optional exercise
Total	510		164	

Source: Regional School Board Burgenland, own presentation

The figures shown in the table below for upper-level secondary general schools comprise the junior level and the senior level as well as the Training Institute for Nursery-School Teaching. The table also shows that the bilingual grammar school is of central importance for the ethnic group and has a fairly constant number of pupils. In the central part of Burgenland, at Oberpullendorf, the pilot project was transferred into the standard school regime. In the northern part of Burgenland, Hungarian is scarcely offered. Comparisons show that the number of students, who study Hungarian, at the Training Institute for Nursery-School Teaching went down; yet, on account of the low absolute figures there are strong relative fluctuations.

Table 47 Hungarian at upper-level secondary general schools and the Training Institute for Nursery-School Teachers, Burgenland

Type of education	School	Number of students 2010/2011	Number of students 2014/15
optional subject	G Diözese Eisenstadt	-	
	ORG Theresianum Eisenstadt	-	
	BG Mattersburg	11	8
	BAKIP Oberwart	9	5
	Total	20	13
optional exercise	BG Oberschützen	17	
	BG Oberwart		9
	Total	17	9
compulsory subject	BG Oberpullendorf	-	36
	BG Eisenstadt	-	
	Total	-	36
optional compulsory subject	BG Oberpullendorf	5	
	ORG Theresianum Eisenstadt	-	
	Total	5	
pilot project	BG Eisenstadt	-	
	BG Oberpullendorf	23	
	Total	23	
bilingual school	BG Oberwart	144	139
	Total	144	139
Total		209	197

Source: Regional School Board Burgenland, own presentation

G = grammar school; ORG = senior-level modern-language grammar school; BG = federal grammar school; BAKIP = Training Institute for Nursery-School Teachers

The teaching of Hungarian has decreased, as can be gathered from the table below, which shows middle and higher-level vocational schools. Hungarian is taught at schools with a focus on business (commercial colleges [HAK] and training institutes for business occupations [HBLA]) but not at technical schools. At the Commercial College Oberwart, Hungarian is now offered as a compulsory subject and no longer as an optional compulsory subject. The opposite occurred at the Commercial College Frauenkirchen. In the regional capital of Eisenstadt, Hungarian is not offered at the upper-level secondary general schools; in the autochthonous settlement area around Oberwart, the situation is relatively constant.

Table 48 Hungarian at middle and upper-level vocational schools, Burgenland

Type of education	School	Number of students	Number of students
		2010/11	2014/15
optional subject	HLW Theresianum, Eisenstadt	-	
	BHAK Eisenstadt	-	
	BHAK Mattersburg	-	
	BHAK Oberpullendorf	7	
	Total	7	
compulsory subject	BHAK/BHAS Frauenkirchen	87	
	BHAK/BHAS Oberwart		63
	Total	87	63
optional compulsory subject	BHAK/BHAS Frauenkirchen		64
	BHAK Stegersbach	-	
	BHAK/BHAS Oberwart	81	
	BHAK/BHAS Mattersburg	34	23
	HBLW Oberwart	27	40
	HLW Pinkafeld	8	11
	Total	150	138
Total		244	201

Source: Regional School Board Burgenland, own presentation

HLW = higher training institute for business occupations; BHAK = federal commercial college; BHAS = federal commercial school; HBLW = federal higher training institute for business occupations

III.3.1.4 Technical and vocational education

Austria has accepted the commitment according to Article 8 letter d iv.

- d) i) to make available technical and vocational education in the relevant regional or minority languages; or
- ii) to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- iii) to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- iv) to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;**

The figures for pupils/students at higher and middle vocational schools were already shown in the previous chapter. At vocational schools, which apprentices attend on one or two days per week, as part of their dual training system, only English is taught in the subject “occupation-related foreign language”.

III.3.1.5 University education

Austria has accepted the commitment according to Article 8 paragraph 1 letter e iii.

- e) i) to make available university and other higher education in regional or minority languages; or
- ii) to provide facilities for the study of these languages as university and higher education subjects; or
- iii) if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;**

Hungarian can be studied at the University of Vienna, also for the teaching profession.

The study course on international economic relations at the University for Applied Science Burgenland offers language training in various so-called Eastern-European languages, including Hungarian. Students at this university can participate in three-week summer college courses in Hungary in order to improve their language skills.

III.3.1.6 Adult education

Austria has accepted the commitment according to Article 8 paragraph 1 letter f iii.

- f) iii) if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

Hungarian can be learnt at various adult education institutions. Especially the Adult Education Centre for Burgenland Hungarians and the Burgenland-Hungarian Cultural Association offer language courses.

III.3.1.7 Teaching history and culture

Austria has accepted the commitment according to Article 8 letter g.

- g) to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

The Committee of Experts asks the authorities to provide more practical and detailed information [on this subject] in the next periodical report. (Margin note 375)

Please refer to the comments below provided in connection with Article 7 paragraph 3 of the Charter.

III.3.1.8 Teacher training

Austria has accepted the commitment according to Article 8 paragraph 1 letter h.

h) to provide the basic and further training of the teachers required to implement those [provisions] of paragraphs a to g accepted by the Party;

The University College of Teacher Education in Eisenstadt is responsible for the training of teachers for the Hungarian-bilingual school system. There is a specific curriculum; yet, it presupposes a high level of language skills. The language skills may have been obtained either at the Bilingual Grammar School Oberwart or at the University of Vienna. It also happens that teachers from Hungary obtain this additional training in order to teach in Austria. At the University of Vienna Hungarian can be studied in order to become a teacher for Hungarian.

<http://www.ph-burgenland.at/ueber/studien/weiterbildung/lehrgaenge/>

III.3.1.9 School supervisory board

Austria has accepted the commitment according to Article 8 paragraph 1 letter i.

i) to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

The Committee of Experts looks forward to receiving more concrete information on this undertaking, especially with regard to the development of the existing reporting system so that its reports [on the development of the minorities' school systems] comply with the terms of the Charter [...]. (Margin note 383)

The respective department of the Regional School Board for Burgenland acts as the body which supervises schools. The considerations of the Committee of Experts concerning a publicly accessible reporting structure in line with the Charter are being examined by the Education Ministry.

III.3.1.10 Education outside the autochthonous settlement area

Austria has accepted the commitment according to Article 8 paragraph 2.

(2) With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

As is shown in the tables relating to the bilingual education system, Hungarian is also taught in Burgenland at schools outside the autochthonous settlement area if the necessary number of registrations is obtained. However, outside Burgenland, Hungarian is only taught to a relatively small extent at public schools, either as an optional exercise “mother-tongue education” or as a second modern foreign language (at grammar schools or commercial colleges and higher schools for business occupations). There are ethnic group associations which offer teaching in Hungarian for mother-tongue students with the help of public funding.

III.3.2 Article 9 Judicial authorities

Hungarian has been admitted as official language before the district courts of Oberwart and Oberpullendorf as well as before the Regional Court Eisenstadt.

III.3.2.1 Judicial authorities – Criminal proceedings

Austria has accepted the commitment according to Article 9 paragraph 1 letter a ii and iii.

Article 9 paragraph 1 of the Language Charter

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

- a) in criminal proceedings:
 - ii) to guarantee the accused the right to use his/her regional or minority language; and/or
 - iii) to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or

III.3.2.2 Judicial authorities – Civil proceedings

Austria has accepted the commitment according to Article 9 paragraph 1 letter b ii and iii.

Article 9 paragraph 1 of the Language Charter

b) in civil proceedings:

- ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
- iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations:

The Committee of Experts would welcome more information on the practical implementation of these undertakings in the next periodical report. (Margin note 388)

Regrettably, the Federal Ministry of Justice did not make available any data on the use of the ethnic group languages as official languages before courts. It can be assumed that Hungarian is requested as official language only rarely, if at all. In such a case a request for using Hungarian as an official language would be complied with, if necessary by calling in translators and/or interpreters.

For relatively frequent legal procedures such as applications for legal aid, orders for payment procedures, legal actions in labour and social-law proceedings, applications for execution/forced collection, the necessary forms in Hungarian language are available on the website of the Federal Ministry of Justice¹⁰⁸ .

III.3.2.3 Proceedings before administrative courts

Austria has accepted the commitment according to Article 9 paragraph 1 letter c ii and iii.

Article 9 paragraph 1 of the Language Charter

c) in proceedings before courts concerning administrative matters:

- ii) to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

¹⁰⁸ <https://www.justiz.gv.at/web2013/html/default/8ab4ac8322985dd501229ce38af900a6.de.html>

iii) to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

The Administrative Court of the Province of Burgenland is the authority under item III.C.b) of Schedule 2 to Ethnic Groups Act so that Hungarian has been admitted as official language.

In keeping with § 13 paragraph 13 of the Federal Fiscal Court Act, the office and the branch offices of the Federal Fiscal Court are regarded as public offices pursuant to § 13 of the Ethnic Groups Act (VoGrG), Federal Law Gazette No. 396/1976¹⁰⁹, which means that these are authorities or public offices where Hungarian can be used as an official language.

There have been no reports on the actual use of Hungarian as an official language at the administrative courts.

The Committee of Experts would like to point out that under this undertaking, the authorities have to take measures to inform the public of the possibility to use regional or minority languages before administrative courts, and to actively encourage them to do so. Such measures might include for example, bilingual or multilingual notices and signs in/on court buildings, and information in public announcements or court forms. (Margin note 391)

There are no multilingual notices or signs in the administrative courts.

III.3.2.4 No charges for translations

Austria has accepted the commitment according to Article 9 paragraph 1 letter d.

Article 9 paragraph 1 of the Language Charter

d) to take steps to ensure that application of sub-paragraphs li and iii of paragraphs b and c above any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

There are no changes that need to be reported.

¹⁰⁹ https://www.ris.bka.gv.at/Dokumente/BgblPdf/1976_396_0/1976_396_0.pdf

III.3.2.5 Validity of legal documents

Austria has accepted the commitment according to Article 9 paragraph 2 letter a.

Article 9 paragraph 2 of the Language Charter

The Parties undertake:

- a) not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;

There are no changes that need to be reported.

III.3.3 Article 10 Administrative authorities and public services

III.3.3.1 Administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 1 letters a iii and c.

Article 10 paragraph 1 of the Language Charter

Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:

- a)
 - iii) to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
 - c) to allow the administrative authorities to draft documents in a regional or minority language.

A survey among the federal ministries with regard to their subordinate public offices has provided the following information:

The Federal Ministry of Finance reported that Hungarian-speaking staff is employed at the tax office at Oberwart.

The Federal Ministry of Labour and Social Affairs reported that individual staff members employed by the labour inspectorates have sufficient language skills in Hungarian so that it is possible to lodge submissions and obtain advice in oral and written form in this language: the website of the labour inspectorate comprises information material in the Hungarian language, amongst others, for downloading. As to the labour market service, there have been no major changes since 2012. When hiring new personnel, more focus is put on employing persons

with another mother tongue so that all services can be provided in various languages, if necessary.

The Federal Ministry of Science, Research and Economy reports that one staff member of the Metrology and Land Surveying Office in Eisenstadt can speak and write in Hungarian; yet, this is not the case at Oberwart and Oberpullendorf.

The Federal Ministry of Defence and Sports reported that the Military Command Burgenland and the draft boards in Vienna and Styria each have one employee who can speak and write in Hungarian, who is available during office hours (at the draft boards only on the drafting days of the respective municipalities).

Oberpullendorf offers family counselling in Hungarian¹¹⁰ an.

III.3.3.2 Local and regional administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 2 letters b and d.

Article 10 paragraph 2 of the Language Charter

In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:

- b) the possibility for users of regional or minority languages to submit oral or written applications in these languages;
- d) the publication by local authorities of their official documents also in the relevant regional or minority languages;

Hungarian has been admitted as an official language at the district commissions of Oberwart and Oberpullendorf as well as in the municipalities of Oberpullendorf, Oberwart, Rotenturm an der Pinka and Unterwart.

¹¹⁰ <https://www.familienberatung.gv.at/beratungsstellen/information/einrichtung/7350-Oberpullendorf-Familienberatungsstelle-Oberpullendorf/>

The Committee of Experts has been informed that there is still a lack of Hungarian-speaking staff in the local authorities, even in those municipalities where Hungarian is an official language. The Committee of Experts has not been informed of any publication by local authorities of documents in Hungarian. [The Committee of Experts invites the authorities to comment on this matter in the next Periodical report.] (Margin note 400)

More precise information on the employment of Hungarian-speaking personnel at the district commissions as well as at the municipalities in Burgenland has not been received. It can only be presumed that the use of the official language differs from municipality to municipality. Whereas Hungarian enjoys a major presence in the small municipality of Unterwart and is also spoken at the local authority, this might apply only to a lesser extent to the larger municipalities of Oberpullendorf and Oberwart as well as the respective district commissions.

However, it must be underlined that there has not been a single case to date where the use of the official language – be it in oral or written form – was obstructed or not facilitated.

The municipalities do not make use of the possibility to also affix public announcements (official notice board) in the Hungarian language. However, Hungarian is used sporadically in public presentations: the municipality of Oberwart, for example, offers information about bilingual nursery-schools and day-schools on its website in Hungarian: [nursery-schools and day schools at Oberwart](#)¹¹¹.

In the municipality of Unterwart the signs at the local authority, the municipal library, the primary school, the nursery-school and the heritage museum are bilingual. The page on the website of the municipality of Unterwart relating to the church is in the Hungarian language.

III.3.3.3 Translations at administrative authorities

Austria has accepted the commitment according to Article 10 paragraph 4 letter a.

Article 10 paragraph 4 of the Language Charter

With a view to putting into effect those provision of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

a) translation or interpretation as may be required;

¹¹¹ http://www.oberwart.gv.at/index.php?option=com_content&task=view&id=65&Itemid=346

Please refer to the Second Periodical report.

III.3.3.4 Family Names

Austria has accepted the commitment according to Article 10 paragraph 5.

Article 10 paragraph 5 of the Language Charter

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

The use and the adoption of first or family names in the languages of the ethnic groups have been ensured.

The 2013 Law Amending the Children's Rights and Change of Name Act, Federal Law I No. 15/2013, has made it possible to choose a gender-related form of the family name on the occasion of marriage, by making a simple statement to the civil registrar, if this corresponds to the origin of the person or the tradition of the language from where the name originates. It may also be determined – if so requested – that the ending of the name referring to a person's gender shall be deleted. The same applies to the name given to a child. Moreover, the same law also explicitly introduced as facts that no fees are charged when obtaining a gender-related form of one's name (see § 2 paragraph 1 numbers 7 and 7a in conjunction with § 6 of the Change of Name Act in the version of Federal Law Gazette I No. 161/2013).

III.3.4 Article 11 Media

III.3.4.1 Radio

Austria has accepted the commitment according to Article 11 paragraph 1 letter b ii.

Article 11 paragraph 1 of the Language Charter

(1) The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:

b) ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis:

The Austrian Broadcasting Corporation ORF produces the following radio programmes for the Hungarian ethnic group which can be received both in Burgenland and Vienna.

Table 49 ORF radio programmes for the Hungarian ethnic group

Programme	Broadcasting time	from	to	Duration
Hungarian Journal	Mon – Sun	18:55	19:00	00:05
Színes Kultúránk (Hungarian cultural programme)	Mon	20:30	20:50	00:20
Magyar Magazin (Hungarian magazine)	Sun	19:30	20:00	00:30

Source: ORF Annual Report 2014

III.3.4.2 Television

Austria has accepted the commitment according to Article 11 paragraph 1 letter c ii.

c) ii) to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;

Table 50 Hungarian television programmes

Programme	Station	Broadcasting time	from	to	Duration	Language
Adj'isten magyarok	ORF 2 Vienna and Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian
Adj'isten magyarok REPEAT	ORF III throughout Austria	Tues 6 x p.a.	11:00	11:25	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	ORF 2 Vienna and Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland- Croatian, Romani
Servus, Szia, Zdravo, Del tuha REPEAT	ORF III throughout Austria	Tues 6 x p.a.	11:00	11:25	00:25	German, Hungarian, Burgenland- Croatian, Romani

Source: ORF Activity Report 2014, own presentation

The Committee of Experts encourages the authorities to increase the offer of Hungarian language television programmes. (Margin note 411)

Since ORF III has been launched, Hungarian programmes are re-broadcast throughout Austria. A further increase has not been possible, as yet.

III.3.4.3 Audio and audio-visual works

Austria has accepted the commitment according to Article 11 paragraph 1 letter d.

d) to encourage and/or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;

The production and distribution of audio and audio-visual works in the Hungarian language can be promoted with funding for the ethnic groups.

Time and again, the Austrian Broadcasting Corporation ORF, too, promotes off-air productions of the ethnic groups. In June 2015, for example, the third CD of the Adult Education College of the Burgenland Hungarians was presented at the ORF studio in Eisenstadt. Thanks to the Adult Education College of the Burgenland Hungarians, Hungarian folklore songs from Wart from the collections of Gyula Kertész, Károly Gaal, Ernő Tölly and Ernő Barsi no longer remain unnoticed in the archives. The groups "Öri Banda" and "Népdalkör", committed to keeping traditions alive, processed and revived them. The result was a series of CD for people to join in singing, learning and dancing.

III.3.4.4 Newspapers

Austria has accepted the commitment according to Article 11 paragraph 1 letter e i.

e) i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

The Committee of Experts urges the Austrian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Hungarian. (Margin note 419)

No changes since the last monitoring have occurred that need to be reported. There is "Bécsi napló", which is published every two months, and then there are various newsletters, yearbooks, etc. by associations.

III.3.4.5 Financial assistance for audio-visual productions

Austria has accepted the commitment according to Article 11 paragraph 1 letter f ii.

f) ii) to apply existing measures for financial assistance also to audio-visual productions in the regional or minority languages;

At present, no Austrian film productions in the Hungarian language are known in the area of television or feature films. Please refer to the comments in connection with margin note 335 concerning the promotion of films in Austria.

III.3.4.6 Radio and television from neighbouring countries / Freedom of expression

Austria has accepted the commitment according to Article 11 paragraph 2.

(2) The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the re-transmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Stations from Hungary can be received via satellite or Internet and partly also via cable. Books and other print media can be obtained from abroad.

III.3.5 Article 12 Cultural activities and facilities

III.3.5.1 Supporting cultural and linguistic activities

Austria has accepted the commitment according to Article 12 paragraph 1 letters a and d.

(1) With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including *inter alia* the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a) to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
- d) to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and

use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

The Committee of Experts asks the Austrian authorities again to increase their efforts in order to solve the problems related to funding for projects related to the Hungarian language, in co-operation with the speakers. (Margin note 426)

The Federal Chancellery is making efforts to accelerate the processing of promotional funding and to proceed in dialogue with the organisations of the ethnic groups. In connection with the Hungarian ethnic group, too, the Federal Chancellery follows up on the recommendation of the ethnic group advisory board concerning promotional funding.

III.3.5.2 Cultural activities outside the autochthonous settlement area

Austria has accepted the commitment according to Article 12 paragraph 2.

(2) In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.

Vienna is regarded as autochthonous settlement area of the Hungarian ethnic group. However, the Hungarian ethnic group is not protected under Part III of the Charter. Moreover, there are Hungarian associations in Linz, Graz and Innsbruck. The associations receive promotional funding for ethnic groups for offering a cultural programme such as memorial events, scientific lectures, dancing places, or guest performances of theatre groups. In addition, there is funding for the publication of media such as “Bécsi Napló“, yearbooks and association newsletters. The language courses of the Central Association of Hungarian Associations and Organisations in Austria, the Vienna Hungarian School Association and AMAPED – Association of Hungarian Teachers in Austria are of central importance. There is also a Hungarian library at the Central Association. The Vienna Hungarian Cultural Association “Délibáb¹¹²” actively promotes folk-dancing but also Modern Dance and theatre

¹¹² <http://www.wukv.at/rolunk-delibab-neptanccsoport/?lang=de>

performances in the Hungarian language. There is one further active Hungarian theatre group with the Peter Bornemisza Society¹¹³.

Europa Club¹¹⁴.

III.3.5.3 Cultural policy abroad

Austria has accepted the commitment according to Article 12 paragraph 3.

(3) The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

There are no recent examples known concerning the presentation of the culture of the Hungarian ethnic group in the cultural policy abroad.

III.3.6 Article 13 Economic and social life

Austria has accepted the commitment according to Article 13 paragraph 1 letter d.

(1) With regard to economic and social activities, the Parties undertake, within the whole country:

- a) to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
- b) to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
- c) to oppose practices designed to discourage the use of regional or minority languages in connection with economic and social activities;
- d) to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.**

There have been no changes that need to be reported.

¹¹³ <http://www.bornemisza.at/verein.htm#taetigkeit>

¹¹⁴ <http://de.europaclub.at/>

III.3.7 Article 14 Trans-frontier exchanges

Austria has accepted the commitment according to Article 14 letter b.

The Parties undertake:

- b) for the benefit of regional or minority languages, to facilitate and/or promote cooperation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

Austria and Hungary have signed a cultural agreement, for which work programmes are developed at regular intervals.

Trans-frontier educational exchanges have developed very well, on account of academic networks and exchange programmes. Hungary provides teaching materials to the Hungarian-bilingual schools in Burgenland.

The accession of Hungary to the EU and the resulting opening of the Austrian labour market have provided essential impulses for the Hungarian ethnic group and its language. There is intensive cooperation between Austria and Hungary in the EU framework. There is an ETC programme “Austria – Hungary”. Numerous projects have been conducted during the programme period 2007 to 2013; information about these projects can be found in the database indicated below: [AT-HU 2007-2013](#).

On 30 June 2015 the European Commission approved the successor programme 2014 to 2020 Interreg V-A Austria-Hungary.

The ETC project “IGR – Zukunft ImGrenzRaum” (Future in the Frontier Area) can be cited as one example of trans-frontier cooperation. It was conducted for eight years and ended on 31 March 2015. This was a project between the Austrian Trade Union Federation Burgenland and the Hungarian trade union MSZOSZ Western Trans-Danubia and a number of other involved parties. The Labour Inspectorate Eisenstadt provided trans-frontier services, amongst others, to Austrian and Hungarian employees, including advisory in the Hungarian language. This project took account of the fact that very many Hungarians pursue a gainful employment in Burgenland. The measures under the project are intended to make a positive, integrative and frictionless contribution as well as provide for a target-oriented efficient development of the labour market in the frontier region Burgenland – Western Hungary. More than 70,000 advisory interviews were held, 170 information events were organised, almost 50 brochures were produced and numerous institutional networks in the region were set up at the 145 networking events.

For more information please visit [IGR – Zukunft im Grenzraum \(Future in the Frontier Area\)](#)¹¹⁵.

Another gratifying example for trans-frontier cooperation is the joint management of the UNESCO world heritage “Fertő/Neusiedlersee Cultural Landscape”. By accepting the landscape of the Neusiedlersee (Hungarian: fertő-tó) with its villages, cultural goods and natural values into the UNESCO world heritage list in December 2001, the region has been given the award of being a cultural landscape “of extraordinary and universal value”. Already the nomination to the world heritage list was submitted jointly by Austria and Hungary. The Austrian and Hungarian authorities responsible for managing the world heritage have prepared and agreed on a joint management plan for the trans-frontier world heritage Fertő/Neusiedlersee.

The plan comprises joint activities for protection and a sustainable economic development, for settlements and architectural culture, agriculture and viticulture, tourism, preservation of nature and landscape as well as cultural and community life. This also includes, amongst others, work on studies, public relations, information to the local residents as well as to guests.

UNESCO Fertő/Neusiedlersee Cultural Landscape¹¹⁶.

The organisations of the ethnic group themselves engage in trans-frontier contacts by, for example, employing a folklore music teacher from Hungary, organising language holidays in Hungary, performances of their theatre groups in Hungary or hiring guest musicians from Hungary for events. Time and again, groups from Hungary and other Hungarian-speaking regions pay visits to the Hungarian ethnic group in Burgenland. A few examples are presented in more details below:

A group of 22 young persons from Hungary and Romania visited Burgenland from 3 to 7 September 2014. The visit was part of an EU project under the Erasmus+ Youth in Action programme. The project was coordinated by UMIZ (Hungarian Media and Information Centre) together with „Mustárház IITI”, a youth organisation domiciled at Nyíregyháza (Hungary). In addition to workshops and technical talks with regional cultural representatives, the programme offered several excursions. The tour started with a reception by the mayor at the municipality of Unterwart, followed by a visit to UMIZ and the folklore museum Unterwart. The Reformed Church Community, the Burgenland-Hungarian Cultural Association as well as the bilingual grammar school were visited at Oberwart. This gave participants a small

¹¹⁵ <http://www.igr.at>

¹¹⁶ http://www.unesco.at/kultur/oe_welterbe_neusiedl.htm

overview of the topics of relevance to the ethnic group, made it possible for them to see things in perspective and to compare them to the situation in their region. On the last day a fortress was visited, as well as the ORF Regional Studio Burgenland in Eisenstadt, where the young people obtained information about the television and radio editorial desks. After several project interviews and a visit to the Esterházy Palace, the project participants could once again share their experience gained during the visit with young people from Burgenland. The plan is to continue the Erasmus+ project¹¹⁷ the next year with a similar workshop in the town of Debrecen.

In September 2015, a group of 30 persons of the Rákócsi Association from Pápa (Hungary) visited Wart.

On Wednesday, 12 June 2013, three members of the Advisory Board for Local History of UMIZ were guests at a public round-table talk at the Savaria County Museum Steinamanger. The topic of the event was to present the UMIZ publication “Unterwart in old Photographs”. In addition to the historical development and the attempt to describe the identity of the Burgenland Hungarians, folklore, customs and traditions, associations, everyday life, religious and secular songs as well as the folk song of the Wart region were additional focal points. The audience directed many comments, notes and questions to the three authors of the publication, who were present.

¹¹⁷ <http://www.meinbezirk.at/oberwart/kultur/youth-in-action-erasmus+-projekt-d1078422.html>

IV Table with Overview on Implementation of Measures concerning the Minorities School System

Table 51 Map of Topics for the Minorities School System, Conference on the Future of the Minorities School System, Part 3, Current Developments

Topic	Competence	Implementation level and/or measures
Teaching the languages of the ethnic groups in all-day school forms	All players	In the course of implementation: The Federal Ministry of Education and Research (BMBF) incorporated the new pupil support plan for all-day schools (GTS) in the curricula. A handout is in preparation which states: "At bilingual schools within the scope of application of the minorities school laws for Carinthia and Burgenland the language of the respective ethnic group and the German language shall be used to approximately the same extent during the pupil support period, in analogy to the teaching period."
Mapping the minorities' school system in the school quality assurance process (SQA) on all levels	All levels of the school system	Implemented: Administrative department representatives and school supervisors attend the résumé and target-setting meetings. The minorities' school system (MSW) is one of ten chapters in the federal development plan (EP) and/or an integral component of the regional development plan (EP); bilingualism has been established as an issue to be developed at all MSW schools; the planned communication structure has been notified.
Raising the visibility of the minorities	All players	The Democracy Centre has been instructed to prepare a travelling exhibition on the minorities' school system. Target group: pupils; objective: awareness raising

Table 52 Measures for Consistent Language Education (full educational cycle)

Proposals Report "Education and Language"	Competence	Implementation level and/or measures
Continuity primary school (VS)/secondary level I, including the issue of numbers required for opening and dividing classes as well as the time frame for education in the minority language (page 20 and following, page 34 and following)	All players	Partly implemented. At eight schools on the secondary level the languages of the ethnic groups have been introduced as language of instruction. In addition, education in other forms is provided in the languages of the ethnic groups at 34 new middle schools (NMS). The regional language portfolio as well as the competence descriptions account for a higher level of standardization and professionalization, and so make it easier to transfer from one school to the next. Next step: deriving success conditions from Best Practice examples
Incorporating bilingualism in nursery schools (KiGa) and day schools (page 23)	Federal provinces, full-time schools (GTS) see above	At individual locations, very good practice, transfer from nursery school (KiGa) to primary school (VS) is a focal issue for the regional school councils (LSR) for Carinthia and Burgenland; yet, day schools and nursery schools are regional competences, for full-time schools (GTS) see above.
Exchange at "interfaces" (page 21)	All players	Partly implemented: Is being tested in the framework of the network projects. Both federal training institutes for nursery-school teachers (BAKIP) and the bilingual primary schools (VS) (Trausdorf, Oberpullendorf, Güttenbach, Gortischach) are involved.
Separate grading for German and mother tongue on the primary level (page 24)	Federal Ministry of Education and Research (BMBF)	A dialogue of the Regional Council for Carinthia (LSR) with Department I/1 has been planned to jointly develop solutions.
Development of education standards (BIST) and/or description of competences (page 24)	Federal Ministry of Education and Research (BMBF) regional school council (LSR) – project groups	Piloting/Implementing: competence descriptions and regional language portfolio (RSP) primary school (VS) and secondary level (Sek) I Under development: teaching materials, description of competences secondary level II, test formats for standardised school-leaving and diploma examinations (SRDP) (language of instruction [USpr] + modern foreign language [LFS])

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V Statements by the Ethnic Groups

V.1 Statement by the Council of Carinthian Slovenians

1. Introductory comment:

The Country Report was sent to the members of the ethnic group advisory boards in a letter dated 07 November 2016, with the request to submit statements before 22 November 2016, and the statements were to be no longer than 5 pages per ethnic group.

After consulting with Dr. Gerhard Hesse, Director of the Constitutional Department in the Federal Chancellery, it was agreed to extend the period, with 15 December 2016 as the delivery date.

The advisory board for the Slovenian ethnic group put the Country Report on the Charter as a separate item on the agenda of the meeting on 06 December 2016 for consideration of, and possibly agreeing on a statement by the advisory board.

It turned out that the overwhelming majority of the members of the advisory were not familiar with the Country Report. It is therefore justified to ask to wonder both about the appointment procedure concerning advisory board members, as well as the competence of this body to submit a statement on this report.

2. Statement on selected key areas

The basis for the statement is the Recommendation of the Committee of Ministers [CM/RecChL(2012)7] dated 28 November 2012 and the suggestions of the Council of Europe for improvement which are contained in it. At this point it must be pointed out that a statement on the Country Report requires an enormous input, both in terms of substance and time. On account of the available staff resources it is hardly possible to give a comprehensive presentation of the situation of the ethnic groups in Austria and their legal situation within the set timeframe.

With the Resolution of the Committee of Ministers of the Council of Europe concerning the application of the European Charter for Regional or Minority Languages by Austria [CM/RecChL(2012)7] dated 28 November 2012, Austria is requested to take account of all observations and recommendations of the Committee of Experts and – as a priority:

1. [to] adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life;
2. [to] include in the general curricula an adequate presentation of the history and the culture which is reflected by the regional or minority languages in Austria;
3. [to] ensure that the increasing demand for education in or teaching of Burgenland-Croatian, Slovenian and Hungarian is met with an adequate number of qualified teachers;
4. [to] ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice;

5. [to] secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian;
6. [to] clarify the status of the Romani language outside Burgenland.

It is striking that the recommendations cited in items 1., 3., 4. and 5. RecChL (2012)⁷ resemble almost word by word the recommendations of the Committee of Ministers of 19 January 2005, RecChL (2005)¹ and RecChL (2009)¹ of 11 March 2009. This fact already shows clearly that the recommendations of the Committee of Ministers of the Council of Europe are not observed at all, or only insufficiently by Austria's authorities, especially by Austria's federal government, which – pursuant to the Federal Constitution – has a central competence in matters relating to minorities,.

Priority recommendation by the Committee of Ministers:

“Adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life.”

This recommendation was not implemented; none of the restrictions concerning the application of the minority languages before authorities was eliminated during the reporting period. On the contrary, the amendment to the Ethnic Groups Act, Federal Law Gazette I No. 46/2011, which entered into force in 2011, actually deteriorated the position of the minority languages in public life, because the constitutional provisions overturned the case law of the Constitution Court and established a regime that is contrary to the principle of equality and clearly contradicts applicable provisions under international law.

The standard of protection for Austria's ethnic groups continues to differ substantially in its structure; the measures under public law concerning official language, bilingual topographical signs as well as the minority school system are limited to defined bilingual areas. The federal capital of Vienna – underlined particularly in the recommendations of the Committee of Ministers – is not included in the defined bilingual territories; the languages of the autochthonous minorities such as Croatian, Romani, Slovak, Czech and Hungarian cannot be used at all in public life. The same applies to Slovenian in Styria, which is in contrast to the constitutional provisions in paragraph 3 of Article 7 of the State Treaty of Vienna. An appropriate offer for Vienna, where there is sustainable demand, is missing altogether.

The ethnic groups are just as much affected by the development towards increasing urbanisation as the majority population. The institutionalised minority protection for Carinthian Slovenians relates to the rural, traditionally bilingual areas of Carinthia. In the meantime the regional capital Klagenfurt/Celovec has become the municipality with the biggest Slovenian-speaking population. However, concerning the official language it is not possible in Klagenfurt/Celovec to use the Slovenian language as an official language, not even in the restricted area where the organisations representing the ethnic group that are domiciled in Klagenfurt can use it in their contacts with the authorities. There is a growing number of Carinthian Slovenians living in Vienna. The possibility of obtaining school education in the Slovenian language would therefore be urgently required; yet, this is not foreseen.

The report points to the demographic development, which is characterised by considerable immigration, and it also refers to the fact that migrants must prove evidence of their German language skills and that, accordingly, they are promoted in their respective efforts.

It must be pointed out in this connection that in the regions which are traditionally inhabited by the autochthonous ethnic groups, knowledge of the respective language of the ethnic group ought to be recognised on an equal footing with the knowledge of the German language, as evidence for integration.

In view of the demographic development, the ethnic groups will otherwise be increasingly marginalised if the Republic of Austria only promotes the acquisition of German language skills, and if knowledge of the languages of the ethnic groups is not regarded as an equal factor of integration. This would also be in contradiction to the constitutional provision in Article 8 paragraph 2 of the Federal Constitution Act whereby the Republic of Austria commits itself to its autochthonous ethnic groups and their diversity.

However, attempts have failed so far, to recognise knowledge of the Slovenian language as evidence under the integration agreement. The Constitutional Court rejected the complaint of a migrant, stating as a reason that she did not have the respective legal title, as she was not an Austrian citizen. However, the ethnic groups cannot lodge a complaint in such a context because the organisations of the ethnic groups continue not to have the right to file class actions, in spite of having demanded this possibility for years.

The Country Report underlines that it is an important commitment to promote the languages of the autochthonous ethnic groups. This assertion is in conflict with the real situation in Carinthia. It only became effective again in 2015 that school principals of bilingual schools had the statutory obligation of having a bilingual qualification (this requirement was abolished in 1976 and, *de facto*, this obligation was observed until 1990, and eventually Governor Haider did, in fact, abolish it). Leading regional politicians and mayors from all political parties engaged in a campaign in the media against this obligation, maintaining that it discriminated the monolingual teachers. It is not known that the Education Ministry clearly and distinctly opposed this campaign. In connection with nursery-school education, the federal province of Carinthia presented a bill in which not a single word refers to the requirement to have bilingual nursery-school education in bilingual areas. No bilingual education is being provided at vocational schools and agricultural schools, to mention only a few points. For years comprehensive reforms to strengthen the bilingual education system have been demanded, and for years they have remained undone.

The central concerns of the ethnic groups in this segment continue to be:

- Uniform and comprehensive protection of the fundamental rights following the recommendations of the Austria Convention

Minority rights are human rights and must be aligned to the objective to guarantee, in addition to codifying the fundamental rights in the field of language, education and culture, also a dynamic further development of this body of law, taking also account of the positive jurisdiction of the Constitutional Court and the developments under international law, raising thus the different levels of protection of the ethnic groups to a uniform level.

A study on the production and reproduction of minority language communities commissioned by the European Commission concludes that 80% of the ethnic groups in Europe are threatened in their existence. They have fewer than 300,000 members – according to this study, 300,000 speakers are the critical limit for the survival of a language. The sizes of our ethnic groups are in the range of less than 10% of this critical mass, with the trend going in the downward direction. With its decisions, the Constitutional Court has also shown politicians the direction as to where to protect and promote the minorities in particular, namely where they are weak in numbers.

It appears to be meaningful and necessary – with a view to all ethnic groups – to develop the current legal situation in a direction where the corporative rights of the ethnic groups are formulated *per se* and designed in a way in which they can be enforced (the right to file class actions). It is not sufficient to merely protect the rights of individual persons in order to ensure the survival of an ethnic group.

The Country Report states that no consensus was found on the bill for a new law on the ethnic groups when it was sent out for review, and that the amendment was therefore not pursued any further. This is an inadmissibly abbreviated presentation of the situation. The working groups reached a consensus in extremely important areas such as education and language, or regional and economic policies, and proposals were developed that all sides supported. Concerning the issue of amending the Ethnic Groups Act there, too, were several wishes going beyond the text in the government bill; yet, there was no rejection of the proposals for improving such areas as topography and official language. However, the government wanted to achieve a reform of the ethnic group advisory boards at the same time, which would make it possible for the federal government to have even more influence on the organisations of the ethnic groups, as this is the case at present. This was rejected. However, the federal government linked any readiness to reform to the reform of the ethnic group advisory boards, which was to be achieved at the same time, and therefore any progress in the ethnic group policy was inadmissibly linked to this issue. It cannot be logically understood why improvements in the fields of official language, topography and, in particular, educational policy are not tackled, especially as these areas have nothing to do with a reform of the ethnic group advisory boards.

If it is stated that one would not dodge the “unanimous wish of all ethnic group advisory boards”, then this is an inadmissible linkage of several groups of problems. Why should improvements in the educational system for the Czech population in Vienna only be possible if the ethnic group advisory board of the Roma also supports this request? Why should improvements in connection with the court language in Carinthia for the Slovenian population in Carinthia, in the sense of aligning the legal situation to that prevailing in Burgenland, only be possible if the advisory board of the Slovak population also supports this wish?

In their government programmes three governments promised the ethnic groups that they would undertake a comprehensive reform of the regime for the protection of the ethnic groups. The ethnic groups developed concrete proposals with the expertise of renowned legal experts – see below the draft prepared by the experts under the co-leadership of Dr. Maria Berger and Univ. Prof. Dr. Heinrich Neisser.

Experts' Draft for an Article in the Federal Constitution Protecting the Minorities

(1) *Everybody has the right to have his/her language and culture respected. For the purpose of the present article, ethnic groups are the groups of Austrian citizens with a non-German mother tongue and own folklore tradition, who resided in and were endemic to parts of the federal territory as it existed when the Republic of Austria was re-constituted. The ethnic groups and their members have a right to obtaining special support and assurance of their survival, their language and their culture. Everybody is free to commit himself/herself to an ethnic group. No member of an ethnic group shall incur any disadvantage from exercising or not exercising the rights to which he/she is entitled.*

(2) *The ethnic groups and their members have the right to nursery-school education and school education in public compulsory schools in the respective language of the ethnic group in their autochthonous settlement area and outside of it if there is sustainable demand. Moreover, they have the right to a proportionate number of public higher schools and the installation of separate school supervisors. In addition, the ethnic groups have a right to obtain adequate promotion for private nursery schools and private schools that serve the purpose of maintaining their language and culture.*

(3) *The ethnic groups and their members have the right, in traditionally mixed-language areas, to use the language of their respective ethnic group as additional official language in communications with the administrative authorities and in court as well as in public life; outside this area, they have the right to adequate measures facilitating the use of the respective ethnic group. Every person in the mixed-language area may use the additional official language. In the traditionally mixed-language areas, the ethnic groups have the right to bilingual topographical signs and inscriptions.*

(4) *The ethnic groups have a right to obtain a commensurate share of the public funds, as financial support to promote the ethnic groups from the federal budget as well as the regional and municipal budgets where the mixed-language areas are located, as well as to special support of media in their own language.*

(5) *Associations or representative bodies, which serve the legal purpose of representing the interests of the ethnic groups and are representative of the respective ethnic group, have the right to assert the rights of the respective ethnic group under the present article before courts and administrative authorities. The foregoing shall not affect the rights of members of the ethnic groups.*

- Corporative organisation of the ethnic groups and participation in public life

Article 7 paragraph 1 of the 1955 State Treaty of Vienna stipulates for the Croatian and Slovenian minority "the right to own organisations". This does not refer to the general freedom to set up associations but the right of the ethnic groups to a minimum scope of self-government concerning their own affairs, applying a democratic right to co-determination on the part of the members of the ethnic groups. This is the only meaning to be gathered from this provision, unless it is to be meaningless.

The corporative organisation of the ethnic groups, to safeguard corporative minority rights, was also an issue during the Austria Convention. It reflects the principle of subsidiarity and is an integral part of the European legal system. The 2008 amendment of the Federal Constitution Act clearly establishes the basis under constitutional law (Article 120a of the Federal Constitution Act). Austrian law also comprises this form of

self-government units. The Israelite law which was reformed again only in 2012, is one example in this connection.

- Use of the minority languages in public life

The 2011 amendment to the Ethnic Groups Act essentially achieved new rules under constitutional law on the admissibility of using the Croatian and Slovenian language before courts, offices and authorities as well as bilingual topographical signs – both matters are part of the guarantees (under international law and constitutional law) of Article 7 number 3 of the State Treaty of Vienna. The 2011 amendment constitutes a serious deterioration of the minority rights according to Article 7 of the State Treaty of Vienna which the ethnic groups cannot accept. The same applies to the restrictive qualification, which is in contradiction to international understanding, of the toponymy concerning “place-name signs” and “sign posts”:

- Under the old legal situation, the language of the ethnic group was admitted as second official language in the municipalities which had villages with bilingual topographical signs within their municipal territory. This also corresponded to the substance of Article 7 number 3 of the State Treaty of Vienna. The amendment of the Ethnic Groups Act laid down, in an exhaustive list, 164 villages in 24 municipalities in Carinthia which could have bilingual place-name signs. However, Slovenian as an official language is restricted to 16 municipalities which are shown in an exhaustive list. This cannot reasonably be justified as correlating with the language of Article 7 number 3 of the State Treaty.

- Only place-names on place-name signs, which are listed exhaustively in Schedule 1 to the Ethnic Groups Act, or on sign posts in these places, which point to other places in Carinthia and Burgenland that are also on the exhaustive list, are regarded as “designations and inscriptions of a topographical nature”.

As far as official language is concerned, there are no safeguards that the Slovenian language can be used in practice before the respective courts and administrative authorities. In the municipalities of Eberndorf/Dobrla vas and St. Kanzian/ Škocjan the explicit arrangement under constitutional law limits the possible use of the Slovenian language to the residents of individual villages, which is in blatant contradiction to the principles of equality but cannot be challenged because this is a constitutional provision. It is planned to challenge the matter before the European Court of Human Rights.

There are several municipalities where the Slovenian language would have to be admitted as official language, in keeping with Article 7 number 3 of the State Treaty of Vienna, but which are excluded from this possibility on account of the explicit constitutional provision of the Ethnic Groups Act.

The bilingual administration of justice in Carinthia continues to be limited to three very small courts. Before the courts of Klagenfurt/Celovec, Villach/Beljak and Völkermarkt/Velikovec, which are of much more importance to the ethnic group, it is not possible to use Slovenian as the language of the court.

There is no opportunity to learn Slovenian as a legal language, and the legal language differs considerably from general everyday language. This gap is also a contributing factor, so that parties and civil servants shrink from using the Slovenian language as an official language.

It is incomprehensible why the pilot project of the municipality of Ludmannsdorf/Bilčovs, which must be mentioned positively, is not expanded to all

municipalities of the bilingual area. It would be possible without any problems and would be a major relief.

As a matter of principle, all forms and templates should also be available in the Slovenian language in the bilingual region of Carinthia. While some municipalities have introduced exemplary arrangements (for example Ludmannsdorf/Bilčovs), other municipalities have remained completely inactive in this respect. Municipalities, too, would need a binding provision.

At tax offices Slovenian forms and templates are available, but they continue to be accepted only as "translation support". It is not seen to be admissible to directly complete the forms in the Slovenian language. The persons concerned regard this as mockery.

- Educational options in the minority languages

The education system must ensure high-quality education in the respective minority language for all ethnic groups, from nursery school to the end of secondary level II. The minority school laws for Carinthia and Burgenland satisfy this commitment, although they, too, deserve improvement. Programmes to enhance the language competence at the pre-school and school age of children as well as quality assurance and school development deserve special attention.

No minority school systems have been enacted for other federal provinces where ethnic groups live as autochthonous groups (Slovenians in Styria, as well as Croatians, Roma, Slovaks, Czechs and Hungarians in Vienna).

The Committee of Ministers of the Council of Europe has repeatedly urged, both in connection with the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, that "... the educational needs of the ethnic groups living in Vienna and Styria should be better satisfied."

Secondly, one must point to Article 68 paragraph 2 of the State Treaty of St. Germain, which is a constitutional provision applicable within Austria. It states that in towns and districts where a relatively large number of Austrian nationals live, who belong to a minority in terms of race, religion or language, these minorities should be ensured an adequate portion of the amounts from public funds in government, municipal or other budgets, which are spent, for example, for the purpose of education, religion or charity, for the benefit and use of these minorities. (Collection of Constitutional Court Decisions VfSlg 9224/1981).

Article 68 paragraph 2 of the State Treaty of St. Germain thus constitutes an obligation to promote education under constitutional law, but cannot be applied directly before administrative authorities and courts, as the legislator must enact the details.

The organisations of the ethnic groups demand state financing for the private schools of the minorities (personnel and material costs) in proportion to the costs per pupil in comparable public schools, and they have proposed a corresponding amendment of the Private Schools Act (Federal Law Gazette No. 244/1962 in its currently valid version).

One must adopt a comprehensive view of the educational system. As far as nursery schools are concerned, legislative provisions continue to be lacking completely for the Carinthian Slovenians. This also applies to the training of nursery-school teachers and the recognition of this training.

The current Minorities School Act for Carinthia entered into force in 1959. The status at that time, all major determining factors for the content of the school system for the Slovenian ethnic group have been declared to be a federal-law issue concerning legislation and implementation. However, in the decades since the entry into force of those provisions, major and far-reaching changes have occurred in the field of education, without the specific aspects of the ethnic groups being adapted. In particular, the field of nursery schools as well as leisure-time and social pedagogy have a completely different priority than in 1959. From the perspective of the ethnic groups, there is urgent need for action.

The protection of the minorities is not only a commitment of Austria under international law, on account of Article 7 of the State Treaty. According to Article 8 paragraph 2 of the Federal Constitution Act, the commitment of the Republic of Austria concerning its ethnic groups is also a national objective. It is for a good reason that legislation concerning the ethnic groups is a federal-law concern. After all, it is an overall responsibility of the state. As ethnic groups are minorities, they particularly depend on an effective system for specific protection. In this context, different competences make it difficult to adopt target-oriented solutions. As a matter of principle, one must therefore call for a basic federal solution for matters such as nursery schools, afternoon care, agricultural schools, etc. which takes account of the further development of the education system since 1959.

Prior to determining the arrangements for the "topographical issue", several working groups met since December 2009 with the objective of working on a modern reform of the Ethnic Groups Act. One of these working groups was the working group "Education and Language". This working group adopted a comprehensive final report which was unanimously supported by all members of the working group and regarded as a package of measures for a modern school system for the ethnic groups, which needed to be urgently implemented. Unfortunately, none of the points in the final report of the working group "Education and Language", which were discussed in detail, have been implemented since the year 2011.

The only solution in the area of bilingual nursery schools is the Carinthian Nursery-School Fund Act, Regional Law Gazette No. 74/2001, in the version announced in Regional Law Gazette No. 37/2004. This law governs the financing of existing private bilingual nursery schools. As far as public nursery schools are concerned, it is up to the municipalities as to whether they operate bilingual nursery-school groups or not. There are no arrangements on the scope and/or level of the bilingual education, there are no arrangements concerning the qualification of the bilingual nursery-school teachers and/or a recognised diploma.

Since the final year of nursery-school has become mandatory and there are provisions for an interactive transition from nursery school to primary school, the final year of nursery-school, as a minimum, must be seen as part of the elementary school system, in line with the constitutional provision of Article 7 number 2 of the State Treaty of Vienna. It should therefore be possible to sign up for bilingual nursery-school education throughout the area of application of the Minorities School Act for Carinthia.

In reality, this possibility does not exist. There are private bilingual nursery schools, there are a few municipalities where bilingual groups were set up in the public nursery schools, and there are also municipalities where there is no possibility at all to obtain a bilingual nursery-school education. This situation is, at least, disconcerting, as Article 7

number 2 of the State Treaty of Vienna guarantees the rights of individual persons; an arrangement is therefore urgently needed.

There is urgent need for action in the field of training bilingual nursery-school teachers. There must also be adequate supervision and/or inspection; graduates of training courses to become a bilingual nursery-school teacher must be ensured that they will obtain adequate and recognised evidence of their qualification. Moreover, a bilingual training nursery school would have to be set up so that the future teachers can train there.

The school system for the Burgenland-Croatians in Burgenland differs from the school system of the Carinthian Slovenians in Carinthia, in that the principle of registration was introduced in the latter case. In addition to determining the right to bilingual education, the constitutional provision of § 7 of the Minorities School Act for Carinthia also contains the following provision: "A pupil can only be required to use the Slovenian language as language of instruction or to learn it as a compulsory subject if this is the will of his/her legal representative." The language of this provision must be classified as discriminating, or even racist. With this constitutional provision the Slovenian language is the only language in the world which must not be taught against the will of the legal representative of a child; every other language can be included in the curriculum without any further ado.

It is a gratifying development that the number of pupils signing up for a bilingual education is rising every year and has almost reached the 50% mark. The goal of a modern bilingual school system in Carinthia in the 21st century should be to set up a regional school system which meets the needs of the ethnic group and also takes account of the resulting advantages of the geographical location. On that basis one might ask whether the principle of signing up for specific classes is still up to date. It would be better to offer all parties the possibility of a bilingual education as an equivalent option. This is the only way to comply with the commitment vis-à-vis the ethnic group and to deal with bilingualism as a standard feature and not a discrepancy.

In the current system of a bilingual school regime, the children who were registered for bilingual education are taught in both languages with much input but also with very good success – up to the end of primary school. However, for a major part of the school children the bilingual education path ends when transferring to the secondary level, essentially with the exception of those children who then attend the Slovenian grammar school. This must be regarded as a waste of resources. It would be more target-oriented if the bilingual school system were continued on the secondary level.

There are no provisions at all for teaching religion in the language of the ethnic group on the secondary level. This is contrary to the general rule that, as a matter of principle, education in religion should be obtained in one's mother tongue. This is also in strange conflict with the bilingual practice that is the norm in parishes in southern Carinthia.

The requirement to have bilingualism in all-day care has not been regulated at all, which is not in conformity with Article 7 number 2 of the State Treaty of Vienna.

The Federal Grammar School for Slovenians is enjoying increasing popularity. The provisions of § 24 and § 27 of the Minorities School Act for Carinthia are in stark contrast to this, as they reserve attendance of the Slovenian grammar school to Austrian citizens. These provisions have become obsolete, not only from the angle of European Union law, but also constitute an indirect discrimination of the Slovenian ethnic group,

as migrants who would opt for the Slovenian grammar school are prevented from attending this school.

Although the ninth grade of school is part of compulsory schooling, any provision on facilitating bilingual education on that level is missing. The presumption ought to be that, in keeping with the significance attached today to school education, the entire compulsory school attendance must be seen as "elementary school system".

There are no provisions at all for vocational schools and special agricultural schools to attend classes in the Slovenian language. However, one should depart from the principle that pupils who decide in favour of a bilingual education must have the possibility of obtaining education in Slovenian until the end of their school track

In the field of university education one should mention that no courses are offered in "Legal Slovenian" and/or for the use of the languages of the ethnic groups in the legal field when training to become a lawyer. However, if one is serious about using the languages of the ethnic groups as official languages, such an option would be urgent.

The Country Report presents the wording used in the curricula concerning information about the ethnic groups.

The best information about the ethnic groups is obtained by learning the language of the ethnic group in the bilingual areas. In another section of the Country Report (page 100) it is reported that, in the meantime, 45.46% of the pupils in the bilingual area of Carinthia have signed up for a bilingual education. If this development continues, which was at least noticed during the last decade, there will soon be a majority of the pupils who sign up for a bilingual education. Nevertheless, there is the continuous request to expressly sign up pupils for a bilingual education in Carinthia. This is also in contrast to the solution in Burgenland where parents who do not wish their children to attend bilingual classes, can sign off their children from being taught in two languages. If one really wants to promote understanding among the language groups, then one must demand that the bilingual classes for children in the bilingual areas of Carinthia are re-introduced, which were abolished in 1958, or to replace the current signing-on principle by a signing-off principle.

The report mentions that "Glasbena šola" was integrated into the system of Carinthian music schools. This is correct and should serve as a positive example. However, a closer look shows that the solution was not implemented correctly.

It is correct that a statutory arrangement was found which secures the existence of "Glasbena šola". This was preceded by many months of negotiations with representatives of the federal province of Carinthia and the Slovenian ethnic group, where a considerable reduction of the scope of activities was demanded as a condition for integrating Glasbena šola. A compromise was reached in the negotiations to the effect that 400 teaching units were to be ensured. The representatives of the ethnic groups agreed to this solution. Only a few days before the Carinthian regional parliament adopted a decision, the number of teaching units was reduced to 280, which did not correspond to the agreement. This step can only partly be explained by the difficult financial situation of Carinthia, as no such cuts were made in the overall music school system of Carinthia. For the sake of the agreement reached in the Memorandum, the federal government could easily have taken the opportunity to help the federal province of Carinthia in this area and thus facilitate that the originally planned number of teaching units would be maintained. This has not been undertaken so far, but would

have contributed to a long-term solution, namely to maintain the activities of Glasbena šola in its original dimension (700 pupils).

It must urgently be demanded that the number of teaching units is raised again. Moreover, it needs to be pointed out that in spite of having found a "solution", the office holders of Glasbena šola continue to be confronted with demands to pay arrears in taxes and similar claims which are exclusively due to the fact that the relevant promotional funding was not paid in the past. Now that Glasbena šola has been integrated in the regional music school, the payment of municipal taxes is demanded for the first time, which was not the case during several decades in the past. Cases are therefore currently pending with the Constitutional Court.

The report refers to the wide range of events in different languages, which are announced on the information pages of the federal ministries to demonstrate the presence of the languages of the ethnic group in cultural programmes. This is to be welcomed. It is striking to note that the respective language offers are missing on the pages of the federal province of Carinthia, where it would be obvious, as Slovenian is used as a second language in that region. Reference is made to bilingual municipalities which maintain bilingual websites. Of the bilingual municipalities only Globasnitz/Globasnica and Eisenkappel/Železna Kapla are mentioned, which are the two municipalities where a mayor was elected from an independent Slovenian election list, as well as the municipality of Zell/Sele, which has a majority population of Slovenians. In this connection, it is remarkable that the municipality of Wolfsberg, which is located outside the bilingual region, does offer a bilingual Internet page, whereas bilingual municipalities in the bilingual region do not do so. There is therefore scope for action.

Priority recommendation of the Committee of Ministers:

Ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice.

Slovenian can be used before 3 district courts and 2 district commissions in Carinthia, Croatian before 6 district courts and 6 district commissions, and Hungarian before 2 district courts and 2 district commissions in Burgenland. Members of the ethnic groups who live outside these districts are prevented from using their language in court or at district commissions, even though they come from an officially bilingual municipality.

According to Schedule 2 of the Ethnic Groups Act (Federal Law Gazette I No. 46/2011) it has been ensured on constitutional level that

- *the Croatian language can be used at the district court of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart,*
- *the Hungarian language at the district court of Oberpullendorf and Oberwart, and*
- *the Slovenian language at the district courts of Ferlach, Eisenkappel and Bleiburg, as official language, in addition to the official language of German.*

It is rejected that a person must have a habitual residence in order to be able to use the minority language at the courts where such a language may be used. Please refer to case law so far issued by the Constitutional Court and the European Court of Justice as well as the comments on the 2011 amendment to the Ethnic Groups Act. If it is a general

principle that the minority languages can be used, then this possibility must be open to everyone.

Whenever it is planned to merge bilingual district courts, in keeping with the implementation of the announced saving measures as well as structural optimizations to obtain quality improvements at the same time, care must be taken that the districts of the new (merged) bilingual district courts cover all bilingual areas, in line with the case law of the Constitutional Court and that the minority languages can be used in addition to German, as equivalent official languages (also by legal entities) at bilingual courts (including the Regional Courts of Eisenstadt and Klagenfurt).

The correct use and reproduction of diacritic signs in the web-ERV (web-based communication within the judiciary system) as well as the land register and the company register must be ensured in order to guarantee a fully functioning administration of justice, and documents written in one of the minority languages must be recognised as legally valid. Whenever needed, the court must arrange for their translation.

The appointment of judges and court staff with appropriate language skill is a priority. It should be mandatory for all courts, authorities and public offices, where the minority languages can be used, that they keep available bilingual forms and templates as well as signs and bilingual bulletin boards, including signs on where to find appropriately trained staff.

In the judiciary field the possible use of the Slovenian language continues to be restricted to the three smallest courts, namely Bleiburg/Pliberk, Eisenkappel/Železna Kapla and Ferlach/Borovlje. It is not possible to use the language of the ethnic group before the courts of Klagenfurt/Celovec, Villach/Beljak and Völkermarkt/Velikovec, which are much more important by far for the ethnic group. In contrast to other very small courts in Carinthia, the aforementioned small courts are not closed, and are actually mentioned in the Constitution, because of the argument that this serves to protect minority rights. In reality, this prevents an expansion of the scope of application of any bilingual administration of justice.

Although it has been pointed out for years, efforts are missing to recruit bilingual judges. The youngest bilingual judge is older than 50. Even if there were to be an improvement in the legal situation, functioning of the bilingual administration of justice is seriously threatened, as there are absolutely no adequate personnel resources. Knowledge of the languages of the ethnic groups does not play any role at all in the selection process for admission as judge. However, it should be one of the requirements of the system that a sufficient number of judges with skills in the languages of the ethnic groups are available. This also applies to other court staff.

The residence requirement is one of the topics in the Country Report, and it is maintained that the residence requirement has been deleted explicitly. It is pointed out, though, that as far as the use of the official language before municipal authorities is concerned, the exact opposite has been entrenched in the Constitution for the municipalities of Eberndorf/Dobrla vas and St. Kanzian/Škocjan. In spite of complaints lodged up to the level of the Constitutional Court, the residence requirement was also confirmed by the highest court.

The Ethnic Groups Act stipulates that in court proceedings where the Slovenian language is also used, the cost of representation during the final third of a hearing is borne by the federal authorities, as such hearings last longer. The administrative court

of a province is certainly to be regarded as a court. However, the Administrative Court of the Federal Province of Carinthia rejected an application for accepting such costs, and the Supreme Administrative Court confirmed this dismissal.

As bilingual court proceedings are limited to the three small courts of Bleiburg/Pliberk, Eisenkappel/Železna Kapla and Ferlach/Borovlje, large parts of the bilingual region are not covered by a bilingual administration of justice. In the municipality of Eberndorf/Dobrla vas, a contract concerning real estate was signed between two Slovenian institutions (a cooperative and an association), which would need to be recorded in the land register. The contract was drawn up in the Slovenian language, and it was accepted without any problems by the tax office, for the purpose of calculating the fees, as well as by the district commission, which is responsible for real-estate transactions. However, the court did not accept the contract for recording in the land register, and the refusal to record the contract in the land register was confirmed by the Supreme Court. A translation had to be produced, against costs, which is in contrast to Article 9 paragraph 1 of the Language Charter. In the past, similar practical problems were also encountered before the district court of Villach/Beljak for contracts from the municipality of St. Jakob im Rosental/Šentjakob v Rožu. It is obvious that parties therefore enter into contracts in the German language, in order to avoid such difficulties; yet, this is in contradiction to the intentions of the Charter.

The Federal Government itself admits that the right to use Slovenian as an official language is restricted to certain villages within the municipal territory of the municipalities of Eberndorf and St. Kanzian. It does not even attempt to offer a justification for this embarrassing discrimination of citizens from the "wrong" villages in these two municipalities. Concerning the recommendation by the Committee of Experts, namely to encourage also authorities outside the scope of application of the ordinance on official languages to admit Slovenian as an official language, the Government merely states that it did not receive any information as to whether this option has been used.

Indeed, no such initiatives were taken. The Federal Government, too, did not develop any activities in this respect in order to promote this option. Rather, the Federal Government, but also the Carinthian regional government tends to ignore it. It is also not enough that the Federal Government merely states that the municipalities are not making use of the possibility to publish general announcements also in the language of the ethnic group, with the exception of the few municipalities that were mentioned repeatedly on previous occasions. Rather, it would have been the task of the Federal Government to take action in order to promote the use of the Slovenian language in the public arena. This is not being done at all, and there are not even attempts in this direction.

Priority recommendation by the Committee of Ministers:

Secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian.

The 2004 Press Promotion Act, Federal Law Gazette I No. 136/2003, in its current version, mentions the following types of promotion:

1. Promoting the distribution of daily and weekly newspapers:

The publishers of daily newspapers deserving promotion all receive an equally high amount of approximately € 200,000. However, this amount depends on the funding

earmarked for this purpose in the Federal Budget Act. In the case of weekly newspapers, only the distribution of a maximum of 10,000 sold subscription copies is promoted.

2. Special promotion to preserve the regional diversity of newspapers:

Regional daily newspapers receive promotional funding. Every newspaper deserving promotion receives a basic amount of € 500,000.00. Weekly newspapers do not receive this kind of promotion.

3. Measures to promote quality and secure future publication:

Promotional measures for institutions training journalists as well as for press clubs.

General requirements for obtaining promotional funding

§ 2. (1) In keeping with the requirements of the present federal law and funds earmarked in the Federal Budget Act, promotional funding shall be granted to the publishers of daily or weekly newspapers upon their request, provided that the periodic print media meet the following requirements:

1. Daily and weekly newspapers must go beyond the circle of purely specialized press, on the basis of their content, and serve primarily to provide political, general economic and cultural information and forming of opinion, and they must neither be customer magazines, nor press media of interest groups. The editorial section of the daily and weekly newspapers must overwhelmingly consist of independently produced contributions.

2. Daily newspapers must be published 240 times per year, as a minimum, weekly newspapers must be published 41 times per year, as a minimum, and the major part of the copies must be available in Austria, primarily free for sale or on subscription;

3. Daily and weekly newspapers must have appeared regularly for six months prior to the filing of an application for promotional funding, and they must have satisfied the requirement for promotional funding during that period;

4. It must be possible to prove for daily newspapers that they have a sold circulation per issue of 10,000 copies, as a minimum, throughout Austria, or 6,000 copies in one federal province, and they must employ six full-time journalists, as a minimum; on an annual average, the sales price must not be considerably lower than for comparable daily newspapers;

5. It must be possible to prove for weekly newspapers that they have a sold circulation per issue of 5,000 copies, and they must employ two full-time journalists, as a minimum; on an annual average, the sales price must not be considerably lower than for comparable weekly newspapers;

6. The publishers of daily or weekly newspapers must neither be political subdivisions, nor must political subdivisions participate directly or indirectly;

7. Daily and weekly newspapers must not only be of local interest and must demonstrate distribution and importance in at least one federal province.

(2) The requirements of paragraph 1 numbers 4 and 5 do not apply to print media that are published in a language of the ethnic groups according to Article 8 paragraph 2 of the Federal Constitution Act.

In Austria no daily newspapers are published in the language of an ethnic group. The organisations of the ethnic groups publish a weekly newspaper in Slovenian in Carinthia, and in Croatian in Burgenland. The Roman-Catholic Church also publishes one weekly newspaper in each of the two languages. All of the mentioned periodicals have to struggle because of financial difficulties.

Within the scope of federal press promotion a total amount of € 12 million have on average been spent during the past ten years. Of this amount the four weekly newspapers in the minority languages received, on average, a total amount of € 60,000.00, which is 0.5% of the press promotion budget.

The 2004 Press Promotion Act does not stipulate any specific promotional measures for press products in the minority languages. According to § 4 paragraph 6 of the 2004 Press Promotion Act (2004 PresseFG), Federal Law Gazette I No. 136/2003, KommAustria publishes the following guidelines for the monitoring period 2016, after obtaining the recommendation issued by the commission set up pursuant to § 4 of the 2004 Press Promotion Act. These guidelines are subject to constant review and adaptation to the relevant requirements and are published every year at the beginning of the monitoring period which is of relevance for promotional funding.

Guidelines for Promotion under the 2004 Press Promotion Act
(Monitoring Period 2016)

Excerpt:

6. Ad § 2 para. 2 – Newspapers of the ethnic groups

6.1. The requirements of § 2 paragraph 1 number 4 and/or number 5 of the 2004 Press Promotion Act (minimum number of copies, minimum number of full-time journalists, base line for sales price) do not apply to daily and weekly newspapers which are published in the language of an ethnic group according to Article 8 paragraph 2 of the Federal Constitution Act.

Austria has the following six autochthonous ethnic groups: the Burgenland-Croatian ethnic group, the Slovenian ethnic group, the Hungarian ethnic group, the Czech ethnic group, the Slovak ethnic group and the ethnic group of the Roma.

6.2. For these newspapers, too, the number of subscription copies (including bulk and member subscriptions), verified according to the provisions of § 2 paragraph 5 of the 2004 Press Promotion Act, must be disclosed for the calculation of the promotional funding for distribution according to § 6 and/or § 7 of the 2004 Press Promotion Act.

The 2004 Press Promotion Act only provides promotional funding for the distribution of weekly newspapers in the minority languages. The “special promotion to secure the regional diversity of newspapers” and the “measures to promote quality and secure future publication” do not apply in connection with newspapers in the minority languages.

A basic amount of promotional funding ought to be made available in order to compensate the commercial disadvantage of newspapers in the minority languages (naturally lower circulation figures) – in analogy to the “special promotion to secure the regional diversity of daily newspapers”.

This is not the case. The newspaper “Novice” is instantly exposed to discontinuation, solely because of missing financial means. The responsible authorities have been aware of this problem for years and have ignored it consistently. The “extra amount of € 80,000.00” is not sufficient in order to achieve a lasting consolidation; one would have to find a systemic solution in order to have sustained funding of the media in the languages of the ethnic groups.

By the way, promoting print media in the Slovenian and Croatian languages of the ethnic groups is an element comprised in Article 7 of the State Treaty of Vienna. Since 1955, this commitment under the State Treaty has not been implemented.

During the reporting period Austria contributed 10% of the total cost to the regular publication of the weekly newspaper “Novice”; the remaining 90% of the costs were borne by the Republic of Slovenia.

- Radio programmes

It is welcomed that the radio broadcasting range for programmes in Slovenian has been expanded to include Styria. However, a critical comment is due concerning the cooperation between the private radio station Agora and the ORF, namely that the programmes offered have been reduced since 2011. First, there was cooperation between the ORF and the private station “Radio Dva”, which produced an all-day radio programme in Slovenian. Parallel to that, Radio Agora broadcast an alternative open radio programme which included options in the Slovenian language, but also took account of numerous other groups, in keeping with its mandate of being an open radio station. In the course of a new tender for the broadcasting license, the application by Radio Dva was not taken into consideration and the agreement was signed with Radio Agora. In consequence, the radio programmes that were actually offered in the Slovenian language were reduced, as only one editor remained, while there had been two editors previously, and the programme in Slovenian in the programme track of Radio Agora is now only a fraction of the programmes offered to various “minority groups”.

- Promotional funding for the ethnic groups

Promotional funding for the ethnic groups has not remained the same but has been on the decrease for years, when considering inflation, as it has not been adjusted for inflation since 1995. The organisations of the ethnic groups are confronted with considerable bureaucratic hurdles and even harassment when handling the promotional funds. This has gone so far that a few associations no longer actually apply for funding and/or must dedicate a major part of their – pro bono – activity for preparing financial settlements that the Federal Chancellery will accept. New rules are urgently needed for the promotional funding activities, both concerning their amount and their handling.

The organisations of the ethnic groups are actually confronted with repayment claims by the Federal Chancellery, which is partly due to the fact that the organisations also received support from Slovenia. In these cases the attempt is made to “offset” the financial assistance from Slovenia against the Austrian grants and to reduce the latter accordingly. This is a move to shift the responsibility of the Republic of Austria for promoting the Slovenian ethnic group to the Republic of Slovenia which is not acceptable. Institutionalised, secure basic financial support needs to be claimed for the organisations representing the ethnic groups in political terms, as this is the only way in which it can be ensured that they will fulfil their tasks independently and without any influence.

- Ethnic Group Advisory Boards

The Country Report refers to the existing bodies, namely the ethnic group advisory boards, the Ethnic Group Office with the Office of the Carinthian Regional Government as well as the associations on a private basis.

It must be mentioned on a positive note that, in cooperation with the Carinthian Regional Government and the Ethnic Group Office with the Office of the Carinthian Regional Government, the Dialogue Forum under the chairmanship of the Federal Governor has taken up its work in order to deal with the specific issues of the ethnic group.

The Council of Carinthian Slovenians / Narodni svet koroških Slovencev as well as numerous other organisations of the ethnic groups in Austria have been demanding for decades that a public-law representation be set up, which would be an institutionalised and democratically legitimated representation of their interests, with its members appointed in a transparent procedure. Such interest groups correspond to the Austrian system in many areas ranging from professional associations and professional representations to various community-based associations, hunting communities, social-assistance organisations, etc. There is simply no reason why particularly in the field of the ethnic groups the persons who are immediately affected are not allowed to have an institutionalized self-government for their own concerns. This only makes them more dependent on various donors and creates a political submissiveness which is not in the interest of a positive political development of the ethnic groups.

Only recently the Federal Chancellery advanced the suggestion to once again rehash the idea of a conference of advisory-board chairpersons, instead of launching the necessary reform of the Ethnic Groups Act.

The ethnic groups rejected this amendment of the Ethnic Groups Act already back in 2011² [sic], because it would have resulted in more control over the organisations of the ethnic groups by the Federal Government, which is contrary to this intention. The fact that the Federal Government is using this justified criticism as a pretext for refusing to deal with other, urgently needed reforms of the Ethnic Groups Act is an inadmissible mingling of different issues, to the detriment of the ethnic groups.

It is difficult for the ethnic groups to understand why a holistic reform of the Ethnic Groups Act, which is more than necessary, has been put on the back burner for years. It is in complete contradiction to the provision on a national objective, which has

constitutional status, as well as in contradiction to the conventions of the Council of Europe.

V.2 Statement by the Central Association of Slovenian Organisations

As various organisations (for example the Council of Carinthian Slovenians) have commented on the different items of the report, the Central Association of Slovenian Organisations (hereinafter ZSO) will focus its statement on a number of general comments.

There can be no doubt that in recent years the Republic of Austria has made major efforts in order to protect and promote the language and the culture of the autochthonous ethnic groups and/or minorities. In the field of education, innovative efforts were and are being made in connection with the basic and further training of teachers; the same applies to pedagogy and didactics. This is of special significance because there is growing interest in obtaining a bilingual education and, in a clearly defined region, almost one half of the pupils who sign up for bilingual education, are now being admitted without having any skills in the minority languages. This is a major pedagogical challenge for the teachers.

Major progress was achieved in the field of radio and television broadcasting. ORF, the public-law broadcasting corporation, in combination with Radio Agora offers a 24-hour radio programme which is offered overwhelmingly in the Slovenian but also in a few other languages of the new minorities. ORF television offers a very popular 30-minute Slovenian programme every week. In this connection it should also be pointed out that the radio and television programmes of RTV-Slovenija, the public-law station, can now be received in Carinthia without any problems.

In the area of the print media there has been less success, in spite of several attempts. A solution is sought here for the entire system.

It should also be mentioned that the climate in the country has considerably improved since a solution was found in 2011 for the problems concerning place-names and official language. These arrangements gave structure to the topographical signs and the official language problem. The solution was not really generous; yet, it corresponded to the scope of the discourse under international law on the necessary percentage for setting up signs with bilingual place-names. As municipalities are autonomous, they have the right to put up further bilingual signs for place names within their area of responsibility.

In spite of all these legal arrangements for the protection of the Slovenian language it must be stated, nevertheless, that there are differences in the use of the minority language rights in Carinthia. In the field of education (nursery schools, elementary schools, middle schools) bilingual education enjoys growing popularity, and this goes beyond the borders of the minority territory.

There is much less recourse to language rights in the field of administration and the judiciary than in the field of education. This is most likely due, on the one hand, that there is, for

example, a different legal basis in these areas, which accounts for rather restrictive and differentiated arrangements concerning the official language and the language of the court. Ludmannsdorf/Bilčovs is mentioned here as an example: it has bilingual place-name signs and bilingual signposts, a public bilingual nursery school and a bilingual primary school. Slovenian can also be used at the municipal office as well as on the level of the district commission and the regional government. However, at the competent district court in Klagenfurt, Slovenian is not permitted as a language in court, but it is admitted on the next-higher level, i.e. the regional court.

It is a fact that in areas where Slovenian has been admitted as an official language and/or a language of the court, Slovenian is much less used than in the fields of education and culture in the same places. What are the underlying causes?

For a long time, anthropologists have rejected the use of a narrow concept of culture. At present “culture” often refers to a process that designates change, controversies, power struggles and different influences, including also the readiness of individual persons to participate in the process. Cultures are no longer perceived as fixed, clearly distinguishable (distinctive) entities but as “related phenomena” (Appich 1992)¹¹⁸.

Today there are very different minority situations: there are privileged minorities (e.g. Southern Tyrol), on the one hand, that have succeeded in attracting great international attention, and then there are minorities, on the other hand, such as the Roma, who still have a long road ahead of them in order to obtain special protection and promotion.

On account of the great public attention that some minorities have attracted, there are hardly any people in Europe nowadays who do not know that minorities have internationally established rights. This information leads to a growing number of groups who (want to and should) enjoy special rights. This does not only apply to Eastern and Central Europe but also to Western Europe (e.g. France).

There is also a reverse side to this positive development: A growing number of people and minority groups take over the arguments used in conventional legal discourse in order to defend their arguments in public but, in turn, come up against “counter arguments” which lead to a controversial discussion.

However, if “culture” – as most anthropologists and social scientists underline – depends on context, if it can change, is contradictory and something to which people relate differently at

¹¹⁸ Quoted from: Reetta Toivanen: “Das Paradox der Minderheitenrechte in Europa“. SWS-Rundschau (45th volume.) Issue 2/2005: 185-207

different times, how can lawyers use “culture” and cultural arguments as explanations for judicature, in terms of a fixed, uniform and unchangeable understanding of concepts?

Reeta [sic] Toivanen proposes an alternative.¹¹⁹ Education could facilitate an alternative. In this context, the challenge lies with the members of the majority population: if the majority population could understand why certain sections of the population have been defined as minorities and why this definition has affected their lives for decades and sometimes even centuries – then it would perhaps be possible to come closer to a genuine democratisation in European society. Democratisation could be the result of a process in which a situation of inequality is abandoned. Democratisation in this meaning therefore presupposes that the majority society would seriously analyse its own history and contemporary situation from a minority perspective in order to examine, item by item, why and how the national minorities continue to suffer from their position of inequality to this day.

This analysis would help to escape the paradox of minority rights: After all, if the majority population would not only know about the specific needs of the minority members but would also understand them and would be aware that a minority can only continue to exist if its members have been participating in modern life for some time and want to express new forms of their culture – then the members of the minorities could end a policy by means of which they constantly turn themselves into “museums”. That process would then also allow more room for ambiguity and discrepancy: not every member of a minority would have to represent the same in public; the members of a minority could then also disagree among themselves without being reproached for not being a genuine minority after all, because they themselves don’t even know what they would like to be. If the members of the majority had more knowledge about the reasons why certain parts of the population need special protection, they would no longer have to be afraid that minorities are more or less a fifth column that only pursues the goal to obtain more rights. They would rather be able to understand that members of a minority are concerned about being able to enjoy the same human rights as the majority population.

Living together is therefore an issue for the minority and the majority. Two time-honoured mentalities should be overcome: the legitimistic understanding of history on the part of the majorities, in the sense of “well, after all, we did everything the right way vis-à-vis our minorities”, and the heroic understanding of history on the part of the minorities in the sense of “we were always victims and were always beaten”.

¹¹⁹ See above quotation, page 203 and following

V.3 Statement by the Article VII Cultural Association for Styria

Austria has undertaken in international agreements – Article 14 of the Framework Convention on the Protection of National Minorities and Article 7 of the European Charter for Regional or Minority Rights, to facilitate mother-tongue school education for its ethnic groups and to promote it.

The Recommendation of the Committee of Ministers of the Council of Europe for the implementation of the Framework Convention on the Protection of National Minorities and the European Charter for Regional or Minority Rights communicated to Austria reads as follows: "... to increasingly meet the educational needs of the ethnic groups domiciled in Vienna and Styria."

In its final report of August 2011, the Working Group on Education and Language also recommended to improve the education offered in the languages of the ethnic groups.

In Styria it is necessary and desirable to promote the Slovenian language in all areas – from nursery school to the higher (vocational, agricultural) schools. The increased demand for mother-tongue education in Slovenian should also be satisfied. Slovenian teachers receive further training on the initiative of the Article VII Cultural Association for Styria; the education offered in Slovenian is based on the commitment of the Slovenian teachers in Styria.

In Styria teaching Slovenian is primarily on a voluntary basis, in the form of an optional exercise and/or an optional subject. It is only in a few schools that Slovenian is taught as an optional compulsory subject. Slovenian is not taught at nursery schools; as of the age of three, toddlers can attend a privately organised Slovenian lesson in Graz. There is no consistent education in Slovenian from nursery school to the ninth grade. Nor is there a minorities' school act for Styria.

The Article VII Cultural Association for Styria – Pavel House, the Club of Slovenian Students, the Association of Austro-Slovenian Friendship and the Institute for Slavic Studies in Graz are actively engaged in Slovenian cultural activities. There is constructive cooperation among these different organisations. An increase in the amount of promotional funding for the ethnic groups would not only be desirable for the associations that are active in Styria but for all ethnic groups.

It would be desirable to make bilingualism more visible in the border region from Bad Radkersburg to the Soboth Mountain. It should be easy to implement that in the fields of culture and tourism (bicycle trails, information material...) and would also reflect good neighbourly relations. Monuments Day is mentioned here as one example, where visits to monuments along the border in Southern Styria were offered in German and Slovenian this year.

We would like to take this occasion to plead for the removal of the fences along the border between Styria and Slovenia. During the many years of the Communist regime there were no fences along the border in Southern Styria, and since the collapse of Yugoslavia efforts have

been made to lead a peaceful life on both sides of the border. Border fences are – literally – in the way of such efforts for a constructive life together along the border.

V.4 Statement by the Croatian Cultural Association in Burgenland, the Croatian Centre in Vienna, the Croatian Press Association and the Advisory Board of the Hungarian Ethnic Group (NGO Report, Austria, Austrian Ethnic Groups Centre 2016)

- 1.) Introduction

As on the occasion of previous reports, organisations representing Austria's ethnic groups, which are independent of the government, were not involved in drafting the 4th Country Report. The responsible department in the Federal Chancellery merely sent a draft of the Country Report to the members of the so-called advisory boards of the ethnic groups, who are appointed by the government and asked for statements on the report within a period of 14 days.

The following organisations have contributed to the present statement:

Council of Carinthian Slovenians (Rat der Kärntner Slowenen) / Narodni svet koroških Slovencev, Article VII Cultural Association for Styria – Pavel House (Artikel-VII-Kulturverein für Steiermark – Pavelhaus) / Kulturno društvo žen 7 za avstrijsko Štajersko – Pavlova hiša, Minority Council of the Czech and Slovak Ethnic Groups in Austria (Minderheitsrat der tschechischen und slowakischen Volksgruppe in Österreich) / Menšinová rada české a slovenské větve v Rakousko, Austro-Slovak Cultural Association (Österreichisch-Slowakischer Kulturverein) / Rakúsko-slovenský kultúrny spolok, Burgenland-Hungarian Cultural Association (Burgenländisch-Ungarischer Kulturverein) /Burgenlandi Magyar Kultúregyesület, Central Association of Hungarian Associations and Organisations in Austria (Zentralverband ungarischer Vereine und Organisationen in Österreich) / Ausztriai Magyar Egyesületek és Szervezetek Központi Szövetsége, Umbrella Association of Independent Hungarian Associations in Austria (Dachverband der Unabhängigen ungarischen Vereine in Österreich) / Ausztriai Független Magyar Kultúregyesületek Csúcsszervezete, Cultural Association of Austrian Roma (Kulturverein österreichischer Roma), Croatian Cultural Association in Burgenland (Kroatischer Kulturverein in Burgenland) / Hrvatsko kulturno društvo u Gradišću and Hrvatski Centar (Croatian Centre in Vienna)/Kroatisches Zentrum in Wien as well as the Ethnic Group Advisory Board for Hungarians.

2.) Statement on Selected Priority Areas

The basis for the statement is the Recommendation of the Committee of Ministers [CM/RecChL(2012)7] dated 28 November 2012 and the suggestions of the Council of Europe for improvement which are contained in it. At this point it must be pointed out that – in view of the period of 14 days granted by the Federal Chancellery for statements – neither a comprehensive presentation of the situation of the ethnic groups in Austria and their legal situation can be given, nor can the Austrian Country Report be commented in detail.

By means of the Resolution of the Committee of Ministers of the Council of Europe concerning the application of the European Charter for Regional or Minority Languages by Austria [CM/RecChL(2012)7] dated 28 November 2012, Austria is requested to take account of all observations and recommendations of the Committee of Experts and – as a priority:

1. adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life;
2. include in the general curricula an adequate presentation of the history and the culture which is reflected by the regional or minority languages in Austria;
3. ensure that the increasing demand for education in or teaching of Burgenland-Croatian, Slovenian and Hungarian is met with an adequate number of qualified teachers;
4. ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice;
5. secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian;
6. clarify the status of the Romany language outside Burgenland.

It is striking that the recommendations cited in items 1., 3., 4. and 5. RecChL (2012)7 resemble almost word by word the recommendations of the Committee of Ministers of 19 January 2005, RecChL (2005)1 and RecChL (2009)1 of 11 March 2009. This fact already shows clearly the recommendations of the Committee of Ministers of the Council of Europe are not observed at all or only insufficiently by Austria's authorities, especially by Austria's federal government, which has a central competence in matters relating to minorities, in keeping with the Federal Constitution.

In this connection we refer to the detailed statements in the reports of the Austrian Ethnic Groups Centre of November 2003, May 2008 and December 2011.

Priority recommendation by the Committee of Ministers:

Adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life.

This recommendation was not implemented; none of the restrictions concerning the application of the minority languages before authorities was eliminated during the reporting period. On the contrary, the amendment to the Ethnic Groups Act, Federal Law Gazette I No. 46/2011, which entered into force in 2011, actually deteriorated the position of the minority languages in public life, because the constitutional provisions overturned the case law of the Constitution Court and established arrangements that are contrary to the principle of equality and clearly contradict applicable provisions under international law. The modification of the Ethnic Groups Act of 2011, Federal Law Gazette I No. 46/2011, provides in its constitutional provisions (!!!), contrary to the principle of equality, that designations and descriptions of a topographical nature may only be affixed in Croatian, Slovenian or Hungarian, in addition to German, and that only the Croatian, Slovenian and Hungarian languages may be used as additional official languages. This exclusion discriminates against members of the Slovak, Czech and Roma groups – which are also recognised Austrian ethnic groups – who continue to be deprived of rights in the future.

The standard of protection for Austria's ethnic groups continues to be structured completely different; the measures under public law concerning official language, bilingual topographical signs as well as the minority school system are limited to defined bilingual areas. The federal capital of Vienna – underlined particularly in the recommendations of the Committee of Ministers – is not included in the defined bilingual territories; the languages of the autochthonous minorities such as Croatian, Romany, Slovak, Czech and Hungarian cannot be used at all in public life. The same applies to Slovenian in Styria, which is in contrast to the constitutional provisions in paragraph 3 of Article 7 of the State Treaty of Vienna.

In the meantime the ethnic groups have lost large parts of their confidence in politicians, especially in the Federal Government. Three governments promised the ethnic groups in their government programme that they would undertake a comprehensive reform of the protection afforded to the ethnic groups. As far as the ethnic groups are concerned, they submitted concrete proposals, drawing on the expertise of renowned legal experts – reference is made to the experts' draft for a new Austrian law for the ethnic groups which was prepared by Dr. Maria Berger and Univ. Prof. Dr. Heinrich Neisser as co-chairpersons. To this end the Federal Government also set up a reform conference in December 2009 so that it could "enter in an intensive dialogue on the subject of reform of the Ethnic Groups Act" in three working groups. After the organisations of the Slovene ethnic group agreed to the solution for the issue of Carinthian topographical signs, negotiated between Josef Ostermayer, Minister in the Federal Chancellery, and Gerhard Dörfler, Governor of Carinthia at that time, the promises and the readiness for a reform faded away again. The Federal Government no longer saw a need to deal in more detail with the proposals submitted for an improvement of the Ethnic Groups Act (reply by Ostermayer to a question in Parliament, 97/AB XXV. GP).

When looking at it in retrospective, the entire "reform conference" staged by the Federal Chancellery proved to be a sham debate in order to obtain the agreement of the Carinthian Slovenians to the "topographical signs issue" and to pretend to the public that it was engaged in an intensive dialogue with the ethnic groups.

The central concerns of the ethnic groups in this segment continue to be:

- Uniform and comprehensive protection of the fundamental rights following the recommendations of the Austria Convention

Minority rights are human rights and must be aligned to the objective to guarantee, in addition to codifying the fundamental rights in the field of language, education and culture, also a dynamic further development of this body of law, taking also account of the positive jurisdiction of the Constitutional Court and the developments under international law, raising thus the different levels of protection of the ethnic groups to a uniform level.

A study on the production and reproduction of minority language communities commissioned by the European Commission concludes that 80% of the ethnic groups in Europe are threatened in their existence. They have fewer than 300,000 members – according to this study, 300,000 speakers are the critical limit for the survival of a language. The sizes of our ethnic groups are in the range of less than 10% of this critical mass, with the trend going in the downward direction. With its decisions, the Constitutional Court has also shown politicians the direction as to where to protect and promote the minorities in particular, namely where they are weak in numbers.

It appears to be meaningful and necessary – and with a view to all ethnic groups – to develop the current legal situation in a direction that the corporative rights of the ethnic groups are formulated *per se* and designed in a way in which they can be enforced (the right to file class actions). It is not sufficient to merely protect the rights of the individual person in order to ensure the survival of an ethnic group.

Experts' Draft for an Article in the Federal Constitution Protecting the Minorities

(1) Everybody has the right to have his/her language and culture respected. For the purpose of the present article, ethnic groups are the groups of Austrian citizens with a non-German mother tongue and own folklore tradition, who resided in and were endemic to parts of the federal territory as it existed when the Republic of Austria was re-constituted. The ethnic groups and their members have a right to obtaining special support and assurance of their survival, their language and their culture. Everybody is free to commit himself/herself to an ethnic group. No member of an ethnic group shall incur any disadvantage from exercising or not exercising the rights to which he/she is entitled.

(2) The ethnic groups and their members have the right to nursery-school education and school education in public compulsory schools in the respective language of the ethnic group in their autochthonous settlement area and outside of it if there is sustainable demand. Moreover, they have the right to a proportionate number of public higher schools and the installation of separate school supervisors. In addition, the ethnic groups have a right to obtain adequate promotion for private nursery schools and private schools that serve the purpose of maintaining their language and culture.

(3) The ethnic groups and their members have the right, in traditionally mixed-language areas, to use the language of their respective ethnic group as additional official language in communications with the administrative authorities and in court as well as in public life; outside this area, they have the right to adequate measures facilitating the use of the respective ethnic group language. Every person in the mixed-language area may use the

additional official language. In the traditionally mixed-language areas, the ethnic groups have the right to bilingual topographical signs and inscriptions.

(4) The ethnic groups have a right to obtain a commensurate share of the public funds, as financial support to promote the ethnic groups from the federal budget as well as the regional and municipal budgets where the mixed-language areas are located, as well as to special support of media in their own language.

(5) Associations or representative bodies, which serve the legal purpose of representing the interests of the ethnic groups and are representative of the respective ethnic group, have the right to assert the rights of the respective ethnic group under the present article before courts and administrative authorities. The foregoing shall not affect the rights of members of the ethnic groups.

- Corporative organisation of the ethnic groups and participation in public life

Article 7 paragraph 1 of the 1955 State Treaty of Vienna stipulates for the Croatian and Slovenian minority “the right to own organisations”. This does not refer to the general freedom to set up associations but the right of the ethnic groups to a minimum scope of self-government concerning their own affairs, applying a democratic right to co-determination on the part of the members of the ethnic groups. This is the only meaning to be gathered from this provision, unless it is to be meaningless.

A corporative organisation of the ethnic groups to safeguard corporative minority rights was also an issue during the Austria Convention. It reflects the principle of subsidiarity and is an integral part of the European legal system. The 2008 amendment of the Federal Constitution Act clearly establishes the basis under constitutional law (Article 120a of the Federal Constitution Act). Austrian law also comprises this form of self-government units. The Israelite law which was reformed again only in 2012, is one example in this connection.

- Use of the minority languages in public life

The 2011 amendment to the Ethnic Groups Act essentially achieved a new rules under constitutional law on the admissibility of using the Croatian and Slovenian language before courts, offices and authorities as well as for bilingual topographical signs – both matters are part of the guarantees (under international law and constitutional law) of Article 7 paragraph 3 of the State Treaty of Vienna. The 2011 amendment constitutes a serious deterioration of the minority rights according to Article 7 of the State Treaty of Vienna which the ethnic groups cannot accept. The same applies to the restrictive qualification, which is in contradiction to international understanding, of the toponymy concerning “place-name signs” and “sign posts”:

- Under the old legal situation, the language of the ethnic group was admitted as second official language in the municipalities which had villages with bilingual topographical signs within their municipal territory. This also corresponded to the substance of Article 7 paragraph 3 of the State Treaty of Vienna. The amendment of the Ethnic Groups Act laid down, in an exhaustive list, 164 villages in 24 municipalities in Carinthia which could have bilingual place-name signs. However,

Slovenian as an official language is restricted to 16 municipalities which are shown in an exhaustive list. This cannot reasonably be justified as correlating with the language of Article 7 paragraph 3 of the State Treaty.

- Only place-names on place-name signs, which are listed exhaustively in Schedule 1 to the Ethnic Groups Act, or on sign posts in these places, which point to other places in Carinthia and Burgenland that are also on the exhaustive list, are regarded as "designations and inscriptions of a topographical nature".

The modification of the Ethnic Groups Act of 2011 provides in its constitutional provisions, contrary to the principle of equality, that designations and descriptions of a topographical nature may only be affixed in Croatian, Slovenian or Hungarian, in addition to German, and that the Croatian, Slovenian and Hungarian languages may be used as additional official languages. This exclusion discriminates against members of the Slovak, Czech and Roma groups – which are also recognised Austrian ethnic groups – who are deprived of rights in the future.

- Educational options in the minority languages

The education system must ensure high-quality education in the respective minority language for all ethnic groups, from nursery school to the end of secondary level II. The minority school laws for Carinthia and Burgenland satisfy this commitment, although they, too, deserve improvement. Programmes to enhance the language competence at the pre-school and school age of children as well as quality assurance and school development deserve special attention.

No minority school systems have been enacted for other federal provinces where ethnic groups live as autochthonous groups (Slovenians in Styria, as well as Croatians, Roma, Slovaks, Czechs and Hungarians in Vienna).

The Committee of Ministers of the Council of Europe has repeatedly urged, both in connection with the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, that *"... the educational needs of the ethnic groups living in Vienna and Styria should be better satisfied."*

Secondly, one must point to Article 68 paragraph 2 of the State Treaty of St. Germain, which is a constitutional provision applicable within Austria. It states that in towns and districts, where a relatively large number of Austrian nationals live, who belong to a minority in terms of race, religion or language, these minorities should be ensured an adequate portion of the amounts from public funds in government, municipal or other budgets, which are spent, for example, for the purpose of education, religion or charity, for the benefit and use of these minorities. (Collection of Constitutional Court Decisions VfSlg 9224/1981).

Article 68 paragraph 2 of the State Treaty of St. Germain thus constitutes an obligation to promote education under constitutional law, but cannot be applied directly before administrative authorities and courts, as the legislator must enact the details.

The organisations of the ethnic groups demand state financing for the private schools of the minorities (personnel and material costs), in proportion to the costs per pupil in comparable public schools, and they have proposed a corresponding

amendment of the Private Schools Act (Federal Law Gazette No. 244/1962 in its currently valid version).

Chapter IV. "Subsidies for Private Schools" should be amended as follows:

B. Subsidies for the Private Schools of the Autochthonous Ethnic Groups.

§ 20a. Legal Title

(1) The autochthonous ethnic groups, recognised by law according to Article 8 of the Federal Constitution Act and § 1 and following of the Ethnic Groups Act, for which ethnic group advisory boards have been set up by means of an Ordinance of the Federal Government of 18 January 1977, shall be granted subsidies for their private schools with public status, in keeping with the following provisions, if:

- a) the school meets a demand of the ethnic group,*
- b) operation of the school does not serve the purpose of earning a profit,*
- c) only the admission criteria applicable to public schools are decisive for the admission of pupils, in addition to knowledge of the respective ethnic group language, and*
- d) this school is not in any competition with a similar school operated by the public sector and offering bilingual education in German and the respective ethnic group language.*

(2) Private schools of the autochthonous ethnic groups are defined to be the schools maintained by associations, foundations, funds or other organisations which offer bilingual education in German and at least one language of an autochthonous ethnic group.

§ 20b. Extent of the Subsidies for Personnel Expenses

(1) The number of teaching posts to be made available as subsidies to school providers of private schools by autochthonous ethnic groups as are necessary in order to fulfill the curriculum of the respective school (including the school principal, the necessary team teachers and the ancillary services to be provided by teachers at comparable public schools) shall ensure that the ratio between the number of pupils and the number of teachers at the respective bilingual school essentially corresponds to that at public schools of a similar or comparable nature. The arrangements under the minority schools laws for Carinthia and Burgenland shall be taken into consideration in this comparison.

(2) Upon application by the school provider, the competent school authority shall determine the number of teaching posts to which the individual private schools of the autochthonous ethnic groups are entitled pursuant to paragraph 1.

(3) The school provider shall immediately report to the competent school authority any circumstances that may have an impact on the number of teaching posts to which the school is entitled.

(4) The competent school authority shall re-determine the number of teaching posts, to which the school is entitled, if the requirements according to paragraph 1 change.

(5) If, for the private school of an autochthonous ethnic group,

- a) an application for public status was filed for a first time, or*
- b) public status was granted to the school in the previous school year, which was not withdrawn according to § 16 paragraph 1, and if an application for being granted public status was again filed for the current school year,*

the school shall be regarded as though it has already been granted public status, in connection with the application for subsidies by the school provider.

(6) *The number of teaching posts, to which the private schools of the autochthonous ethnic groups are entitled, shall be determined as of the first day of the month following the filing of the application pursuant to paragraph 2, or the changes of the decisive requirements, unless the application is submitted for an imminent school year or an imminent part of a school year, in which case it is determined at the beginning of the school year or that part of a school year, at the earliest.*

§ 20c. Living Subsidies.

(1) *Subsidies for personnel expenses shall be granted in keeping with the provisions of the present chapter:*

- a) by the federal authorities which assign federal teachers or federal contract-based teachers as living subsidies to the school, unless it is one of the schools listed in letter b), or*
- b) by the regional authorities which assign regional teachers or regional contract-based teachers as living subsidies to primary schools, lower-level secondary schools, new middle schools, special schools, poly-technical schools and vocational schools.*

(2) *In the cases of paragraph 1 letter b, the costs of the subsidies for personnel expenses shall also be borne by the federal authorities.*

(3) *If it is not possible to assign a teacher pursuant to paragraph 1, the federal authorities shall pay a compensation for the actually performing teacher in the amount of the salary that this teacher would receive if he/she were either a federal teacher or a federal contract-based teacher, as required by the type of school. If that teacher does not fulfill the requirements for employment, the compensation shall be determined at an amount that is paid, as a rule, in similar cases to federal (regional) contract-based teachers. The federal authorities shall also refund the payments which the employer has to pay for such a teacher on account of statutory provisions, up to the level which corresponds to the compensation. Payment of such compensation does not create an employment relationship with the federal authorities.*

(4) *The compensation pursuant to paragraph 3 shall be paid to the actually performing teacher.*

(5) *If a private school of an autochthonous ethnic group is granted public status with retro-active effect, and if no application pursuant to § 18 paragraph 5 was filed, the school provider shall be refunded the teaching personnel expenses which he/she paid to the teachers actually teaching there, however, as a maximum, only to the extent of the amount that would have been paid if paragraphs 3 and 4 had been applied.*

§ 20d. Limits to the Assignment of Living Subsidies.

(1) *The schools under § 20a may only be assigned such teachers as living subsidies who accept the assignment and for whose assignment to the respective school the school provider has applied, or where the school provider does not object to his/her assignment.*

(2) *The assignment shall be cancelled if the teacher or the school provider so request, or if the school provider states that the further deployment of the teacher is unacceptable, and if he therefore applies to the competent authority for the cancellation of the assignment.*

§ 20e. Other Subsidies.

(1) *In addition to the living subsidies, the school providers of private schools of the autochthonous ethnic groups shall receive a subsidy for the operation and maintenance of their schools.*

(2) *The subsidy for the operation and maintenance of the school shall be granted to the school provider in the form of school maintenance contributions, which the federal authorities shall pay. The school maintenance contributions correspond to the school maintenance contributions which are due to a school provider in case of school attendance across school districts. The amount of the*

contribution shall be determined by the provisions that apply in the federal province of the school provider.

Priority recommendation of the Committee of Ministers:

Ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice.

Slovenian can be used before 3 district courts and 2 district commissions in Carinthia, Croatian before 6 district courts and 6 district commissions, and Hungarian before 2 district courts and 2 district commissions in Burgenland. Members of the ethnic groups who live outside these districts are prevented from using their language in court or at district commissions, even though they come from an officially bilingual municipality.

According to Schedule 2 of the Ethnic Groups Act (Federal Law Gazette I No. 46/2011) it has been ensured on a constitutional level that

- *the Croatian language can be used at the district court of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart,*
- *the Hungarian language at the district court of Oberpullendorf and Oberwart, and*
- *the Slovenian language at the district courts of Ferlach, Eisenkappel and Bleiburg, as official language in addition to the official language of German.*

It is rejected that a person must have his/her habitual residence in the district in order to be able to use the minority language at the courts where such a language may be used. Please refer to the case law so far issued by the Constitutional Court and the European Court of Justice as well as the comments on the 2011 amendment to the Ethnic Groups Act. If it is a general principle that the minority languages can be used, then this possibility must be open to everyone.

Whenever it is planned to merge bilingual district courts, in keeping with the implementation of the announced saving measures as well as structural optimizations with quality improvements at the same time, care must be taken that the districts of the new (merged) bilingual district courts cover all bilingual areas, in line with the case law of the Constitutional Court and that the minority languages can be used in addition to German, as equivalent official languages (also by legal entities) at bilingual courts (including the Regional Courts of Eisenstadt and Klagenfurt).

The correct use and reproduction of diacritic signs in the web-ERV (web-based communication within the judiciary system) as well as the land register and the company register must be ensured in order to guarantee a fully functioning administration of justice, and documents written in one of the minority languages must be recognised as legally valid. Whenever needed, the court must arrange for their translation.

The appointment of judges and court staff with appropriate language skill is a priority. It should be mandatory for all courts, authorities and public offices, where

the minority languages can be used, that they keep available bilingual forms and templates as well as signs and bilingual bulletin boards, including signs on where to find appropriately trained staff.

Priority recommendation by the Committee of Ministers:

Secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian.

The 2004 Press Promotion Act, Federal Law Gazette I No. 136/2003, in its current version, mentions the following types of promotion:

1. Promoting the distribution of daily and weekly newspapers:

The publishers of daily newspapers deserving promotion all receive an equally high amount of approximately € 200,000. However, this amount depends on the funding earmarked for this purpose in the Federal Budget Act. In the case of weekly newspapers, only the distribution of a maximum of 10,000 sold subscription copies is promoted.

2. Special promotion to preserve the regional diversity of newspapers:

Regional daily newspapers receive promotional funding. Every newspaper deserving promotion receives a basic amount of € 500,000.00. Weekly newspapers do not receive this kind of promotion.

3. Measures to promote quality and secure future publication:

Promotional measures for institutions training journalists as well as for press clubs.

General requirements for obtaining promotional funding

§ 2. (1) In keeping with the requirements of the present federal law and funds earmarked in the Federal Budget Act, promotional funding shall be granted to the publishers of daily or weekly newspapers upon their request, provided that the periodic print media meet the following requirements:

Daily and weekly newspapers must go beyond the circle of purely specialized press, on the basis of their content, and serve primarily to provide political, general economic and cultural information and forming of opinion, and they must neither

1. be customer magazines, nor press media of interest groups. The editorial section of the daily and weekly newspapers must overwhelmingly consist of independently produced contributions.

2. Daily newspapers must be published 240 times per year, as a minimum, weekly newspapers must be published 41 times per year, as a minimum, and the major part of the copies must be available in Austria, primarily free for sale or on subscription;

3. Daily and weekly newspapers must have appeared regularly for six months prior to the filing of an application for promotional funding, and they must have satisfied

the requirement for promotional funding during that period;

It must be possible to prove for daily newspapers that they have a sold circulation per issue of 10,000 copies, as a minimum, throughout Austria, or 6,000 copies in
4. one federal province, and they must employ six full-time journalists, as a minimum; on an annual average, the sales price must not be considerably lower than for comparable daily newspapers;

It must be possible to prove for weekly newspapers that they have a sold circulation per issue of 5,000 copies, and they must employ two full-time
5. journalists, as a minimum; on an annual average, the sales price must not be considerably lower than for comparable weekly newspapers;

6. The publishers of daily or weekly newspapers must neither be political subdivisions, nor must political subdivisions participate directly or indirectly;

7. Daily and weekly newspapers must not only be of local interest and must demonstrate distribution and importance in at least one federal province.

(2) The requirements of paragraph 1 numbers 4 and 5 do not apply to print media that are published in a language of the ethnic groups according to Article 8 paragraph 2 of the Federal Constitution Act.

In Austria no daily newspapers are published in the language of an ethnic group. Nor do the daily newspapers publish in the languages of the ethnic groups. The organisations of the ethnic groups publish a weekly newspaper in Slovenian in Carinthia, and in Croatian in Burgenland. The Roman-Catholic Church also publishes one weekly newspaper in each of the two languages. All of the mentioned periodicals have to struggle because of financial difficulties.

Within the scope of federal press promotion a total amount of € 12 million have on average been spent during the past ten years. Of this amount the four weekly newspapers in the minority languages received, on average, a total amount of € 60,000.00, which is 0.5% of the press promotion budget.

The 2004 Press Promotion Act does not stipulate any specific promotional measures for press products in the minority languages. According to § 4 paragraph 6 of the 2004 Press Promotion Act (2004 PresseFG), Federal Law Gazette I No. 136/2003, KommAustria publishes the following guidelines for the monitoring period 2016, after obtaining the recommendation issued by the commission set up pursuant to § 4 of the 2004 Press Promotion Act. These guidelines are subject to constant review and adaptation to the relevant requirements and are published every year at the beginning of the monitoring period which is of relevance for promotional funding.

Guidelines for Promotion under the 2004 Press Promotion Act

(Monitoring Period 2016)

Excerpt:

6. Ad § 2 para. 2 – Newspapers of the ethnic groups

6.1. The requirements of § 2 paragraph 1 number 4 and/or number 5 of the 2004 Press Promotion Act (minimum number of copies, minimum number of full-time journalists, base line for sales price) do not apply to daily and weekly newspapers which are published in the language of an ethnic group according to Article 8 paragraph 2 of the Federal Constitution Act.

Austria has the following six autochthonous ethnic groups: the Burgenland-Croatian ethnic group, the Slovenian ethnic group, the Hungarian ethnic group, the Czech ethnic group, the Slovak ethnic group and the ethnic group of the Roma.

6.2. For these newspapers, too, the number of subscription copies (including bulk and member subscriptions), verified according to the provisions of § 2 paragraph 5 of the 2004 Press Promotion Act, must be disclosed for the calculation of the promotional funding for distribution according to § 6 and/or § 7 of the 2004 Press Promotion Act.

The 2004 Press Promotion Act only provides promotional funding for the distribution of weekly newspapers in the minority languages. The “special promotion to secure the regional diversity of newspapers” and the “measures to promote quality and secure future publication” do not apply in connection with newspapers in the minority languages.

A basic amount of promotional funding ought to be made available in order to compensate the commercial disadvantage of newspapers in the minority languages (naturally lower circulation figures) – in analogy to the “special promotion to secure the regional diversity of daily newspapers”.

With regard to the broadcasting programmes in the minority languages, there is still considerable backlog (more programmes need to be offered in the minority languages), compared to the situation in Carinthia and Styria, both for the minorities living in Burgenland and, in particular, for the minorities in Vienna.

Background information

Since 2009 the mother-tongue ORF programmes for the ethnic groups in the east of Austria have been produced by the ORF Regional Studio Burgenland. The programmes for Croatians, Hungarians and Roma in Burgenland as well as for Hungarians, Czechs and Slovaks are produced and broadcast in Vienna. Since 2009 radio programmes for the ethnic groups have been broadcast via Radio Burgenland which can be received in Vienna via the VHF frequency 94.7.

The ethnic group programmes on Radio Burgenland have a very inconvenient broadcasting slot in the evening, a time when people usually don't listen to radio programmes anymore. It would, in fact, be a major improvement if just one programme were broadcast during the day.

However, § 3 of the ORF Act limits the service obligation of the ORF to “three radio programmes that can be received throughout Austria and nine radio programmes that can be received throughout a federal province.” The legislator ought to lift this statutory restriction, and the ORF should be granted the possibility and/or should be committed to operating a fifth radio channel in those parts of the federal territory where ethnic groups live.

Moreover, the television programmes offered in the languages of the ethnic groups are absolutely insufficient. For decades, it has been uncontested that television is the most important medium. Approximately 97% of the households in Austria have a television receiving set.

In Austria the broadcasting corporation has a “public function” (Article I paragraph 3 of the Federal Constitution Act on securing broadcasting independence). The Austrian Broadcasting Corporation (ORF) has the privilege of being allowed to collect broadcasting fees. This privilege, namely to be the only programme provider that can collect programme fees, is justified by the costs of complying with the public-law mandate. Accordingly, the Austrian Broadcasting Corporation must also heed those provisions which commit the State to respect the various rights of the ethnic groups:

- by clearly expanding the ORF television programmes in the minority languages – taking account of the expansion of the programme slots to Channel ORF III;
- by requiring the ORF by law to operate a fifth radio channel for radio programmes in the minority languages in those parts of the federal territory where ethnic groups live.

V.5 Statement by the Czech Ethnic Group

Introduction

A language only lives when it is used. As soon as it can no longer be spoken to the full extent, its days are numbered. This is an essential point, especially in connection with minority languages, as their use in everyday life is restricted. Mother-tongue education, which meets these requirements, must take place in different subjects. It is not enough to teach a language in hourly units. Bearing this in mind, the system of mother-tongue education, as it is mentioned in item [I.3.1](#) of the Country Report, is commendable for most languages; yet, it is not expedient for the recognised languages of the ethnic groups.

Languages of the Ethnic Groups

Chapter [I.3.4](#) of the 4th Country Report deals with the languages of the ethnic groups. Six ethnic groups have been recognised in Austria and therefore there are also six ethnic group languages. On account of the principle of territoriality, which is currently being applied, the ethnic groups and their languages have been recognised and are promoted in different regions. Minority school laws exist for the federal provinces of Burgenland and Carinthia, which govern education at the public schools in the languages recognised there (Croatian, Hungarian, Slovenian). There are no statutory rules

concerning education for the ethnic group languages which have not been recognised in these two federal provinces. As a result, these ethnic groups were not included in the “Conference on the Future of the Minority School System”, which is mentioned in [Chapters I.3.4 and II.6.1](#) of the 4th Country Report, concerning their ethnic groups languages. The objectives of that process have also been restricted to the afore-mentioned three languages and the afore-mentioned three federal provinces. The same appears to apply to the “strategy development for the minority school system”. According to [Chapter I.4](#) of the 4th Country Report it is not planned either to enact minority school systems for the ethnic groups living outside the federal provinces of Burgenland and Carinthia and their languages. These ethnic group languages will therefore remain second-class languages.

Please refer to the statement by the advisory board of the Czech ethnic group in connection with the 3rd Country Report with regard to the educational situation of the ethnic group languages Czech and Slovak. At present, the situation is unchanged; the necessary changes have therefore also remained unchanged.

Necessary Changes

Measures in two areas are necessary in order to improve the situation concerning bilingual education for the Czech ethnic group in Vienna:

1. The position of the private schools of the Komenský School Association as well as the competences for these schools under the Private Schools Act need to be clarified and the applicable legislation for these schools must be adapted to the requirements of bilingual education.
2. The operation of the schools must be secured on a long-term and sustainable basis by dedicated funding.

At present, the school laws are being amended. There are no plans to enact a minority school law for Vienna. Representatives of the ethnic groups are in contact with the competent units in the Federal Ministry of Education. The members of the advisory board for the Czech ethnic group submitted a draft for modifying the law on private schools which, at least, will take account of the second of the aforementioned items. One has to wait and see whether this draft will become part of Austria’s laws on schools. See Annex 1 for the provisions that were modified in the draft.

Recommendations by the Committee of Ministers

In its first recommendation the Committee of Ministers recommends to adopt a structured policy for the protection and promotion of the ethnic group languages, especially in Vienna. One can conclude from the emphasis on Vienna that, in the opinion of the Committee of Ministers, there is a need to catch up with backlog, especially in this federal province, which the Czech ethnic group can confirm. The comments by Austria on this first recommendation are brief, as there is nothing to report. One can gather what the situation is like concerning the ethnic group languages spoken in Vienna when bearing in mind that, as was mentioned earlier, the respective ethnic groups were not part of the “Conference on the Future of the Minority School System”. In others word, there seem to be no plans for the future concerning the school system for the ethnic group languages spoken in Vienna.

Item [I.6.1](#) in the 4th Country Report refers to school education. Whenever the ethnic group languages are offered on demand, the level of school education offered corresponds only to the level that is offered for all other languages. This means that optional subjects or optional exercises of two hours

per week are offered. During the 2014/15 school year, 400 teachers taught 33,016 pupils in 27 languages in Austria. One of the teachers taught Czech to 45 pupils. (Source: Information Sheets on Migration and School No. 5/1015/16 by the Federal Ministry of Education and Women in April 2016). Compared to the 2013/14 school year (see table 17 in the 4th Country Report) this is a decrease of 18 pupils and – which cannot be seen from the table – of two teachers. This form of public education is recording decreases; at the same time the schools of the Komenský School Association are experiencing growth in the form of bilingual education.

For many years, the ethnic group promotional funding for the Czech ethnic group has amounted to € 382,100.00 and remained unchanged. On account of the present situation in the school system for the ethnic groups, the Czech ethnic group uses more than 80% of the financial assistance to keep up the private schools of the Komenský School Association, which is the only fully adequate possibility to learn the Czech language through bilingual education. All other issues of the Czech ethnic group must make ends meet with the remaining 20% (approximately € 70,000.00). This also includes the newspapers (I.6.5) and the cultural events (II.4.2), which are mentioned in the Country Report. Please refer to the statement by the advisory board of the Czech ethnic group in the 3rd Country Report for details concerning schools, as well as [Chapter II.6.6](#) of the 4th Country Report. It must be added with regard to [Chapter II.6.6](#) that all offers are based exclusively on private initiatives. Even with the financial assistance mentioned in the aforementioned chapter, the schools can only be kept up with financial support by private parties such as, in particular, the payment of tuition fees. Although the School Association pursues a lean management – the operating costs per pupil do not exceed the calculated costs per pupil in public schools in Vienna – the members of the ethnic group must pay for the education of their children in their mother tongue, which is in contrast to other Austrian citizens.

Protection of the Languages

Apart from the indication that the financial means are scarce which the Czech ethnic group can use from the promotional funding budget for media and cultural activities and the limited number of programmes offered on radio and television, no further comments need to be added to [Chapter II](#) of the 4th Country Report, as there have been no major changes since the 3rd Country Report, from the perspective of the Czech ethnic group. The implementation of the recommendations of the working group “Education and Language” (II.6.1), which is mentioned in the Country Report does not concern the Czech ethnic group and thus the Czech language. As can be gathered from tables 51 and 52, the implementation only takes place in the public school system, which again excludes the Czech language.

The possible protection of the Czech language according to Part III of the Charter is marginal. In this connection, no measures are planned and therefore there is nothing to be reported.

From the viewpoint of the Czech ethnic group, there is urgent need to take action concerning the protection and promotion of the minority languages of the ethnic groups in Vienna.

Annex 1

§ 20a to § 20e were added as new provisions to the draft modifying the federal law dated 25 July 1962 on the private school system (Private School Act), StF: Federal Law Gazette No. 244/1962 (NR:

GP IX RV 735 AB 787 page 109. BR: S. 195.), in the version of Federal Law Gazette I No. 48/2014 (NR: GP XXV RV 141 AB 150 page 30. BR: 9191 AB 9196 S. 831.):

B. Subsidies for the Private Schools of the Autochthonous Ethnic Groups.

§ 20a. Legal Title

(1) The autochthonous ethnic groups, recognised by law according to Article 8 of the Federal Constitution Act and § 1 and following of the Ethnic Groups Act, for which ethnic group advisory boards have been set up by means of an Ordinance of the Federal Government of 18 January 1977, shall be granted subsidies for their private schools with public status, in keeping with the following provisions, if:

- a) the school meets a demand of the ethnic group,*
- b) operation of the school does not serve the purpose of earning a profit,*
- c) only the admission criteria applicable to public schools are decisive for the admission of pupils, in addition to knowledge of the respective ethnic group language, and*
- d) this school is not in any competition with a similar school operated by the public sector and offering bilingual education in German and the respective ethnic group language.*

(2) Private schools of the autochthonous ethnic groups are defined to be the schools maintained by associations, foundations, funds or other organisations which offer bilingual education in German and at least one language of an autochthonous ethnic group.

§ 20b. Extent of the Subsidies for Personnel Expenses

(1) The number of teaching posts to be made available as subsidies to school providers of private schools by autochthonous ethnic groups as are necessary in order to fulfill the curriculum of the respective school (including the school principal, the necessary team teachers and the ancillary services to be provided by teachers at comparable public schools) shall ensure that the ratio between the number of pupils and the number of teachers at the respective bilingual school essentially corresponds to that at public schools of a similar or comparable nature. The arrangements under the minority schools laws for Carinthia and Burgenland shall be taken into consideration in this comparison.

(2) Upon application by the school provider, the competent school authority shall determine the number of teaching posts to which the individual private schools of the autochthonous ethnic groups are entitled pursuant to paragraph 1.

(3) The school provider shall immediately report to the competent school authority any circumstances that may have an impact on the number of teaching posts to which the school is entitled.

(4) The competent school authority shall re-determine the number of teaching posts, to which the school is entitled, if the requirements according to paragraph 1 change.

(5) If, for the private school of an autochthonous ethnic group,

- a) an application for public status was filed for a first time, or*
- b) public status was granted to the school in the previous school year, which was not withdrawn according to § 16 paragraph 1, and if an application for being granted public status was again filed for the current school year,*

the school shall be regarded as though it has already been granted public status, in connection with application for subsidies by the school provider.

(6) The number of teaching posts, to which the private schools of the autochthonous ethnic groups are entitled, shall be determined as of the first day of the month following the filing of the application pursuant to paragraph 2, or the changes of the decisive requirements, unless the application is submitted for an imminent school year or an imminent part of a school year, in which case it is determined at the beginning of the school year or that part of a school year, at the earliest.

§ 20c. Living Subsidies.

(1) *Subsidies for personnel expenses shall be granted in keeping with the provisions of the present chapter:*

- a) by the federal authorities which assign federal teachers or federal contract-based teachers as living subsidies to the school, unless it is one of the schools listed in letter b), or*
- b) by the regional authorities which assign regional teachers or regional contract-based teachers as living subsidies to primary schools, lower-level secondary schools, new middle schools, special schools, poly-technical schools and vocational schools.*

(2) *In the cases of paragraph 1 letter b, the costs of the subsidies to personnel expenses shall also be borne by the federal authorities.*

(3) *If it is not possible to assign a teacher pursuant to paragraph 1, the federal authorities shall pay a compensation for the actually performing teacher in the amount of the salary that this teacher would receive if he/she were either a federal teacher or a federal contract-based teacher, as required by type of school. If that teacher does not fulfill the requirements for employment, the compensation shall be determined at an amount that is paid, as a rule, in similar cases to federal (regional) contract-based teachers. The federal authorities shall also refund the payments which the employer has to pay for such a teacher on account of statutory provisions, up to the level which corresponds to the compensation. Payment of such compensation does not create an employment relationship with the federal authorities.*

(4) *The compensation pursuant to paragraph 3 shall be paid to the actually performing teacher.*

(5) *If a private school of an autochthonous ethnic group is granted public status with retro-active effect, and if no application pursuant to § 18 paragraph 5 was filed, the school provider shall be refunded the teaching personnel expenses which he/she paid to the teachers actually teaching there, however, as a maximum, only to the extent of the amount that would have been paid if paragraphs 3 and 4 had been applied.*

§ 20d. Limits to the Assignment of Living Subsidies.

(1) *The schools under § 20a may only be assigned such teachers as living subsidies who accept the assignment and for whose assignment to the respective school the school provider has applied, or where the school provider does not object to his/her assignment.*

(2) *The assignment shall be cancelled if the teacher or the school provider so request, or if the school provider states that the further deployment of the teacher is unacceptable and if he therefore applies to the competent authority for the cancellation of the assignment.*

§ 20e. Other Subsidies.

(1) *In addition to the living subsidies, the school providers of private schools of the autochthonous ethnic groups shall receive a subsidy for the operation and maintenance of their schools.*

(2) *The subsidy for the operation and maintenance of the school shall be granted to the school provider in the form of school maintenance contributions, which the federal authorities shall pay. The school maintenance contributions correspond to the school maintenance contributions which are due to a school provider in case of school attendance across school districts. The amount of the contribution shall be determined by the provisions that apply in the federal province of the school provider.*