



1312th meeting, 4 April 2018

10 Legal questions

10.3 European Charter for Regional or Minority Languages

c. Fourth report of the Committee of Experts in respect of Austria

Item to be considered by the GR-J at its meeting on 22 March 2018

In accordance with Article 16 paragraph 3 of the Charter, the Committee of Experts of the European Charter for Regional or Minority Languages submits its fourth report on the application of the Charter in Austria to the Committee of Ministers of the Council of Europe. The report contains proposals for recommendations to be addressed by the Committee of Ministers to Austria. The Austrian Government has been given the opportunity to comment on the content, in accordance with Article 16 paragraph 3 of the Charter.

¹ This document has been classified restricted at the date of issue. In accordance with the Deputies' decision (CM/Del/Dec(2001)765/10.4), it will be declassified after examination by the Committee of Ministers.

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving their legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned. The periodical report shall be made public by the State in accordance with Article 15, paragraph 2.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, in order to obtain a fair and just overview of the real language situation. After a preliminary examination of a periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. Once adopted by the Committee of Experts, this evaluation report is submitted to the authorities of the respective State Party for possible comments within a given deadline. Subsequently, the evaluation report is submitted to the Committee of Ministers, together with suggestions for recommendations that, once adopted by the latter, will be addressed to the State Party. The full report also contains the comments which the authorities of the State Party may have made.

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Executive Summary

The fourth evaluation report by the Committee of Experts is based on the political and legal situation prevailing at the time of the Committee of Experts' on-the-spot visit to Austria in October 2017.

The European Charter for Regional or Minority Languages entered into force in Austria in 2001 and applies to the following languages: Burgenland-Croatian, Czech, Hungarian, Romani, Slovakian and Slovenian. The overall situation has not changed significantly since the last monitoring cycle. The protection of Burgenland-Croatian, Hungarian and Slovenian in the areas in which Part III applies remains satisfactory. However, outside these areas, where the minority languages are protected only under Part II of the Charter, a structured approach is still missing.

Minority languages are present in all levels of education. Measures have been taken to improve minority language teaching, especially teacher training. However, structural problems, primarily related to enrolment regulations, remain, and this leads to discontinuity from primary to secondary level as well as impacting the quality of education. Moreover, the history and the culture reflected by the minority languages are not present in the general curriculum.

While the right to use the minority languages before the relevant courts is guaranteed, practical implementation occurs only in Carinthia with respect to Slovenian; no use of Burgenland-Croatian or Hungarian in Burgenland is noted.

With regard to the administrative authorities, the use of minority languages is possible, but the minority language speakers rarely avail themselves of this opportunity in practice. The authorities need to take measures to encourage the speakers to make use of this right.

Radio and television broadcasting in Burgenland-Croatian and Slovenian is by and large satisfactory. There are also weekly newspapers in both languages, but their situation is precarious. The other four minority languages are present in the media as well, but their offer, especially on television, could be expanded.

Cultural activities organised by the minority language associations receive the financial support of the authorities. Transfrontier exchanges occur mostly in the domains of education and culture.

Chapter 1 The situation of the regional or minority languages in Austria – Recent developments and trends

1. The European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) is a treaty of the Council of Europe which places obligations on its States Parties to protect and promote the country’s traditional minority languages in all fields of public life: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and transfrontier exchanges. Austria signed the Charter on 5 November 1992 and ratified it on 28 June 2001. The Charter entered into force in Austria on 1 October 2001 and applies to the following regional or minority languages (hereafter refer to as “minority languages”): Burgenland-Croatian, Czech, Hungarian, Romani, Slovakian and Slovenian.

2. Article 15 (1) of the Charter requires States Parties to submit three-yearly reports about the implementation of the Charter. The Austrian authorities submitted their fourth periodical report on 19 April 2017, almost six years after the submission of their third periodical report and consequently with a delay spanning almost two monitoring cycles. As a result, the information contained in the state report regarding several Charter undertakings is out-dated. The Committee of Experts regrets that the Austrian authorities have submitted this fourth report with such a delay, which consequently hampers the effectiveness of the monitoring mechanism, and reminds the Austrian authorities of their duty to submit periodical reports “at three-yearly intervals after the first report”, in accordance with Article 15 (1) of the Charter. This fourth evaluation report of the Committee of Experts is based on the information contained in the periodical report and statements made by representatives of the speakers of the minority languages during the on-the-spot visit (10-12 October 2017) and/or submitted in written form pursuant to Article 16 (2) of the Charter.

3. Chapter 1 of this evaluation report focuses on the general developments and trends regarding the regional or minority languages in Austria and the situation of these languages. It examines in particular the measures taken by the Austrian authorities to respond to the recommendations made by the Committee of Experts and the Committee of Ministers at the end of the third monitoring cycle and also highlights new issues. Chapter 2 provides a detailed overview of the state of implementation of each undertaking of Austria in respect of the given language as well as the recommendations addressed to the Austrian authorities. On the basis of its evaluation, the Committee of Experts proposes, in Chapter 3, recommendations to the Committee of Ministers to be addressed to the Government of Austria, as provided in Article 16 (4) of the Charter.

4. As far as the detailed legal examination of each undertaking is concerned, the Committee of Experts refers to its **third evaluation report on the application of the Charter in Austria (ECRML (2012) 7²)**.

5. This fourth evaluation report is based on the political and legal situation prevailing at the time of the Committee of Experts’ on-the-spot visit to Austria in October 2017. This evaluation report was adopted by the Committee of Experts on 22 November 2017.

1.1 General developments in policies, legislation and practice concerning the regional or minority languages in Austria

Legal framework for the implementation of the Charter

6. In the third evaluation report, the Committee of Experts made reference to a plan to amend the Ethnic Groups Act (*Volksgruppengesetz*, 1976/2013) proposed by the Austrian authorities³. Due to a lack of political consensus, the amendment was ultimately not adopted.

7. The representatives of the speakers are of the opinion that the current Ethnic Groups Act needs to be revised with a view to counteracting the progressive assimilation of the minority language speakers and their decreasing language competence, in particular in Vienna. While the Austrian authorities are aware of this trend, they do not plan to change the current legal framework for the protection of minority languages.

² <https://rm.coe.int/16806d868a>

³ *ibid.*, paragraphs 12-23

8. Burgenland-Croatian, Hungarian and Slovenian are protected by Part III of the Charter in the respective administrative areas as defined by the Ethnic Groups Act. Furthermore, all of the languages of the six ethnic groups which fall under the Charter's definition of regional or minority languages are protected under Part II in all territories of Austria in which they are spoken and will in this report be dealt with accordingly⁴. However, the Committee of Experts is aware that this does not comply with the territorial scope of the Ethnic Groups Act. Since this issue became clear during the on-the-spot visit to Austria, it was agreed that the discrepancy between national legislation and the scope of the Charter will be clarified in a Charter Implementation Round Table between the Council of Europe and the Federal Republic of Austria. In this context, the status of Romani outside Burgenland and its status as a territorial or non-territorial language should also be clarified.

Resolute action to promote regional or minority languages

9. There has been little improvement in the situation of regional or minority languages in Austria and there are few signs of resolute action with regard to their promotion. The Ethnic Groups Act provides for the financing, by the federal government, of "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 Ministry of Education, as well as other governmental departments and the *Länder* governments, also grant, to a lesser extent, financial support to the ethnic groups. For the implementation of projects and activities, however, no structured promotional approach is in place, and the authorities rely on the initiatives of the ethnic groups' associations.

10. As regards the amount of the funds, all the representatives of the speakers of the minority languages that the Committee of Experts met during the on-the-spot visit complained that this has not grown for the past 22 years, meaning that its current value has significantly decreased due to inflation. Once the operational costs of the associations are covered, little is left for innovative projects. Moreover, the associations report that the grants are transferred late in the year, and this leaves little time to produce the necessary accounting reports. The members of the associations emphasised that they are often volunteers and lack the necessary resources to perform these tasks.

11. While the federal authorities do not foresee an increase in the budget for the ethnic groups in the short-term, they are aware of the delays in the granting and of the accounting difficulties. They have informed the Committee of Experts that measures to make the processing of funding more efficient are already being implemented, namely through the employment of more staff and the adoption of new, modern databases.

Use of the regional or minority languages in education

12. Minority School Acts exist in Burgenland and in Carinthia, but no specific legal framework has been put in place in Vienna or in Styria. The Minority School Act in Burgenland provides, *inter alia*, for the existence of an Inspectorate for Minority Language Teaching. During the on-the-spot visit, the Committee of Experts was informed that, in the context of a future educational reform, the Inspectorate may lose its autonomy and functionality. The relevant authorities are asked to take measures to guarantee the independence and the full operational capacity of this body.

13. On account of the decreasing level of minority language competences, the Ministry of Education launched the "Conference on the Future of the Minority School System" strategy in 2015. Its aim is to improve the communication among the different stakeholders in the field of education in Burgenland and in Carinthia with a view to dealing with problems and developments in an effective manner. Three conferences were held in 2015, in which the representatives of the Burgenland-Croatian, Hungarian and Slovenian speakers participated. The strategy does not foresee the involvement of the representatives of the speakers of Czech, Slovakian and Romani.

14. The legislation for pre-school education in Burgenland provides for a minimum of 12 hours per week of compulsory bilingual teaching in pre-school nurseries in the settlement areas of the Burgenland-Croatian and Hungarian speakers as defined by the Ethnic Groups Act. Outside these areas, bilingual education can be provided if 25% of the parents request it. Representatives of the Burgenland-Croatian speakers have informed the Committee of Experts that the minimum amount of bilingual teaching in Burgenland-Croatian is often not respected. Furthermore, due to the lack of specific educational benchmarks and the autonomy of teachers, the activities proposed are sometimes limited to the learning of songs and poems.

⁴ 1st Evaluation Report of the Committee of Experts on Austria, ECRML (2005) 1, paragraphs 51-52 (<https://rm.coe.int/16806d8685>)

15. In Carinthia, according to the legislation, at least one bilingual nursery should exist in each of the municipalities defined by the Ethnic Groups Act. In 2015, the financial support to private bilingual nurseries was increased from €560,000 to €630,000. Fourteen pre-school groups, which account for 330 pupils, received bilingual education in private institutions. With regard to public bilingual nurseries, the representatives of the Slovenian speakers complain that it is up to the municipalities to decide whether or not to set them up and in 2014 only eight public bilingual nurseries existed. As a result, bilingual pre-school education is not available in the whole Slovenian settlement area.

16. The number of pupils receiving bilingual education in Slovenian-German and Hungarian-German or studying these languages as a compulsory subject at primary school level has remained fairly stable compared to the previous monitoring cycle. No updated figures for the number of pupils receiving primary education in Burgenland-Croatian have been provided. Language portfolios and the description of competences for the three minority languages have been developed for the fourth and eighth grades of primary schools as a result of the discussions of the Working Group "Education and Language" set up during the work on the amendment to the Ethnic Groups Act. While disparities in the language competence of pupils persist, efforts have been made, both in Burgenland and Carinthia, to improve the training of teachers with a view to preparing them to work in mixed-level classes. Representatives of the Burgenland-Croatian speakers informed the Committee of Experts that the threat to withdraw pupils from bilingual classes leads the teachers to lower the standards required of pupils. Restricting the possibility to opt out of the bilingual classes only during the first weeks of the school year would prevent this situation. This is the case in Carinthia, where enrolment in bilingual classes is voluntary, however, and not automatic like in Burgenland.

17. Although the number of pupils receiving teaching in or of Burgenland-Croatian and Slovenian at lower and upper secondary (grades 5 to 14) and vocational level has remained constant, the lack of continuity of minority language education from primary schools is still a problem both in Burgenland and Carinthia. This applies to Hungarian education as well, whose numbers have decreased and led to the discontinuation of some Hungarian classes, for instance at the Pannonische Gymnasium secondary school in Oberpullendorf/Felsőpulya. Besides the fact that pupils need to voluntarily enrol in minority language classes at secondary level, it seems that some of the reasons for discontinuity include the lack of interest in improving language competence beyond the level acquired in primary school as well as the priority given to learning other European languages such as English or Spanish, which appear more exploitable. The representatives of the Burgenland-Croatian speakers, however, believe that one other reason for the overall low number is the fact that not enough schools offer Burgenland-Croatian education and pupils refuse to travel long distances to attend the schools where this is available. They also complain that many classes are experimental and may be discontinued at any moment. The Committee of Experts welcomes the fact that the pilot project for bilingual Burgenland-Croatian-German and Hungarian-German education in Oberpullendorf/Felsőpulya has been transferred into the standard school system. While it is possible to take school-leaving exams in Slovenian, Burgenland-Croatian and Hungarian, there seems to be a lack of instructions on how these should be carried out in line with the federal requirements for school-leaving exams. The federal bilingual grammar school of Oberwart/Felsőőr, whose situation remains very positive, made a specific request to the relevant school authorities to adapt the school-leaving examination in a way that reflects the bilingual competences of the students of Hungarian and Croatian (offered instead of Burgenland-Croatian as of ninth grade).

18. By law, the training of primary and secondary school teachers of Burgenland-Croatian and Hungarian must be ensured by the Pedagogical University Burgenland, while the Pedagogical University Carinthia has the same mandate with respect to Slovenian. In both institutions, the courses for bilingual teaching or for teaching of these minority languages are optional additional courses to be completed on top of the normal teacher training. In order to access these courses, students need to already have a high level of language proficiency. Only as of 2017-2018 will the subject "Standard Croatian and Burgenland-Croatian" be offered as a full-fledged course for secondary level teacher training and a half-time professorship will be established. The course will feature a new curriculum developed with the support of the University of Graz. Two new curricula for the optional courses were also developed by the Pedagogical University Carinthia. The Committee of Experts welcomes these positive steps. Nevertheless, the representatives of the Burgenland-Croatian and Hungarian speakers claim that, currently, the level of teachers' competences is still not satisfactory, as they lack subject-specific preparation.

19. As for the training of teachers for pre-school level, Burgenland's legislation specifies the language requirements for teachers of bilingual nursery schools. While these are the same for Burgenland-Croatian and Hungarian, it is only for Burgenland-Croatian that a specific optional language course is offered at the Pedagogical University of Eisenstadt. The relevant information contained in the fourth periodical report, however, does not make it clear whether the course is still available. In Carinthia, Slovenian is offered at the Training Institute for Kindergarten Pedagogy. Further training options are available at the University of Klagenfurt and at the Institute for Education and Advisory.

20. There are supervisory bodies monitoring the progress achieved in the teaching of minority languages both in Carinthia and in Burgenland. Whereas the findings of the Carinthian monitoring body on Slovenian are made public, there are no public reports in Burgenland with regard to Burgenland-Croatian, Hungarian and Romani.

21. In principle, teaching of all Austrian minority languages can be offered within the public school system if there is sufficient demand. In Burgenland, outside the settlement areas of the Burgenland-Croatian and Hungarian ethnic groups as defined by the Ethnic Groups Act, Burgenland-Croatian, Hungarian and Romani can be offered in the form of compulsory subjects, elective compulsory subjects, elective subjects as well as optional and compulsory exercises if a sufficient number of pupils sign up. According to the periodical report, the minimum number of registrations (five) for Romani education was never reached.

22. In Styria, Slovenian has been offered in 41 schools, but there is no continuity from pre-school to secondary level. According to the representatives of the Slovenian speakers, teaching in or of Slovenian depends very much on the personal commitment of Slovenian teachers and on the initiative of the Article VII Cultural Association for Styria, which also offers further teacher training. They also mention that schools feel pressured when approached by the associations with the demand to offer Slovenian. Currently, ten pupils attend a one and a half hour pre-school course once a week in Graz, paid by the parents. The Municipality of Graz financially supports a weekly 3-hour course at primary level for 25 pupils divided into two groups according to the level of proficiency. In 2016-2017, a total of 238 pupils attended Slovenian courses either at primary level or in New Middle Schools. There are only two elective compulsory courses in Slovenian at upper secondary level, which are offered in Bad Radkersburg and in Bruck an der Mur (at the Forestry School). School-leaving exams in Slovenian are possible only for pupils attending a special language track. Teachers are subsidised by federal funds; however, the representatives of the speakers fear that especially those working in the border regions might not be replaced when they retire, due to the low demand for teaching. In addition, Hungarian has been taught at 36 Styrian schools as a Neighbouring Language.

23. In Lower Austria, more than 15,000 pupils in more than 100 nursery schools learn either Czech, Slovakian or Hungarian in the framework of the Lower Austrian Language Campaign which has been conducted since 2003. This contributes to the strengthening of the minority languages in Austria.

24. In Vienna, Czech, Slovakian and Hungarian as well as Croatian and Romani are taught. The Committee of Experts has been informed by the relevant school authorities that although sufficient information on the possibility of receiving teaching in these languages is provided, the number of enrolled pupils is decreasing and, consequently, so is the number of teachers hired. Regarding Hungarian, for instance, the number of teachers has decreased from eight to three. Nevertheless, Hungarian courses have been kept open even if the number of pupils registered was as low as three. Reasons for the diminishing interest could be the fact that pupils prefer to attend their district schools even if these do not offer minority language education, but also the fact that they can attend the language courses offered by the minority associations. In any event, during the on-the-spot visit, the representatives of the Hungarian speakers informed the Committee of Experts that the relevant authorities have agreed to set up a bilingual Hungarian-German primary school in Vienna. The Committee of Experts looks forward to receiving further information on this development.

25. The ethnic groups associations, but also private language schools as well as the Institutes for Economic Promotion and the Institutes for Vocational Promotion, offer minority language courses for adults, including non-speakers.

26. Within the private school system, bilingual education in Czech-German and Slovakian-German is provided from pre-school to upper secondary level at the Komenský School in Vienna, where bilingual Hungarian-German education is also provided at pre-school level. The situation of the school remains unchanged. Its functioning relies on the quota of the federal budget of the ethnic groups allocated to the Komenský School Association. This makes up for the biggest part of the total funding devoted to the Czech and Slovak ethnic groups, which consequently have limited resources to be invested in other promotional activities. Although special funding to the amount of one million euros was provided by the Ministry of Education and by the Municipality of Vienna for the renovation of one of the school buildings, the Committee of Experts was informed that the Komenský School Association has spent around nine million euros of its own funds over the course of twenty years for the maintenance and reconstruction of the Komenský School's buildings in order to comply with the infrastructural requirements for schools.

27. The representatives of the Czech, Slovakian and Hungarian speakers deeply regret the fact that their proposal to amend the Private School Act put forward in the framework of the above-mentioned Working Group "Education and Language" has not been taken into consideration. Their proposal, already presented in the third evaluation report, foresees the granting of a clear legal status for private minority language schools, identical to the one of confessional schools, with the automatic provision of funding for teachers and staff expenses as well as for operational and maintenance costs.

28. The Committee of Experts is of the opinion that the Private School Act should be amended in accordance with the needs of the speakers, with a view to clarifying the legal status of the Komenský School and ensuring the sustainability of its activity.

29. At university level, all Austrian minority languages, with the exception of Romani, are offered on a regular basis. The representatives of the minority language speakers have expressed their wish to have more scientific research on the languages. Academic research is sometimes carried out in cooperation with the universities of the kin states.

30. The history and the culture reflected by the minority languages are not covered by the general curriculum. The periodical report refers to the intercultural aspect and the development of tolerance which are both part of the general curriculum for primary education and of the curricula for the teaching of modern foreign languages and of geography and economics at secondary level. However, these concepts are too general and do not necessarily include the teaching of the history and the culture of Austria's ethnic groups. Only the "Curriculum Multilingualism", which is a new model for the basic and further teacher training established in 2014, makes clear reference to Austria's minority languages and the history and the culture reflected by them. However, given the autonomy of teachers in choosing what to include in their lessons, it depends on their will whether the history and the culture of the ethnic groups are actually taught. The periodical report also mentions a travelling exhibition on Austria's ethnic groups designed for schools, especially at secondary level. While the initiative is per se positive, it cannot make up for the lack of a structured approach for the teaching of the history and the culture reflected by the minority languages. This should be made obligatory in mainstream education for all pupils, and not only for those receiving minority language education.

Use of the regional or minority languages by judicial authorities

31. The right to use Burgenland-Croatian, Hungarian and Slovenian before the designated courts in criminal, civil and administrative proceedings is granted by law. Nevertheless, there are almost no examples of the use of Burgenland-Croatian and Hungarian in practice. While this could be due to the lack of competence in legal terminology in the minority languages by the parties or to their fear to be seen as troublemakers, it has to be said that the authorities do not actively inform or encourage the parties to make use of this possibility. Only Slovenian is used before courts, but the representatives of the speakers complain that only one bilingual judge and one court translator are available for the three courts where Slovenian is admitted and that they are thus overloaded. During the on-the-spot, however, the Committee of Experts was informed that junior judges are rewarded with financial incentives if they are bilingual.

Use of the regional or minority languages by administrative authorities

32. Annexes 1 and 2 of the Ethnic Groups Act specify the administrative units in which Burgenland-Croatian, Hungarian and Slovenian are official languages and where their use should be ensured before the relevant administrative authorities. However, as already mentioned in the previous evaluation reports, the rules governing the use of minority languages vary from one municipality to the other and are unclear especially to the Slovenian speakers in Carinthia, who need legal assistance to benefit from their rights. According to the regional authorities of Carinthia, the Ethnic Groups Office can provide legal assistance in this sense. The Office, however, claims to lack the staff and resources to do so.

33. While the main forms for administrative purposes have been available since 2015, the local branches of the national authorities still only have a limited number of minority language-speaking officers. If applications in the minority languages were submitted to these offices, translation or interpretation services would often need to be used, and this seems to discourage the minority language speakers to use their languages. In addition, the representatives of the speakers report that translations in German are often requested when forms in the minority languages are submitted.

34. At regional level, interaction in the minority languages with the administrative authorities is also quite limited. Representatives of the *Land* government informed the Committee of Experts that the forms in Burgenland-Croatian are currently being revised and that the Burgenland Administrative Academy will start to offer courses and relevant qualifications in Croatian and Hungarian as of 2018. Competence in the minority languages already plays a role in the recruitment of public officials at regional and local level.

35. For the most part, interaction in the minority languages occurs at municipal level, especially for oral inquiries. However, the publication of documents in the minority languages is very limited, as it is up to the municipalities to decide whether to make use of this possibility and the federal authorities do not actively encourage them to do so. Ludmannsdorf/Bilčovs has been cited again as an exceptional, positive case in this sense with respect to Slovenian. The municipal authorities also make little use of the possibility to put up bilingual topographical signs where these are not mandatory in compliance with the Ethnic Groups Act.

36. With regard to the issue of the diacritic signs highlighted in the previous monitoring cycles, the Committee of Experts welcomes the fact that they have been introduced in the relevant databases and registers and that the applications to have the names corrected are free of charge. Since 2013, gender-based forms of names can also be registered when so desired.

Use of the regional or minority languages in the media

37. The offer of radio and television programmes in minority languages has not changed since the previous monitoring cycle, apart from the fact that the television programmes broadcast by ORF 2 are now retransmitted once more on the new channel ORF III during the day time. Radio Agora, which broadcasts programmes in Slovenian, is now also well received throughout Styria and offers programme sections specifically for the Slovenian speakers of Styria. All the representatives of the minority language speakers have expressed their wish to have a wider offer of television programmes in their respective languages. In particular, the Czech and Slovakian speakers bemoan the fact that there is only one programme for the two languages and that this is broadcast only six times a year, i.e. 75 minutes per language per year. The Hungarian television programme is also broadcast only six times a year, which, as the Committee of Experts stated in the third evaluation report, does not fulfil the undertaking by Austria to facilitate the broadcasting of television programmes in Hungarian on a regular basis. With regard to Romani, while the representatives of the speakers wish to have a specific Romani television programme, it should be noted that the 4-language television programme broadcast by ORF 2 is mostly in Romani or about Roma.

38. ORF representatives with whom the Committee of Experts met during the on-the-spot visit explained that there are not sufficient funds for the expansion of the offer of programmes in the minority languages. This has also to be seen in connection with the general difficulties that mainstream media are experiencing and the consequent budget cuts. They underlined, however, that the budget for programmes in the minority languages is one of the few that has not been cut. In order to extend the offer of television broadcasting by ORF III as wished by some representatives of the minority language speakers, the ethnic groups would have to pay around €600,000 themselves. ORF, on the other hand, has often provided assistance or consulting to the ethnic groups for the production of offline products, such as CDs or DVDs. Other audiovisual productions are produced by the associations of the minority languages speakers through the

federal fund for the ethnic groups. Audiovisual productions in the minority languages could also receive the financial support of the Television Fund Austria and of the Austrian Film Institute (for the latter, one final version of the film has to be produced in German, either subtitled or dubbed). However, during the reporting period, no production in the minority languages benefitted from these forms of financial assistance, probably due also to the high contribution required by the producers in order to be eligible for these grants.

39. With regard to newspapers, the situation has not changed. The promotional funding for the ethnic groups and the press promotion funding allocated to newspapers in the minority languages have remained the same compared to the last monitoring cycle, therefore the same issues persist. The Burgenland-Croatian weekly newspaper “Hrvatske Novine” receives €110,000 per year from the federal budget for ethnic groups, but its printing costs amount to €450,000 per year. The editor of the newspaper is remunerated by public funds as a “living subsidy”, but the representatives of the Burgenland-Croatian speakers fear that once he retires, the same status will not be applied to the new editor. According to them, if no additional funding is granted to the newspaper, its production might already cease in the course of next year.

40. There is still no daily or weekly newspaper in Hungarian. The only regular publication is the bimonthly “Bécsi Napló” published by the Central Association of Hungarian Associations and Organisations, whose budget does not allow for its conversion into a monthly publication.

41. As for Slovenian newspapers, 50% of the costs of the weekly “Nedelja” are paid by the Catholic Church. During the period 2004-2017, 88.60% (€4,142,000 approximately) of the costs of the weekly “Novice” were covered by Slovenia and only 11.40% (€533,000 approximately) by Austria. The additional €80,000 received by “Novice” in 2016 were, according to the representatives of the Slovenian speakers, just an emergency measure taken to avoid the bankruptcy of the newspaper, but they do not ensure the sustainability of its existence. In particular, the speakers regret the fact that the 2004 Press Promotion Act does not make special provisions for newspapers in the minority languages and that the guidelines issued by KommAustria on the distribution of the funds still indicate the number of subscription copies as a criterion for the allocation of money. This results in a very limited portion (0.5% of the total federal budget for press promotion in the last ten years) granted to newspapers in the minority languages.

Use of the regional or minority languages in cultural activities and facilities

42. Cultural activities in or for the minority languages are usually organised on the initiative of the associations of the ethnic groups, which receive the financial support of the Federal Chancellery through the budget for the ethnic groups. Regional and local authorities can also contribute with project-based funding. All of the representatives of the minority language speakers complain about the fact that, as the federal funding has remained the same since 1995, they now barely suffice to pay for infrastructural and organisational costs and not much is left for the organisation of cultural activities.

43. The periodical report lists a number of cultural activities in the various minority languages. During the on-the-spot visit, the Committee of Experts learned about some more activities, such as a story-telling café in Romani (“Roma-Erzählcafé”) organised in Vienna with the financial support of the municipality, a series of readings in Slovenian at the Styrian Regional Library in Graz supported by the *Land* government, and the 2016 Slovenian Culture Week in Arnoldstein, Carinthia.

44. The representatives of the Slovenian speakers of Carinthia expressed concern regarding the Slovenian Music School “Glasbena šola” during the previous monitoring cycle. The school has now been integrated in the system of the Carinthian music schools through the amendment of the Carinthian Music School Act. According to the authorities, this ensures its long-term sustainability, both from a financial point of view and from that of the availability of teachers, who are no longer hired as freelancers. The representatives of the speakers, however, bemoan the fact that the number of pupils had to be reduced from 720 to 380 as part of the agreement with the Carinthian Parliament and that the school is being asked to pay for new taxes since its integration into the regional system of music schools.

45. Concerning the representation of the minority languages in Austria’s cultural policy abroad, the Committee of Experts welcomes the information regarding the activities and works in the Slovenian language presented abroad on several occasions. It nevertheless expresses its concern that this does not seem to have happened with regard to Austria’s other minority languages.

Use of the regional or minority languages in transfrontier exchanges

46. Many exchanges in the field of education and culture are carried out with the neighbouring countries, although the representatives of both the Burgenland-Croatian and Slovenian speakers report that these are often the result of the initiatives of the associations. However, there is little commitment at political level and a comprehensive cooperation system with the kin states is lacking. In the framework of the EU Interreg Europe programme, there are currently no projects that focus on languages. As regards the media, the ORF Burgenland states that the programmes in Burgenland-Croatian were also addressed to the Burgenland-Croatian speakers of Hungary and Slovakia, but that now the television signal is encrypted and can no longer be received outside of Austria. The weekly "Hrvatske Novine" in Burgenland-Croatian is also distributed in Croatia, Canada and the United States.

1.2 The situation of the individual regional or minority languages in Austria

47. The demographic data on the number and geographical distribution of minority language speakers can be found in the fourth periodical report, under Part I.1 "The Minority Languages Spoken in Austria". The data are based on the 2001 census. According to the Austrian authorities, a new census is not foreseen.

48. In the Burgenland-Croatian settlement areas of Burgenland defined by the Ethnic Groups Act, teaching in or of **Burgenland-Croatian** is available at all levels of education, although with discontinuity from primary to secondary level. Improvements have been made with respect to the development of teaching competences and teacher training, with the establishment of a half-time professorship for Burgenland-Croatian/Croatian at the Pedagogical University of Eisenstadt. Outside of these areas, Burgenland-Croatian can be studied as a subject when there is sufficient demand. In Vienna, however, only Croatian is taught, as the number of requests for the teaching of Burgenland-Croatian has never been reached. The law provides for the use of Burgenland-Croatian before the judicial and administrative authorities of the administrative entities identified in the Ethnic Groups Act, but the use in practice is limited to the oral inquiries submitted to the municipalities. Local authorities do not make use of the possibility to publish their documents in Burgenland-Croatian. The language is present on radio for at least 42 minutes a day. A weekly television programme in Burgenland-Croatian is rebroadcast twice throughout Austria. A weekly newspaper in Burgenland-Croatian exists, although its financial situation is precarious and may lead to its discontinuation. Many Burgenland-Croatian cultural activities are organised by the minority associations through the financial support of the Federal Chancellery as well as that of the *Land* government. Transfrontier exchanges occur mostly in the fields of education and culture.

49. Bilingual **Czech**-German education from pre-school through to upper secondary level is offered at the Komenský School, a private school in Vienna subsidised through the federal funding for the ethnic groups and, occasionally, by the municipality of Vienna. Czech is also offered as an optional subject in other schools. A 25-minute bilingual television programme in Czech and Slovakian is broadcast 6 times a year. A Czech radio magazine is broadcast weekly for half an hour. No daily or weekly newspaper in Czech exists. Several Czech associations organise a variety of cultural activities in Vienna.

50. **Hungarian** teaching is available at all levels of education in the Hungarian settlement areas of Burgenland, although the number of pupils receiving it has decreased since the previous monitoring cycle. In Vienna, Hungarian is taught as a subject even if the number of registrations is as low as three. In addition, bilingual Hungarian-German pre-school education is provided at the Komenský School. The language can also be studied as an optional subject outside the autochthonous language area if there is sufficient demand. The Hungarian associations offer language courses as well. The possibility to use Hungarian before the judicial and administrative authorities is provided by law, but its application in practice is very rare. A 20-minute and a 30-minute radio programme in Hungarian are broadcast on Mondays and Sundays, respectively, in addition to a 5-minute daily radio journal. There is a 25-minute television programme in Hungarian broadcast 6 times per year. The only regular publication in Hungarian is the bimonthly magazine "Bécsi Napló", published by the Central Association of Hungarian Associations and Organisations, but no daily or weekly newspaper exists. The federal fund for the ethnic groups finances many Hungarian associations, also in places outside the autochthonous language area, such as Linz, Graz and Innsbruck. The associations organise a wide range of cultural activities where the language is used.

51. While the possibility to study **Romani** as a mother tongue exists, in Burgenland, the minimum number of registrations (five) has never been reached. In Vienna, Romani is taught as an elective subject in some schools with a high number of Romani pupils. Language courses for children and adults are offered by the Romani associations both in Burgenland and in Vienna. A weekly radio programme in Romani is broadcast in Burgenland and Vienna. A 4-language television programme featuring mainly content in Romani or about the Romani people is broadcast six times a year. There are two bilingual quarterlies: "Romano Centro" and "Droma". The Romani associations funded through the federal budget for the ethnic groups organise cultural activities where the Romani language is used.

52. At the Komenský School in Vienna, bilingual **Slovakian**-German education is offered from pre-school to upper secondary level. In other schools, Slovakian is taught as an optional subject when there is sufficient demand. A 25-minute bilingual television programme in Czech and Slovakian is broadcast 6 times a year. A 30-minute radio programme in Slovakian is broadcast once a week. No daily or weekly newspaper in Slovakian exists. Cultural activities where Slovakian is used are organised by different minority associations, which receive financial support from the federal budget for the ethnic groups.

53. In Carinthia, **Slovenian** is offered in education at all appropriate stages. While the number of pupils is constantly growing at primary level, there is still a lack of continuity from primary to secondary level. New competence levels for the fourth and eighth grades of school have been defined, as well as two new curricula for the training of teachers. In Styria, teaching of Slovenian is offered in 41 schools, but with no continuity from one level to another. Slovenian is the only one among Austria's minority languages for which examples of its use before the judicial authorities exist. With respect to the administrative authorities, the use is limited. While Slovenian is used in legal documents, translations into German are often required. The publication of documents in Slovenian is rare, as it depends on the will of the local administrations. The municipality of Ludmannsdorf/Bilčovs represents an exceptional, positive case in this respect. Television and radio programmes in Slovenian are broadcast both in Carinthia and Styria. Two weekly newspapers in Slovenian exist: "Novice" and "Nedelja". Slovenian is largely used in culture and transfrontier exchanges.

54. With regard to Polish, the Committee of Experts asked the Austrian authorities in the third evaluation report to clarify if this language has a historical presence in Vienna. In the fourth periodical report, the authorities confirm that the Polish population in Vienna has the characteristics of an immigrant group, lacking a continuous presence. Therefore, Polish is not considered a regional or minority language in the sense of the Charter by the Austrian authorities.

Chapter 2 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages and recommendations

2.1 Burgenland-Croatian

2.1.1 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Burgenland-Croatian

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle:

↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Burgenland-Croatian ⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter						
(Undertakings which the state must apply to all regional or minority languages within its territory)						
Art. 7 – Objectives and principles						
7.1.a	recognition of Burgenland-Croatian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Burgenland-Croatian	=				
7.1.c	resolute action to promote Burgenland-Croatian		=			
7.1.d	facilitation and/or encouragement of the use of Burgenland-Croatian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Burgenland-Croatian • establishment of cultural relations with other linguistic groups 	=				
7.1.f	provision of forms and means for the teaching and study of Burgenland-Croatian at all appropriate stages		=			
7.1.g	provision of facilities enabling (also adult) non-speakers of Burgenland-Croatian to learn it	=				
7.1.h	promotion of study and research on Burgenland-Croatian at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Burgenland-Croatian	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Burgenland-Croatian	=				
7.3	<ul style="list-style-type: none"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Burgenland-Croatian among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Burgenland-Croatian among their objectives 		=			
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Burgenland-Croatian • establish a body for the purpose of advising the authorities on all matters pertaining to Burgenland-Croatian 	=				

⁵ In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Burgenland-Croatian⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part III of the Charter						
(Additional undertakings chosen by the state for specific languages)						
Art. 8 – Education						
8.1.a.ii	make available a substantial part of pre-school education in Burgenland-Croatian	=				
8.1.b.ii	make available a substantial part of primary education in Burgenland-Croatian		=			
8.1.c.iii	provide, within secondary education, for the teaching of Burgenland-Croatian as an integral part of the curriculum	=				
8.1.d.iv	make available technical and vocational education in Burgenland-Croatian, a substantial part of technical and vocational education in Burgenland-Croatian or teaching of Burgenland-Croatian as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient	=				
8.1.e.iii	encourage and/or allow the provision of university or other forms of higher education in Burgenland-Croatian or of facilities for the study of Burgenland-Croatian as an university or higher education subject	=				
8.1.f.iii	favour and/or encourage the offering of Burgenland-Croatian as a subject of adult and continuing education	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Burgenland-Croatian		=			
8.1.h	provide the basic and further training of the teachers teaching (in) Burgenland-Croatian	=				
8.1.i	set up a supervisory body responsible for monitoring the progress achieved in the teaching of Burgenland-Croatian and for drawing up public periodic reports of its findings		↗			
8.2	in territories other than those in which Burgenland-Croatian is traditionally used, allow, encourage or provide teaching in or of Burgenland-Croatian at all the appropriate stages of education	=				
Art. 9 – Judicial authorities						
9.1.a.ii	guarantee the accused the right to use Burgenland-Croatian in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned			=		
9.1.a.iii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Burgenland-Croatian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.b.ii	allow, whenever a litigant has to appear in person before a court, that he or she may use Burgenland-Croatian in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations			=		
9.1.b.iii	allow documents and evidence to be produced in Burgenland-Croatian in civil proceedings, if necessary by the use of interpreters and translations	=				
9.1.c.ii	allow, whenever a litigant has to appear in person before a court, that he or she may use Burgenland-Croatian in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations			=		
9.1.c.iii	allow documents and evidence to be produced in Burgenland-Croatian in proceedings concerning administrative matters, if necessary by the use of interpreters and translations	=				

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Burgenland-Croatian ⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Burgenland-Croatian and the related use of documents and evidence in Burgenland-Croatian, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Burgenland-Croatian	=				
Art. 10 – Administrative authorities and public services						
10.1.ai ii	ensure that users of Burgenland-Croatian may submit oral or written applications to local branches of the national authorities and receive a reply in Burgenland-Croatian		↗			
10.1.c	allow the national authorities to draft documents in Burgenland-Croatian		=			
10.2.b	possibility for users of Burgenland-Croatian to submit oral or written applications in Burgenland-Croatian to the regional or local authority		=			
10.2.d	publication by local authorities of their official documents also in Burgenland-Croatian				=	
10.4.a	translation or interpretation	=				
10.5	allow the use or adoption of family names in Burgenland-Croatian	=				
Art. 11 – Media						
11.1.bi i	encourage and/or facilitate the broadcasting of private radio programmes in Burgenland-Croatian on a regular basis	=				
11.1.cii	encourage and/or facilitate the broadcasting of private television programmes in Burgenland-Croatian on a regular basis	=				
11.1.d	encourage and/or facilitate the production and distribution of audio and audiovisual works in Burgenland-Croatian	=				
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Burgenland-Croatian	=				
11.1.fii	apply existing measures for financial assistance also to audiovisual productions in Burgenland-Croatian	=				
11.2	<ul style="list-style-type: none"> • guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Burgenland-Croatian • do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Burgenland-Croatian • ensure the freedom of expression and free circulation of information in the written press in Burgenland-Croatian 	=				
Art. 12 – Cultural activities and facilities						
12.1.a	encourage production, reproduction and dissemination of cultural works in Burgenland-Croatian	=				
12.1.d	ensure that the bodies organising or supporting cultural activities incorporate the knowledge and use of the Burgenland-Croatian language and culture in the undertakings which they initiate or for which they provide backing	=				
12.2	In territories other than those in which Burgenland-Croatian is traditionally used, allow, encourage and/or provide cultural activities and facilities using Burgenland-Croatian	=				
12.3	make provision, in cultural policy abroad, for Burgenland-Croatian and the culture it reflects				↙	
Art. 13 – Economic and social life						
13.1.d	facilitate and/or encourage the use of Burgenland-Croatian in economic and social life	=				

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Burgenland-Croatian ⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Art. 14 – Transfrontier exchanges						
14.b	for the benefit of Burgenland-Croatian, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Burgenland-Croatian is used in identical or similar form	=				

* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

Fulfilled: Policies, legislation and practice are in conformity with the Charter.

Partly fulfilled: Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

Formally fulfilled: Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

Not fulfilled: No action in policies, legislation and practice has been taken to implement the undertaking.

No conclusion: The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

Changes in the evaluation compared to the previous monitoring cycle

55. Although there is a supervisory body monitoring the progress achieved in the teaching of Burgenland-Croatian, there are no public reports of its findings. The undertaking under Article 8.1.i is considered partly fulfilled.

56. With regard to Article 10.1.a.iii, the periodical report specifies the number of Burgenland-Croatian-speaking staff members employed in certain local branches of the national authorities and who could reply to applications made in this language. Where no Burgenland-Croatian-speaking staff members are available, the authorities claim that the necessary assistance could be obtained from the local authorities or that an interpreter would be used. The most common forms are also made available in Burgenland-Croatian. Nevertheless, no applications in Burgenland-Croatian were submitted during the reporting period. According to the representatives of the speakers, this is due to the fact that the processing of an application submitted in Burgenland-Croatian takes too long, especially when there is the need to resort to the use of a translator. The Committee of Experts considers the undertaking only partly fulfilled.

57. As no examples of the use of Burgenland-Croatian in Austria's cultural policy abroad during the reporting period were provided, the undertaking under Article 12.3 is considered not fulfilled at present.

2.1.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Burgenland-Croatian in Austria

The Committee of Experts encourages the Austrian authorities to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered "fulfilled" (see under 2.1.1 above). Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process. The following overview presents the Committee of Experts' recommendations of the previous monitoring cycles which Austria has not yet implemented and the recommendations of the current monitoring cycle. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Austria⁶ remain valid in their own right.

⁶ RecChL(2005)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805db118); CM/RecChL(2009)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1967); CM/RecChL(2012)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c91ec)

I. Recommendations for immediate action

- a. Ensure an efficient and timely processing of the granting of promotional funds for Burgenland-Croatian, in co-operation with the speakers.**
- b. Include the teaching of the history and the culture reflected by the Burgenland-Croatian language in the curriculum of the German-medium schools in Burgenland.**
- c. Facilitate the publication by local authorities of their official documents in Burgenland-Croatian.**

II. Further recommendations

- d. Encourage the mass media to include respect, understanding and tolerance in relation to Burgenland-Croatian among their objectives.
- e. Ensure that the supervisory body responsible for monitoring the progress achieved in the teaching of Burgenland-Croatian draws up periodic reports of its findings and makes them public, as is the case in Carinthia for Slovenian.
- f. Guarantee the autonomy of the Inspectorate for Minority Language Teaching in the context of the upcoming educational reform.
- g. Ensure the use of Burgenland-Croatian in criminal and civil proceedings and in proceedings before courts concerning administrative matters.
- h. Ensure that Burgenland-Croatian is used before the administrative authorities in practice.
- i. Make provision, in Austria's cultural policy abroad, for Burgenland-Croatian and the culture it reflects.

2.2 Czech

2.2.1 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Czech

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle:

↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Czech ⁷	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter – applicable to all regional or minority languages in the State						
Art. 7 – Objectives and principles						
7.1.a	recognition of Czech as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Czech	=				
7.1.c	resolute action to promote Czech				=	
7.1.d	facilitation and/or encouragement of the use of Czech, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Czech • establishment of cultural relations with other linguistic groups 	=				
7.1.f	provision of forms and means for the teaching and study of Czech at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Czech to learn it	=				
7.1.h	promotion of study and research on Czech at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Czech	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Czech	=				
7.3	<ul style="list-style-type: none"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Czech among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Czech among their objectives 		=			
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Czech • establish a body for the purpose of advising the authorities on all matters pertaining to Czech 	=				

* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

Fulfilled: Policies, legislation and practice are in conformity with the Charter.

Partly fulfilled: Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

Formally fulfilled: Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

Not fulfilled: No action in policies, legislation and practice has been taken to implement the undertaking.

No conclusion: The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

⁷ In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: <http://www.coe.int/en/web/conventions/> (treaty No. 148).

2.2.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Czech in Austria

The Committee of Experts encourages the Austrian authorities to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.2.1 above). Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process. The following overview presents the Committee of Experts’ recommendations of the previous monitoring cycles which Austria has not yet implemented and the recommendations of the current monitoring cycle. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Austria⁸ remain valid in their own right.

I. Recommendations for immediate action

- a. **Ensure an efficient and timely processing of the granting of promotional funds for Czech, in co-operation with the speakers.**
- b. **Reconsider amending the Private School Act with a view to granting a special legal status to the Komenský School and ensuring the sustainability of its activity.**

II. Further recommendations

- c. Encourage the mass media to include respect, understanding and tolerance in relation to Czech among their objectives.

⁸ CM/RecChL(2005)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805db118);
CM/RecChL(2009)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1967)
CM/RecChL(2012)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c91ec)

2.3 Hungarian

2.3.1 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Hungarian

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle:

↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Hungarian⁹	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter						
<i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
Art. 7 – Objectives and principles						
7.1.a	recognition of Hungarian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Hungarian	=				
7.1.c	resolute action to promote Hungarian		=			
7.1.d	facilitation and/or encouragement of the use of Hungarian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life	=				
7.1.e	<ul style="list-style-type: none"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Hungarian • establishment of cultural relations with other linguistic groups 	=				
7.1.f	provision of forms and means for the teaching and study of Hungarian at all appropriate stages	=				
7.1.g	provision of facilities enabling (also adult) non-speakers of Hungarian to learn it	=				
7.1.h	promotion of study and research on Hungarian at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Hungarian	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Hungarian	=				
7.3	<ul style="list-style-type: none"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Hungarian among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Hungarian among their objectives 		=			
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Hungarian • establish a body for the purpose of advising the authorities on all matters pertaining to Hungarian 	=				
Part III of the Charter						
<i>(Additional undertakings chosen by the state for specific languages)</i>						
Art. 8 – Education						
8.1.a.ii	make available a substantial part of pre-school education in Hungarian	=				
8.1.b.ii	make available a substantial part of primary education in Hungarian	=				
8.1.c.iii	provide, within secondary education, for the teaching of Hungarian as an integral part of the curriculum	=				

⁹ In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Hungarian⁹	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
8.1.div	make available technical and vocational education in Hungarian, a substantial part of technical and vocational education in Hungarian or teaching of Hungarian as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient	=				
8.1.eiii	encourage and/or allow the provision of university or other forms of higher education in Hungarian or of facilities for the study of Hungarian as an university or higher education subject	=				
8.1.fiii	favour and/or encourage the offering of Hungarian as a subject of adult and continuing education	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Hungarian				✓	
8.1.h	provide the basic and further training of the teachers teaching (in) Hungarian	=				
8.1.i	set up a supervisory body responsible for monitoring the progress achieved in the teaching of Hungarian and for drawing up public periodic reports of its findings		↗			
8.2	in territories other than those in which Hungarian is traditionally used, allow, encourage or provide teaching in or of Hungarian at all the appropriate stages of education	=				
Art. 9 – Judicial authorities						
9.1.aii	guarantee the accused the right to use Hungarian in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned			✓		
9.1.aiii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Hungarian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.bii	allow, whenever a litigant has to appear in person before a court, that he or she may use Hungarian in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations			✓		
9.1.biii	allow documents and evidence to be produced in Hungarian in civil proceedings, if necessary by the use of interpreters and translations	=				
9.1.cii	allow, whenever a litigant has to appear in person before a court, that he or she may use Hungarian in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations			=		
9.1.ciii	allow documents and evidence to be produced in Hungarian in proceedings concerning administrative matters, if necessary by the use of interpreters and translations	=				
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Hungarian and the related use of documents and evidence in Hungarian, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Hungarian	=				

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Hungarian ⁹	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Art. 10 – Administrative authorities and public services						
10.1.ajii	ensure that users of Hungarian may submit oral or written applications to local branches of the national authorities and receive a reply in Hungarian	=				
10.1.c	allow the national authorities to draft documents in Hungarian		=			
10.2.b	possibility for users of Hungarian to submit oral or written applications in Hungarian to the regional or local authority		=			
10.2.d	publication by local authorities of their official documents also in Hungarian				=	
10.4.a	translation or interpretation	=				
10.5	allow the use or adoption of family names in Hungarian	=				
Art. 11 – Media						
11.1.bii	encourage and/or facilitate the broadcasting of private radio programmes in Hungarian on a regular basis	=				
11.1.cii	encourage and/or facilitate the broadcasting of private television programmes in Hungarian on a regular basis				=	
11.1.d	encourage and/or facilitate the production and distribution of audio and audiovisual works in Hungarian	=				
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Hungarian				=	
11.1.fii	apply existing measures for financial assistance also to audiovisual productions in Hungarian	=				
11.2	<ul style="list-style-type: none"> • guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Hungarian • do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Hungarian • ensure the freedom of expression and free circulation of information in the written press in Hungarian 	=				
Art. 12 – Cultural activities and facilities						
12.1.a	encourage production, reproduction and dissemination of cultural works in Hungarian	=				
12.1.d	ensure that the bodies organising or supporting cultural activities incorporate the knowledge and use of the Hungarian language and culture in the undertakings which they initiate or for which they provide backing	=				
12.2	In territories other than those in which Hungarian is traditionally used, allow, encourage and/or provide cultural activities and facilities using Hungarian	=				
12.3	make provision, in cultural policy abroad, for Hungarian and the culture it reflects				✓	
Art. 13 – Economic and social life						
13.1.d	facilitate and/or encourage the use of Hungarian in economic and social life	=				
Art. 14 – Transfrontier exchanges						
14.b	for the benefit of Hungarian, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Hungarian is used in identical or similar form	=				

* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

Fulfilled: Policies, legislation and practice are in conformity with the Charter.

Partly fulfilled: Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

Formally fulfilled: Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

Not fulfilled: No action in policies, legislation and practice has been taken to implement the undertaking.

No conclusion: The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

Changes in the evaluation compared to the previous monitoring cycle

58. Concerning Article 8.1.g, it has become clear that no specific curriculum for the teaching of the history and the culture reflected by the minority languages exists. The periodical report refers to the intercultural aspect and the developing of tolerance which are part of the general curriculum for primary education and of the curricula for the teaching of modern foreign languages, geography and economics at secondary level. However, these concepts are too general and do not necessarily include the teaching of the history and the culture reflected by Austria's minority languages. Only the "Curriculum Multilingualism", which is a new model for the basic and further teacher training introduced in 2014, makes clear reference to Austria's minority languages and the history and the culture reflected by them. However, given the autonomy of teachers in choosing what to include in their lessons, it depends on their will whether the history and the culture reflected by Austria's minority languages are actually taught. In Burgenland, in the areas where Burgenland-Croatian, Hungarian and Romani are present in society and in schools, this usually happens. However, since there is no structured approach to be extended to the mainstream curriculum for education in German, the Committee of Experts considers this undertaking not fulfilled.

59. Although there is a supervisory body monitoring the progress achieved in the teaching of Hungarian, there are no public reports of its findings. The undertaking under Article 8.1.i is thus considered partly fulfilled.

60. With regard to the judicial authorities, while the possibility to use Hungarian in criminal and civil proceedings remains, there are no examples of its actual use in practice. The Committee of Experts therefore considers the undertakings under Articles 9.1.a.ii and 9.1.b.ii only formally fulfilled.

61. The periodical report does not provide any examples of the use of Hungarian in Austria's cultural policy abroad during the reporting period. During the on-the-spot visit the Committee of Experts did not receive any information relating to Hungarian. The undertaking under Article 12.3 is therefore considered not fulfilled at present.

2.3.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Hungarian in Austria

The Committee of Experts encourages the Austrian authorities to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered "fulfilled" (see under 2.3.1 above). Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process. The following overview presents the Committee of Experts' recommendations of the previous monitoring cycles which Austria has not yet implemented and the recommendations of the current monitoring cycle. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Austria¹⁰ remain valid in their own right.

I. Recommendations for immediate action

- a. **Ensure an efficient and timely processing of the granting of promotional funds for Hungarian, in co-operation with the speakers.**
- b. **Include the teaching of the history and the culture reflected by the Hungarian language in the curriculum of the German-medium schools in Burgenland.**

II. Further recommendations

- c. Encourage the mass media to include respect, understanding and tolerance in relation to Hungarian among their objectives.

¹⁰ CM/RecChL(2005)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805db118); CM/RecChL(2009)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1967); CM/RecChL(2012)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c91ec)

- d. Ensure that the supervisory body responsible for monitoring the progress achieved in the teaching of Hungarian draws up periodic reports of its findings and makes them public, as is the case in Carinthia for Slovenian.
- e. Inform the public of the possibility to use regional or minority languages before courts, and actively encourage them to do so.
- f. Ensure that Hungarian is used before the relevant administrative authorities in practice.
- g. Increase the offer of Hungarian language television programmes.
- h. Encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Hungarian.
- i. Make provision, in Austria's cultural policy abroad, for Hungarian and the culture it reflects.

2.4 Romani

2.4.1 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Romani

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle:

↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Romani ¹¹	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter						
(Undertakings which the state must apply to all regional or minority languages within its territory)						
Art. 7 – Objectives and principles						
7.1.a	recognition of Romani as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Romani	=				
7.1.c	resolute action to promote Romani				=	
7.1.d	facilitation and/or encouragement of the use of Romani, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Romani • establishment of cultural relations with other linguistic groups 	=				
7.1.f	provision of forms and means for the teaching and study of Romani at all appropriate stages		=			
7.1.g	provision of facilities enabling (also adult) non-speakers of Romani to learn it		=			
7.1.h	promotion of study and research on Romani at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Romani	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Romani	=				
7.3	<ul style="list-style-type: none"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Romani among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Romani among their objectives 		=			
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Romani • establish a body for the purpose of advising the authorities on all matters pertaining to Romani 	=				

* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

Fulfilled: Policies, legislation and practice are in conformity with the Charter.

Partly fulfilled: Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

Formally fulfilled: Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

Not fulfilled: No action in policies, legislation and practice has been taken to implement the undertaking.

No conclusion: The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

¹¹ In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

2.4.2 *Recommendations by the Committee of Experts on how to improve the protection and promotion of Romani in Austria*

The Committee of Experts encourages the Austrian authorities to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.4.1 above). Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process. The following overview presents the Committee of Experts’ recommendations of the previous monitoring cycles which Austria has not yet implemented and the recommendations of the current monitoring cycle. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Austria¹² remain valid in their own right.

I. Recommendations for immediate action

a. Ensure an efficient and timely processing of the granting of promotional funds for Romani, in co-operation with the speakers.

II. Further recommendations

- b. Encourage the mass media to include respect, understanding and tolerance in relation to Romani among their objectives.
- c. Promote the teaching of Romani at all levels of education.

¹² CM/RecChL(2005)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805db118);
CM/RecChL(2009)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1967)
CM/RecChL(2012)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c91ec)

2.5 Slovakian

2.5.1 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Slovakian

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle:

↗ improvement ↘ deterioration = no change

Article	The Committee of Experts considers the undertaking*:				
	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Undertakings of Austria concerning Slovakian¹³					
Part II of the Charter					
(Undertakings which the State must apply to all regional or minority languages within its territory)					
Art. 7 – Objectives and principles					
7.1.a	recognition of Slovakian as an expression of cultural wealth	=			
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Slovakian	=			
7.1.c	resolute action to promote Slovakian			=	
7.1.d	facilitation and/or encouragement of the use of Slovakian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=		
7.1.e	<ul style="list-style-type: none"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Slovakian • establishment of cultural relations with other linguistic groups 	=			
7.1.f	provision of forms and means for the teaching and study of Slovakian at all appropriate stages	=			
7.1.g	provision of facilities enabling (also adult) non-speakers of Slovakian to learn it	=			
7.1.h	promotion of study and research on Slovakian at universities or equivalent institutions	=			
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Slovakian	=			
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Slovakian	=			
7.3	<ul style="list-style-type: none"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Slovakian among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Slovakian among their objectives 		=		
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Slovakian • establish a body for the purpose of advising the authorities on all matters pertaining to Slovakian 	=			

* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

Fulfilled: Policies, legislation and practice are in conformity with the Charter.

Partly fulfilled: Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

Formally fulfilled: Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

Not fulfilled: No action in policies, legislation and practice has been taken to implement the undertaking.

No conclusion: The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

¹³ In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

2.5.2 *Recommendations by the Committee of Experts on how to improve the protection and promotion of Slovakian in Austria*

The Committee of Experts encourages the Austrian authorities to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.5.1 above). Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process. The following overview presents the Committee of Experts’ recommendations of the previous monitoring cycles which Austria has not yet implemented and the recommendations of the current monitoring cycle. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Austria¹⁴ remain valid in their own right.

I. Recommendations for immediate action

- a. Ensure an efficient and timely processing of the granting of promotional funds for Slovakian, in co-operation with the speakers.**
- b. Reconsider amending the Private School Act with a view to granting a special legal status to the Komenský School and ensuring the sustainability of its activity.**

II. Further recommendations

- c. Encourage the mass media to include respect, understanding and tolerance in relation to Slovakian among their objectives.

¹⁴ CM/RecChL(2005)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805db118);
CM/RecChL(2009)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1967)
CM/RecChL(2012)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c91ec)

2.6 Slovenian

2.6.1 Compliance of Austria with its undertakings under the European Charter for Regional or Minority Languages concerning the protection and promotion of Slovenian

Symbols used to mark changes in the evaluation compared to the previous monitoring cycle:

↗ improvement ↘ deterioration = no change

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Slovenian ¹⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Part II of the Charter						
<i>(Undertakings which the state must apply to all regional or minority languages within its territory)</i>						
Art. 7 – Objectives and principles						
7.1.a	recognition of Slovenian as an expression of cultural wealth	=				
7.1.b	ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of Slovenian	=				
7.1.c	resolute action to promote Slovenian		=			
7.1.d	facilitation and/or encouragement of the use of Slovenian, in speech and writing, in public life (education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, transfrontier exchanges) and private life		=			
7.1.e	<ul style="list-style-type: none"> • maintenance and development of links, in the fields covered by this Charter, between groups in the State using Slovenian • establishment of cultural relations with other linguistic groups 	=				
7.1.f	provision of forms and means for the teaching and study of Slovenian at all appropriate stages		=			
7.1.g	provision of facilities enabling (also adult) non-speakers of Slovenian to learn it	=				
7.1.h	promotion of study and research on Slovenian at universities or equivalent institutions	=				
7.1.i	promotion of transnational exchanges, in the fields covered by this Charter, for the benefit of Slovenian	=				
7.2	eliminate any unjustified distinction, exclusion, restriction or preference relating to the use of Slovenian	=				
7.3	<ul style="list-style-type: none"> • promote mutual understanding between all the linguistic groups of the country • promote the inclusion of respect, understanding and tolerance in relation to Slovenian among the objectives of education and training • encourage the mass media to include respect, understanding and tolerance in relation to Slovenian among their objectives 		=			
7.4	<ul style="list-style-type: none"> • take into consideration the needs and wishes expressed by the group which uses Slovenian • establish a body for the purpose of advising the authorities on all matters pertaining to Slovenian 	=				
Part III of the Charter						
<i>(Additional undertakings chosen by the state for specific languages)</i>						
Art. 8 – Education						
8.1.aiv	favour and/or encourage the provision of pre-school education in Slovenian and a substantial part of pre-school education in Slovenian	=				
8.1.bii	make available a substantial part of primary education in Slovenian	=				
8.1.ciii	provide, within secondary education, for the teaching of Slovenian as an integral part of the curriculum	=				

¹⁵ In order to facilitate readability, the provisions of the Charter appear here in a shortened and simplified form. The complete version of each provision can be consulted on the website of the Treaty Office: [http://www.coe.int/en/web/conventions/\(treaty No. 148\)](http://www.coe.int/en/web/conventions/(treaty%20No.%20148)).

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Slovenian¹⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
8.1.div	make available technical and vocational education in Slovenian, a substantial part of technical and vocational education in Slovenian or teaching of Slovenian as an integral part of the curriculum at least to those pupils who so wish in a number considered sufficient	=				
8.1.eiii	encourage and/or allow the provision of university or other forms of higher education in Slovenian or of facilities for the study of Slovenian as an university or higher education subject	=				
8.1.fiii	favour and/or encourage the offering of Slovenian as a subject of adult and continuing education	=				
8.1.g	ensure the teaching of the history and the culture which is reflected by Slovenian				=	
8.1.h	provide the basic and further training of the teachers teaching (in) Slovenian	=				
8.1.i	set up a supervisory body responsible for monitoring the progress achieved in the teaching of Slovenian and for drawing up public periodic reports of its findings	=				
8.2	in territories other than those in which Slovenian is traditionally used, allow, encourage or provide teaching in or of Slovenian at all the appropriate stages of education	=				
Art. 9 – Judicial authorities						
9.1.aii	guarantee the accused the right to use Slovenian in criminal proceedings, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.aiii	provide that requests and evidence, whether written or oral, shall not be considered inadmissible in criminal proceedings solely because they are formulated in Slovenian, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned	=				
9.1.bii	allow, whenever a litigant has to appear in person before a court, that he or she may use Slovenian in civil proceedings without thereby incurring additional expense, if necessary by the use of interpreters and translations	↗				
9.1.biii	allow documents and evidence to be produced in Slovenian in civil proceedings, if necessary by the use of interpreters and translations	=				
9.1.cii	allow, whenever a litigant has to appear in person before a court, that he or she may use Slovenian in proceedings concerning administrative matters without thereby incurring additional expense, if necessary by the use of interpreters and translations	=				
9.1.ciii	allow documents and evidence to be produced in Slovenian in proceedings concerning administrative matters, if necessary by the use of interpreters and translations	=				
9.1.d	with regard to the conduct of civil and/or administrative proceedings in Slovenian and the related use of documents and evidence in Slovenian, ensure that the use of interpreters and translations does not involve extra expense for the persons concerned	=				
9.2.a	not to deny the validity of legal documents solely because they are drafted in Slovenian	=				

The Committee of Experts considers the undertaking*:						
Article	Undertakings of Austria concerning Slovenian ¹⁵	fulfilled	partly fulfilled	formally fulfilled	not fulfilled	no conclusion
Art. 10 – Administrative authorities and public services						
10.1.a.iii	ensure that users of Slovenian may submit oral or written applications to local branches of the national authorities and receive a reply in Slovenian	=				
10.1.c	allow the national authorities to draft documents in Slovenian	=				
10.2.b	possibility for users of Slovenian to submit oral or written applications in Slovenian to the regional or local authority		=			
10.2.d	publication by local authorities of their official documents also in Slovenian		=			
10.4.a	translation or interpretation	=				
10.5	allow the use or adoption of family names in Slovenian	=				
Art. 11 – Media						
11.1.bii	encourage and/or facilitate the broadcasting of private radio programmes in Slovenian on a regular basis	=				
11.1.cii	encourage and/or facilitate the broadcasting of private television programmes in Slovenian on a regular basis	=				
11.1.d	encourage and/or facilitate the production and distribution of audio and audiovisual works in Slovenian	=				
11.1.ei	encourage and/or facilitate the creation and/or maintenance of at least one weekly or daily newspaper in Slovenian		=			
11.1.fii	apply existing measures for financial assistance also to audiovisual productions in Slovenian	↗				
11.2	<ul style="list-style-type: none"> • guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in Slovenian • do not oppose the retransmission of radio and television broadcasts from neighbouring countries in Slovenian • ensure the freedom of expression and free circulation of information in the written press in Slovenian 	=				
Art. 12 – Cultural activities and facilities						
12.1.a	encourage production, reproduction and dissemination of cultural works in Slovenian	=				
12.1.d	ensure that the bodies organising or supporting cultural activities incorporate the knowledge and use of the Slovenian language and culture in the undertakings which they initiate or for which they provide backing	=				
12.1.f	encourage direct participation by representatives of the users of Slovenian in providing facilities and planning cultural activities	=				
12.2	In territories other than those in which Slovenian is traditionally used, allow, encourage and/or provide cultural activities and facilities using Slovenian	=				
12.3	make provision, in cultural policy abroad, for Slovenian and the culture it reflects	↗				
Art. 13 – Economic and social life						
13.1.d	facilitate and/or encourage the use of Slovenian in economic and social life	=				
Art. 14 – Transfrontier exchanges						
14.b	for the benefit of Slovenian, facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory Slovenian is used in identical or similar form	=				

* The Committee of Experts of the European Charter for Regional or Minority Languages evaluates the compliance of States Parties with their undertakings under the Charter as follows:

Fulfilled: Policies, legislation and practice are in conformity with the Charter.

Partly fulfilled: Policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.

Formally fulfilled: Policies and legislation are in conformity with the Charter, but there is no implementation in practice.

Not fulfilled: No action in policies, legislation and practice has been taken to implement the undertaking.

No conclusion: The Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

Changes in the evaluation compared to the previous monitoring cycle

62. With regard to Article 9.1.bii, according to the data provided to the Committee of Experts by the Ministry of Justice, Slovenian was used in between 51 and 80 civil and criminal proceedings per year from 2011 to 2016. The Committee of Experts considers the undertaking fulfilled.

63. As far as media are concerned, productions in Slovenian can also be financed through the Television Fund Austria, as there is no restriction to granting based on language. However, it seems that during the reporting period no productions in Slovenian received such financial assistance. This could be due to the high minimum contribution (30% of the total production costs) required from producers to obtain the grant. Financial assistance for film productions can also be obtained from the Austrian Film Institute, which, however, requires that one final version of the film be in German, and either dubbed or subtitled. No examples of productions in Slovenian having received this type of assistance have been provided. The Committee of Experts considers the undertaking under Article 11.1.fii fulfilled, but invites the Austrian authorities to also further promote the possibility to use the existing financial measures for audiovisual productions in Slovenian.

64. With regard to Article 12.3, several examples in which the Slovenian language and culture were present in events representing Austria abroad are mentioned in the fourth periodical report (p. 126). The Committee of Experts considers the undertaking fulfilled.

2.6.2 Recommendations by the Committee of Experts on how to improve the protection and promotion of Slovenian in Austria

The Committee of Experts encourages the Austrian authorities to comply with all undertakings under the European Charter for Regional or Minority Languages which are not considered “fulfilled” (see under 2.6.1 above). Recommendations made in the monitoring procedure of the Charter aim to support the authorities in the implementation process. The following overview presents the Committee of Experts’ recommendations of the previous monitoring cycles which Austria has not yet implemented and the recommendations of the current monitoring cycle. The recommendations by the Committee of Ministers of the Council of Europe on the application of the Charter in Austria¹⁶ remain valid in their own right.

I. Recommendations for immediate action

- a. Ensure an efficient and timely processing of the granting of promotional funds for Slovenian, in co-operation with the speakers.**
- b. Include the teaching of the history and the culture reflected by the Slovenian language in the curriculum of the German-medium schools in Carinthia.**

II. Further recommendations

- c. Encourage the mass media to include respect, understanding and tolerance in relation to Slovenian among their objectives.
- d. Encourage the local authorities to also publish their documents in Slovenian.

¹⁶ CM/RecChL(2005)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805db118); CM/RecChL(2009)1 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805d1967); CM/RecChL(2012)7 (https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c91ec)

Chapter 3 [Proposals for] Recommendations of the Committee of Ministers of the Council of Europe

The Committee of Experts, while acknowledging the efforts the Austrian authorities have undertaken to protect the regional and minority languages spoken in their country, has in its evaluation chosen to concentrate on some of the most important deficiencies in the implementation of the Charter. The recommendations forwarded by the Committee of Experts to the Committee of Ministers should not, however, be interpreted as diminishing the relevance of the other, more detailed observations contained in the report, which remain valid in their own right. The recommendations proposed by the Committee of Experts are drafted accordingly.

The Committee of Experts of the European Charter for Regional or Minority Languages, in accordance with Article 16 (4) of the Charter, proposes on the basis of the information contained in this report, that the Committee of Ministers makes the following recommendations to Austria.

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Bearing in mind the instrument of ratification submitted by Austria on 28 June 2001;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by Austria;

Having taken note of the comments submitted by the Austrian authorities on the content of the report of the Committee of Experts;

Bearing in mind that this evaluation is based on information submitted by Austria in its fourth periodical report, supplementary information given by the Austrian authorities, information submitted by bodies and associations legally established in Austria and on the information obtained by the Committee of Experts during its on-the-spot visit;

Recommends that Austria take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. adopt a structured policy for the protection and promotion of all minority 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. take practical measures for the use of the Burgenland-Croatian, Hungarian and Slovenian languages before the relevant judicial and administrative authorities;
4. secure adequate funding for newspapers in Burgenland-Croatian, Hungarian and Slovenian.

Appendix I: Instrument of Ratification



Austria:

Declaration contained in the instrument of ratification deposited on 28 June 2001 - Or. Engl./Aus.

Austria declares that minority languages within the meaning of the Charter in the Republic of Austria shall be the Burgenlandcroatian, the Slovenian, the Hungarian, the Czech, the Slovakian languages and the Romany language of the Austrian Roma minority.

Pursuant to Article 3, paragraph 1, of the Charter, the Republic of Austria shall specify the minority languages to which the provisions selected pursuant to Article 2, paragraph 3, of the Charter shall apply upon the entry into force of the Charter in the Republic of Austria :

Burgenlandcroatian in the Burgenlandcroatian language area in the Land Burgenland :

Article 8, paragraph 1 a ii; b ii; c iii; d iv; e iii; f iii; g; h; i; paragraph 2;
 Article 9, paragraph 1 a ii and iii, b ii and iii; c ii and iii; d; paragraph 2 a;
 Article 10, paragraph 1 a iii, c; paragraph 2 b and d; paragraph 4 a; paragraph 5;
 Article 11, paragraph 1 b ii; c ii; d; e i; f ii; paragraph 2;
 Article 12, paragraph 1 a, d; paragraph 2; paragraph 3;
 Article 13, paragraph 1 d;
 Article 14 b.

Slovenian in the Slovenian language area in the Land Carinthia :

Article 8, paragraph 1 a iv; b ii; c iii; d iv; e iii; f iii; g; h; i; paragraph 2;
 Article 9, paragraph 1 a ii and iii, b ii and iii; c ii and iii; d; paragraph 2 a;
 Article 10, paragraph 1 a iii, c; paragraph 2 b and d; paragraph 4 a; paragraph 5;
 Article 11, paragraph 1 b ii; c ii; d; e i; f ii; paragraph 2;
 Article 12, paragraph 1 a, d; f; paragraph 2; paragraph 3;
 Article 13, paragraph 1 d;
 Article 14 b.

Hungarian in the Hungarian language area in the Land Burgenland :

Article 8, paragraph 1 a ii; b ii; c iii; d iv; e iii; f iii; g; h; i; paragraph 2;
 Article 9, paragraph 1 a ii and iii, b ii and iii; c ii and iii; d; paragraph 2 a;
 Article 10, paragraph 1 a iii, c; paragraph 2 b and d; paragraph 4 a; paragraph 5;
 Article 11, paragraph 1 b ii; c ii; d; e i; f ii; paragraph 2;
 Article 12, paragraph 1 a and d; paragraph 2; paragraph 3;
 Article 13, paragraph 1 d;
 Article 14 b.

The separate specification of these provisions for the territories of each individual Land is in keeping with the federal structure of the Republic of Austria and takes into account the situation of each of these languages in the Land in question.

Part II of the Charter shall be applied to the Burgenlandcroatian, the Slovenian, the Hungarian, the Czech, the Slovakian languages and the Romany language of the Austrian Roma minority upon its entry into force in the Republic of Austria. The objectives and principles laid down in Article 7 of the Charter shall form the bases with regard to these languages. At the same time, Austrian law and established administrative practice thus meet individual requirements laid down in Part III of the Charter.

With regard to Czech in the Land Vienna :

Article 8, paragraph 1 a iv;
Article 11, paragraph 1 d; f ii; paragraph 2;
Article 12, paragraph 1 a and d; paragraph 3;
Article 14 b.

With regard to Slovakian in the Land Vienna :

Article 8, paragraph 1 a iv;
Article 11, paragraph 1 d; f ii; paragraph 2;
Article 12, paragraph 1 a and d; paragraph 3;
Article 14 b.

With regard to Romany in the Land Burgenland :

Article 8, paragraph 1 f iii;
Article 11, paragraph 1 b ii; d; f ii;
Article 12, paragraph 1 a and d; paragraph 3;
Article 14 b.

With regard to Slovenian in the Land Styria :

Article 8, paragraph 1 a iv; e iii; f iii;
Article 11, paragraph 1 d; e i; f ii; paragraph 2;
Article 12, paragraph 1 a and d; paragraph 2; paragraph 3;
Article 13, paragraph 1 d;
Article 14 b.

With regard to Hungarian in the Land Vienna :

Article 8, paragraph 1 a iv; e iii; f iii;
Article 11, paragraph 1 d; e i; f ii;
Article 12, paragraph 1 a and d; paragraph 2; paragraph 3;
Article 13, paragraph 1 d;
Article 14 b.

The separate specification of these provisions for the territory of each individual Land is in keeping with the federal structure of the Republic of Austria and takes into account the situation of each of these languages in the Land in question.

In accordance with the national distribution competencies, the way in which the above-mentioned provisions of Part III are implemented through legal regulations and Austria's administrative practice with due regard to the objectives and principles specified in Article 7 of the Charter shall be the responsibility of either the Federation or the competent Land.

Period covered: 1/10/2001 -

The preceding statement concerns Article(s) : 2, 3

Appendix II: Comments from the Austrian authorities

Austria thanks the Committee of Experts for its Report and submits the following comments in this connection:

Ad margin note 8

In the course of a follow-up to the on-the-spot visit, Austria will organize a round table event with experts of the Council of Europe (“Charter Implementation Round Table”) in order to discuss the legal issues in connection with the geographic scope of application of Austria’s legislation for the ethnic groups as well as the scope of application of the European Charter for Regional or Minority Languages. It is planned to hold this event in the first half of 2019.

Ad margin note 15

The Carinthian Nursery-School Fund Act does not stipulate any obligation to set up bilingual nursery schools. It merely stipulates the requirement for obtaining financial support, namely that a bilingual nursery school eligible for financial support must be located in the settlement area of the Slovenian ethnic group. When taken together, the private and the public bilingual nursery schools cover the largest part of the settlement area of the Slovenian ethnic group in Carinthia.

Ad margin note 19

As a matter of principle, the training of bilingual Croatian- and Hungarian-speaking nursery-school teachers is the responsibility of the Federal Institute for Elementary Pedagogy at Oberwart. The in-service training for bilingual Croatian-speaking nursery-school teachers, to which margin note 19 refers, was organized only once on an exceptional basis at the Pedagogical University of Eisenstadt.

Ad margin note 27

The proposal of the Komensky School Association to amend the Private Schools’ Act, which the Federal Chancellery received, envisages *farther-reaching* financial support than for the confessional schools. Whereas confessional private schools (just like the Komensky School Association; in the latter case, though, without any statutory basis) merely receive compensation for the teaching staff in the form of so-called “live subsidies”, the ethnic group representatives also ask for funding for the maintenance and operation of their school.

Ad margin note 31

In view of the low number of cases (in absolute terms) in which persons resort to the Slovenian language as the language of the court, and in view of the small share of these cases (in relative terms) in the total number of cases handled by bilingual district courts, it is difficult to follow the logic of the criticism expressed in margin note 31, namely that the bilingual judge and the court interpreter for Slovenian are overloaded with these cases. The small number of Slovenian-speaking judges at the minority-language courts (the district courts at Ferlach, Eisenkappel and Bleiburg) results from the fact that these are very small courts, to which only a *total* of two full-time entities are assigned as judges (District Court Bleiburg: 0.6 FTEs, District Court Ferlach: 1 FTE, District Court Eisenkappel: 0.4 FTE). As court staffing strength depends on the number of cases handled by a court, the number of judges cannot be increased, unless the workload of a court expands correspondingly.

It is common practice in the court district of the Higher Regional Court Graz that Slovenian-language (speaking and writing) skills are regarded as desirable additional qualification when selecting candidates for the preparatory service for judges. This measure serves expressly to promote the use of Slovenian in court procedures.

The staff of the aforementioned courts also comprises other bilingual staff, in addition to the judges (*greffiers/Rechtspfleger*, heads of court offices, heads of court units, bailiffs). When announcing vacancies for these jobs, it is always mentioned that Slovenian-language (speaking and writing) skills are a desirable additional qualification, in order to be able to ensure that the Slovenian language is mastered by a majority of the staff.

All court staff, not only judges, who speak one of the languages of the ethnic groups according to the Ethnic Groups Act and work at one of the service units using a minority language receive an additional monthly remuneration in keeping with § 23 of the Ethnic Groups Act in combination with § 20d of the Civil Service Salaries Act (GehG).

Austria’s judicial services regularly offer language courses in the minority languages to its staff members in order to promote the use of the ethnic-group languages in court. In January 2018, for example, another one-year course in Slovenian began, which can be attended by all categories of court staff. Moreover, forms are available in the languages of the ethnic groups.

Ad margin note 41

The Press Promotion Act stipulates more lenient requirements for the media of the ethnic groups. In particular, the media of the ethnic groups need not comply with the same requirements for receiving financial support as they apply to other weekly newspapers, namely a minimum number of sold copies. Press promotion funding is awarded on a regressive scale, which means 15 times more press promotion funding is awarded for the first 1,000 copies sold than for the fifteenth series of thousand copies. As no source is mentioned for the cited figures, no comments can be given on the basis for calculation. In the recently prepared working program associated to the cultural agreement between Austria and Slovenia, Austria promised to ensure the activities of Novice, the Slovenian-language weekly newspaper, until a systemic solution is found in the Press Promotion Act.

Ad margin note 49

It should be added, in connection with the comments on the funding of Komensky School, that the Ministry of Education finances the Komensky School teachers.