



FIFTH OPINION ON AUSTRIA

ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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SUMMARY OF THE FINDINGS

1. Austria continues to ensure its commitment to the protection of the rights of persons belonging to national minorities. No changes occurred in relation to the scope of personal application of the Framework Convention. The Austrian authorities continue to apply the Framework Convention in line with the Declaration deposited by Austria upon its ratification. In 2021, the promotional cultural funding reserved for national minorities was doubled for the first time in around 25 years, amounting now to approximately €8 million. Whilst the anti-discrimination legislative framework remains unchanged, a number of new legislative provisions entered into force in 2021 to address online hate speech and hate-motivated violence. At the same time, Austria continues to face challenges, in particular in the field of minority language education. Concerns also remain regarding mutual respect and understanding in society as well as intercultural dialogue.

Anti-discrimination legal and institutional framework

2. Austria's anti-discrimination legislation remains rather complex and fragmented due to the division of competence between the Federation and the *Länder*, providing varying degrees of protection for different grounds of discrimination. The Ombud for Equal Treatment, which is the National Equality Body, has a general mandate to issue recommendations in discrimination-related cases but not a legal mandate to bring discrimination complaints to court; to initiate *ex officio* proceedings before courts, and to intervene in cases concerning discrimination, such as *amicus curiae*. The Ombud for Equal Treatment's budget is too limited for it to raise awareness of its mandate among persons belonging to national minorities and to reach out to them.

Intercultural dialogue and mutual respect

3. The Advisory Committee was informed of an increase in racism and intolerance, including antigypsyism, and anti-Muslim racism, while antisemitic incidents remain at a worryingly high level. Acknowledging the efforts by the authorities to combat all forms of racism and intolerance, the Advisory Committee is concerned about the reported substantial increase and considers that further actions to promote mutual respect and intercultural dialogue and understanding in society are necessary.

Education

4. The new school curricula were promulgated in January 2023. Inclusion of comprehensive information about histories and cultures of national minorities as well as about Roma victims of the Holocaust is foreseen under the new curricula. Whilst in Burgenland and Carinthia minority language education is available in the public school system mainly at the primary level and regulated through specific statutory regulations, there are no similar arrangements for education in minority languages outside these *Länder*. Sustainable and statutory solutions for education in and of minority languages for the persons belonging to Czech and Slovak minorities in Vienna are therefore needed. Furthermore, the level of demand of education in or teaching of Croatian, Hungarian, Slovenian or Romani languages outside Burgenland and Carinthia remains unevaluated. The authorities should give particular attention to assessing the level of demand for learning these languages and to formulating precise solutions to meet this demand.

Participation

5. Persons belonging to national minorities continue to be represented in municipal councils and regional parliaments, and also in the civil service. The "Dialogue Forum" in Carinthia continues to ensure access of Slovene national minority representatives to senior regional policy makers. The "Forum4Burgenland", established in 2019, provides a space for discussing issues related to education and for promoting visibility of minority languages. The National Minority Advisory Councils continue to be the main vehicle through which national minority representatives engage in official dialogue with the authorities. The nomination of their members, their compositions, the length of service as well as their mandate have remained unchanged since the last monitoring cycle. Shortcomings exist as regards the procedure for nomination of their members. A lack of regulations on gender equality and on the presence of youth also cause concerns to the Advisory Committee. Solutions need to be found in close co-operation with representatives of national minorities to ensure an effective participation of persons belonging to national minorities in public affairs.

RECOMMENDATIONS

6. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Austria.

7. The authorities are invited to take account of the detailed observations and recommendations contained in the present Opinion of the Advisory Committee. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action

8. The Advisory Committee urges the authorities to take steps to assess the level of demand for Croatian, Hungarian, Slovenian and Romani languages education in areas outside the traditional area of settlement where persons belonging to these minorities may live in substantial numbers. Following such an assessment, the authorities should decide on appropriate measures relating to Croatian, Hungarian, Slovenian and Romani languages education in these areas, in close consultation with representatives of the minorities concerned.

9. The Advisory Committee urges the authorities to seek sustainable and statutory solutions, in close co-operation with representatives of the Czech and Slovak minorities, to address the long-standing question pertaining to access to minority language education in Vienna for children and students belonging to these minorities.

10. The Advisory Committee urges the authorities to adopt a statutory regulation providing in the Land of Carinthia for the right to bilingual education in the last year of kindergarten and to ensure conditions for its implementation.

11. The Advisory Committee urges the authorities to increase their efforts to promote mutual respect, intercultural dialogue and understanding in society and to increase knowledge among the majority population on diversity as an integral part of the Austrian society, including through the educational system. The authorities should further step up their efforts to combat all forms of racism and intolerance, including antigypsyism, antisemitism, and anti-Muslim racism.

12. The Advisory Committee urges the authorities to reform in close consultation with the national minorities the appointment procedure and composition of the National Minority Advisory Councils, including with a view to ensuring gender equality and the presence of youth, and limiting the length of their members' service. The authorities should also broaden these Councils'

competences so as to ensure effective participation of persons belonging to national minorities in public affairs.

Further recommendations¹

13. The Advisory Committee calls on the authorities to review the request for recognition as a national minority made by the Yenish community, as provided for by the federal government's programme of 2020-2024.

14. The Advisory Committee calls on the authorities to broaden the mandate of the Ombud for Equal Treatment so that this institution can act more effectively against discrimination affecting persons belonging to national minorities. The authorities should, in particular, consider vesting the Ombud for Equal Treatment with a mandate to initiate court proceedings on behalf of the victims of discrimination. The authorities should also ensure adequate financial and human resources to the Ombud for Equal Treatment so that this institution is adequately equipped to raise awareness of its mandate among persons belonging to national minorities and to reach out to them, including in minority languages.

15. The Advisory Committee calls on the authorities to step up their efforts to combat discrimination against persons belonging to the Roma minority by conducting awareness-raising activities, by regularly assessing and evaluating the situation through promotion of independent research, and by collecting disaggregated data.

16. The Advisory Committee calls on the authorities to intensify their efforts in ensuring a consistent enforcement of the existing legislation to tackle hate crime and hate speech, including the legislative package against hate on the internet. The authorities should, in particular, raise awareness among persons potentially targeted by hate speech and hate crime about existing legislation and remedies, and regularly evaluate whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be intensified.

17. The Advisory Committee calls on the authorities to step up their efforts to ensure a more prominent presence of national minorities and their languages in public media, notably by increasing the quality and quantity of television programmes adapted to the needs and interests of persons belonging to national minorities, as well as by increasing the content produced by them. Issues of interest to them should be integrated into mainstream media.

¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

18. The Advisory Committee calls on the authorities to facilitate the oral and written use of minority languages in contacts with administrative authorities, notably through practical measures enabling administrative authorities to use such languages and by raising awareness of this right among persons belonging to national minorities. The authorities should take steps to promote positive measures, such as minority language competences, in recruitment of civil servants.

19. The Advisory Committee calls on the authorities to ensure the proper implementation of the January 2023 school curricula, coupled with the production of updated educational materials and in-service teacher training to this effect.

20. The Advisory Committee calls on the authorities to identify and implement long-term sustainable solutions to ensure equal opportunities for children and students belonging to Roma minority at all levels, including by

enacting a Roma school mediation and learning assistance strategy supported by adequate funds.

21. The Advisory Committee calls on the authorities, in consultation with the persons belonging to the Roma minority, to undertake ample measures to incentivise the learning in and of the Romani language at preschool, school and university levels.

Follow-up to these recommendations

22. The Advisory Committee encourages the authorities to organise a follow-up event after the publication of this fifth-cycle Opinion. It considers that follow-up dialogue to review the observations and recommendations made in this Opinion would be beneficial. Furthermore, the Advisory Committee stands ready to support the authorities in identifying the most efficient ways of implementing the recommendations contained in the present Opinion.

MONITORING PROCEDURE

Follow-up activities related to the recommendations of the Fourth Opinion of the Advisory Committee

23. According to the information available to the Advisory Committee, the authorities did not translate the Fourth Opinion into German or minority languages. No dedicated follow-up meeting with the participation of the Advisory Committee was organised.

Preparation of the state report for the fifth cycle

24. The state report was received on 30 September 2021. Organisations representing and promoting the rights of persons belonging to national minorities were consulted in its preparation. At the same time, however, some representatives of persons belonging to national minorities expressed their dissatisfaction with regard to consultation procedure of the preparation of the state report.

Country visit and adoption of the Fifth Opinion

25. This fifth-cycle Opinion on the implementation of the Framework Convention for the Protection of National Minorities (hereinafter “the Framework Convention”) by Austria was adopted in accordance with Article 26(1) of the Framework Convention and Rule 25 of Resolution (2019)49 of the Committee of Ministers. The findings are based on information contained in the fifth state report, other written sources, as well as information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Vienna and Oberwart/Felsőőr from 17 to 21 October 2022. The Advisory Committee expresses its gratitude to the authorities for their excellent co-

operation before, during and after the visit, and to the other persons it met during the visit for their valuable contributions. The draft opinion, as approved by the Advisory Committee on 17 February 2023, was transmitted to the Austrian authorities on 21 February 2023 for observations, according to Rule 37 of Resolution (2019)49. The Advisory Committee welcomes the observations received from the Austrian authorities on 24 April 2023.

26. The visit took place in coordination with the eighth monitoring round of the Committee of Experts of the European Charter for Regional or Minority Languages.

* * *

27. A number of articles of the Framework Convention are not covered in the present opinion. Based on the information currently at its disposal, the Advisory Committee considers that the implementation of these articles does not give rise to any specific observations. This statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Rather, the Advisory Committee considers that the obligations of the Framework Convention require a sustained effort by the authorities. Furthermore, a certain state of affairs which may be considered acceptable at this stage may not necessarily be so in further cycles of monitoring. Finally, it may be that issues which appear at this stage to be of relatively minor concern prove over time to have been underestimated.

ARTICLE-BY-ARTICLE FINDINGS

Personal scope of application (Article 3)

28. The Austrian authorities continue to apply the Framework Convention to the Croat,² the Slovene, the Hungarian, the Czech, the Slovak and the Roma minorities. Pursuant to National Minorities Act of 1976, population groups are recognised as national minorities in Austria when they meet the following criteria: members of the group are Austrian nationals; they have their own language (non-German mother tongue) and ethnic culture and live traditionally in parts of the territory of the Republic of Austria.³ The Austrian law does not use the term “national minority” but *Volksgruppe* - ethnic group. Austria treats recognised ethnic groups as national minorities under the Framework Convention.

29. According to the Austrian legislation, access to rights enshrined in the Framework Convention of persons belonging to the recognised minorities has a territorial dimension (see Article 14).⁴ The State Treaty of Vienna of 1955 provides for obligations relating to the use of minority languages in official communication, in topography, and education in minority languages for the Slovene minority in Carinthia and Styria and for the Croat minority in Burgenland. Specific laws were enacted at regional levels in Carinthia and Burgenland, in the latter also covering the Hungarian and Roma minorities. In Styria, however, no specific provisions were adopted. The authorities reiterated their argument put forward in the previous cycle state report, according to which the low density of minority settlement in Styria does not justify the adoption of any special law in Styria (see Article 14).⁵

30. In November 2021, representatives of the Yenish community formally approached the Federal Chancellery with a request for recognition as a national minority. A number of meetings with the authorities were held, during which the Yenish representatives explained their arguments for their recognition as a national minority. The authorities stated that the review of this request is provided in the government programme 2020-2024 and that it was pending.

They further mentioned that regular meetings are held with the representatives of the Yenish community. In exchanges with the Advisory Committee, representatives of the Yenish community stated that the Yenish have traditionally been present in Austria and practice a culture of their own. They shared with the Advisory Committee their wish to maintain their Yenish identity and pass it on to future generations. Having been subject to prejudice for generations, representatives expressed the wish for young Yenish to feel pride in their identity rather than trying to hide it.

31. The Advisory Committee has also been approached by representatives of the Bosniak community, who expressed the wish that more attention be given to them as a community living in Austria. They stated that if Bosniaks were to be afforded rights under the Framework Convention, they would be better able to preserve and develop their language, culture and traditions. Since Bosniaks are not represented in the National Minority Advisory Councils (see Article 15), they do not benefit from the funding for the promotion of the cultures of national minorities and are therefore unable to apply for grants or receive financial subsidies to maintain their language, culture and traditions. The Advisory Committee was informed that the Bosniak representatives submitted a request for recognition as a national minority in February 2023.

32. The Advisory Committee was also informed that, seeing no prospect of success, persons belonging to the Polish community eventually gave up their efforts to gain recognition as national minority.⁶

33. While recognising that states parties have a margin of appreciation in determining the personal scope of application of the Framework Convention, and that it is not for the Advisory Committee to make pronouncements on recognition of any particular group, it is part of the Advisory Committee’s duty to assess whether the approach taken to the scope of application does

² After the 16th century, Burgenland-Croatian developed independently from the Croatian language, and kept archaic expressions and language forms. Over time, Burgenland-Croatian developed its own regional written language apart from the standard version of the language used in Croatia. Nonetheless, Croatian and Burgenland-Croatian remain very close and communication between the two presents practically no difficulties. As most important legal acts regulating the protection of national minorities in Austria refer to “Burgenland-Croatian” as “Croatian” and Burgenland Croat as “Croat”, the Advisory Committee will use the latter terms throughout the whole text of this Opinion. For further details see the report of the Committee of Experts of the European Charter for Regional or Minority Languages of 2005 available at <https://www.coe.int/en/web/european-charter-regional-or-minority-languages/reports-and-recommendations#%2228993157%22%3A%5B%5D>.

³ Federal National Minorities Act (Bundesgesetz über die Rechtsstellung von Volksgruppen in Österreich) dated 5 August 1976.

⁴ See the [Advisory Committee’s Fourth Opinion](#) on Austria, adopted on 13 October 2016, para. 8.

⁵ See [fifth state report](#), p. 21. See also the [Advisory Committee’s Fourth Opinion](#) on Austria, adopted on 13 October 2016, para. 8.

⁶ For further details regarding the requests for recognition as a national minority lodged by the Polish community see the [Advisory Committee’s Fourth Opinion](#) on Austria, adopted on 13 October 2016, para. 10.

not constitute a source of arbitrary or unjustified distinctions among communities with regard to effective access to rights.⁷ When examining the implementation of the Framework Convention by states parties, the Advisory Committee consistently encourages the authorities to consider, on an article-by-article basis, which rights should be made available to whom in order to ensure the most effective implementation of the Framework Convention based on facts rather than on status.⁸ In this connection, the Advisory Committee emphasises that access to rights and their effective implementation are of paramount importance and must be the primary consideration for the authorities.

34. The Advisory Committee is pleased to note the existence of regular dialogue between the authorities and the representatives of the Yenish community regarding their recognition as a national minority. It considers that the review of their application should be conducted without undue delay as foreseen in the government programme 2020-2024.

35. In addition, the Advisory Committee is of the view that a formal and constructive dialogue with the representatives of the persons belonging to the Bosniak community is required in order to determine their specific needs and interests and find appropriate ways to enable them access to minority rights in the Framework Convention. More generally, additional public policy measures on the part of the authorities might be necessary to ensure an inclusive article-by-article approach to the application of the Framework Convention with regard to persons belonging to the Bosniak and the Yenish communities.

36. Regarding the Polish community, the Advisory Committee deeply regrets that its previous recommendation, whereby the authorities were called on to engage in a constructive dialogue with representatives of this community with a view to applying the Framework Convention on an article-by-article basis, was not implemented, resulting in a situation whereby the representatives of the Polish community have reportedly abandoned their request. In this vein, the Advisory

Committee recalls that access to minority rights does not depend on formal recognition.⁹

37. Turning to the situation of the persons belonging to the Slovene minority in Styria, the Advisory Committee regrets that the authorities reiterated the argument, stating that the low density of minority settlement in Styria does not justify the adoption of any special provisions. The authorities, however, did not substantiate this argument by any relevant data.

38. The Advisory Committee calls on the authorities to review the request for recognition as a national minority made by the Yenish community, as provided for by the federal government's programme of 2020-2024.

39. The Advisory Committee encourages the authorities to pursue a constructive dialogue with persons and communities having expressed an interest in benefiting from the protection of the Framework Convention, such as persons belonging to the Bosniak community. Such dialogue may focus on an article-by-article approach to the Framework Convention, depending on the interests and needs expressed by representatives of these communities.

Anti-discrimination legal and institutional framework (Article 4)

40. Austria's legal framework on anti-discrimination continues to be regulated by the Constitution¹⁰ and by a number of sectoral legislative acts. Generally speaking, the anti-discrimination legislation in Austria is rather complex and fragmented due to the division of competence between the Federation and the *Länder*, providing varying degrees of protection for different grounds of discrimination.¹¹ The Equal Treatment Act (ETA) covers discrimination in the private sector on the grounds of, *inter alia*, ethnic origin and religion or belief in the field of employment and occupation.¹² Discrimination on the ground of ethnic origin is, furthermore, prohibited in the area of access to goods and services, including housing, social protection and

⁷ See [ACFC Thematic Commentary No. 4](#), The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 26.

⁸ See [ACFC Thematic Commentary No. 4](#), para. 37.

⁹ See [ACFC Thematic Commentary No. 4](#), para. 28.

¹⁰ The Constitution of Austria includes the following Articles dealing with non-discrimination: Article 2 of the Basic Law of the State 1867 (*Staatsgrundgesetz*) (StGG); Article 7 of the Federal Constitutional Act 1929 (*Bundes-Verfassungsgesetz*) (B-VG); and Article 14 of the European Convention on Human Rights, as a part of the constitution under BGBl 1964/59.

¹¹ European Commission against Racism and Intolerance (2020), [ECRI Sixth Report on Austria](#), adopted on 7 April 2020, para. 96.

¹² In order to protect federal civil servants as well as persons applying for recruitment as civil servants against discrimination there is the Federal Law on Equal Treatment in Federal Entities (Equal Treatment for Civil Servants Act), B-GIBG, Federal Law Gazette No. 100/1993, in the version published in Federal Law Gazette I No. 58/2019 <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008858>.

education.¹³ The ETA defines and prohibits, both direct and indirect discrimination, and provides for a shared burden of proof. Furthermore, it prohibits multiple discrimination, victimisation, and harassment. In addition to the ETA, each Land has anti-discrimination laws, covering different areas.

41. As regards the institutional framework for combating discrimination, there are three bodies at the federal level dealing with cases of discrimination: the Ombud for Equal Treatment (OET), the Equal Treatment Commission (ETC)¹⁴ and the Austrian Ombudsman Board (AOB). The latter was set up in 1977 and is composed of three Ombudspersons with competence only in the public but not the private sector.¹⁵ They are nominated by the three strongest parties of the Parliament and elected for a term of six years by the Parliament (National Council) and can be re-elected once. The AOB has no specific mandate to combat racism, racial discrimination, xenophobia, antisemitism and intolerance, but they are dealt under its general mandate.

42. The OET, which is the National Equality Body, was established through the Federal Law on the Equal Treatment Commission and the Ombud for Equal Treatment.¹⁶ It has its head office in Vienna and four regional offices in Graz, Klagenfurt, Innsbruck and Linz.¹⁷ The OET is responsible for counselling and supporting victims of discrimination.¹⁸ Since 2004, the OET's mandate covers also the ground of racial or ethnic origin. It also has a mandate to bring cases before the Equal Treatment Commission¹⁹ and participate in the proceedings and a general mandate to issue recommendations in discrimination-related cases. However, the OET does not have a legal mandate to bring discrimination complaints to court; to initiate *ex officio* proceedings before the courts, and to intervene in cases concerning discrimination, such as *amicus curiae*.²⁰ The authorities

submitted that the Government programme 2020-2024 provides for a substantial increase in OET's staff resources and funding. Thus, since 2023, all regional offices have the same basic resources. In addition, the government submitted that in 2023, the Federal Chancellery will for the first time, provide a litigation budget, so that the OET can bring declaratory actions before courts.

43. The ETC is a quasi-judicial institution.²¹ It comprises three 'senates' with chairpersons being appointed by the Federal Chancellor, in consultation with social partners. The ETC has a competence to issue an expert opinion on discrimination issues of general interest and to decide on individual complaints. In cases where the breach of a provision of the ETA is found, it issues a recommendation to the perpetrator. Neither expert opinions, nor recommendations of the ETC senates are legally binding. Furthermore, the ETC cannot issue any sanctions or award damages, and it does not have a legal standing to bring discrimination cases before courts.

44. The OET and the ETC do not collect specific data on discrimination cases pertaining to the persons belonging to national minorities. However, the Advisory Committee was informed that recently the OET started collecting data on cases of discrimination affecting the Roma. A representative from the office of the OET stated that with €70 000 in 2020 reserved for its awareness-raising and independent research - the institution lacks adequate financial and human resources. Currently, the OET has 24 staff members, plus two administrative trainees and one apprentice. Due to the lack of adequate financial and human resources, the OET is unable to conduct public awareness-raising activities, including in the regions where persons belonging to national minorities reside.

45. Interlocutors of the Advisory Committee raised concerns about the fragmented and

¹³ The Equal Treatment Act (GIBG law) was adopted on 26 June 2004 and entered into force on 1 July 2004. For further information concerning the Equal Treatment Act see <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003395>.

¹⁴ For complaints about discrimination in connection with employment with the federal government, § 22 of the Equal Treatment for Civil Servants Act provides for the Federal Equal Treatment Commission. For further information see <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlungskommissionen/bundesgleichbehandlungskommission.html>.

¹⁵ For further information concerning the mandate and structures see the webpage of the Austrian Ombudsman Board available at [The Austrian Ombudsman Board - English - Volksanwaltschaft](https://www.aob.gv.at/).

¹⁶ For further information concerning the mandate and structures of the Ombud for Equal Treatment see its webpage available at [Ombud for Equal Treatment - Gleichbehandlungsanwaltschaft](https://www.oet.gv.at/).

¹⁷ See [fifth state report](#), p. 27.

¹⁸ European network of legal experts in gender equality and non-discrimination (2022), Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Austria Country Report (reporting period 1 January 2021 – 31 December 2021), p. 11, available at <https://www.equalitylaw.eu/country/austria>.

¹⁹ See § 5(6) and § 12(5) of the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudsperson available at <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008466>.

²⁰ European network of legal experts in gender equality and non-discrimination (2022), Transposition and implementation at national level of Council Directives 2000/43 and 2000/78, Austria Country Report (reporting period 1 January 2021 – 31 December 2021), p. 11, available at <https://www.equalitylaw.eu/country/austria>, pp. 67-68.

²¹ See the [Equal Treatment Commission's website](#) for further details concerning its mandates and structures.

complex anti-discrimination legal framework (i.e. the distinction between the ETA and anti-discrimination laws of each Land). As to the anti-discrimination institutional framework, representatives of national minorities mentioned that they are not fully aware of the relevance of OET's and ETC's mandates and activities. They, therefore, suggested intensifying information and awareness-raising measures. Considering the fact that up until now complaints from persons belonging to national minorities against public bodies have to be directed to the Ombud responsible for the respective area (e.g. education, health care, etc.), another proposal related to the designation of an Ombudsperson within the Austrian Ombudsman Board with a specific competence on the protection of the minority rights. This would, according to the proponents, make it easier for persons belong to national minorities to understand to whom they can address a complaint about discrimination against public bodies and would result in a dedicated chapter in the report to the National Council. Interlocutors of the Advisory Committee also pointed out that the Austrian legal framework does not offer a legal standing to NGOs to represent victims of discrimination in court, nor to file discrimination complaints in the public interest (*actio popularis*).²²

46. The Advisory Committee reiterates that full and effective equality of persons belonging to national minorities as enshrined in Article 4 of the Framework Convention requires a functioning anti-discrimination framework with institutions that are adequately resourced and have a sufficiently broad mandate and competencies to effectively support victims in achieving legal remedy. It further underlines the particular importance of awareness-raising among persons belonging to minorities in general, and those communities most exposed to discrimination such as the Roma, on the legal remedies available to them in case of alleged discrimination.

47. The Advisory Committee is mindful that the overall complex and fragmented structure of the anti-discrimination legislation described above is mainly due to Austria's federal system. Nonetheless, these characteristics of the domestic anti-discrimination legal framework mean that in practice, persons belonging to national minorities who do not have legal background or experience, find it difficult to lodge discrimination complaints. This situation is exacerbated by the fact that the domestic legislative system does not provide for the possibility for NGOs to represent victims of

discrimination in court nor to file an action in the public interest in discrimination cases.

48. The Advisory Committee further considers that the effectiveness of the OET is limited by the fact that this body can only establish that discrimination has occurred and make recommendations. The Advisory Committee observes that despite its previous recommendation to the authorities to vest the OET with the mandate to address the courts on behalf of the victims,²³ the OET, as a national equality body, does not have such a mandate. The Advisory Committee considers that in order to provide effective protection against discrimination, the OET should have the mandate to initiate court proceedings in discrimination cases. Finally, the Advisory Committee welcomes the recent increase in funding of the OET considering the fact that its interlocutors had raised some concerns in relation to the lack of human and financial resources during the visit in October 2022.

49. Having regard to the above, the Advisory Committee is of the view that the effectuating Ombudsperson's competences and making its role more visible in the protection of minority rights, for instance, within the structure of the Austrian Ombudsman Board could make the overall rather complex anti-discrimination system more accessible to persons belonging to national minorities. This would particularly help those who would be reluctant or lack information about how to file a formal complaint or how to address relevant concerns.

50. The Advisory Committee calls on the authorities to broaden the mandate of the Ombud for Equal Treatment so that this institution can act more effectively against discrimination affecting persons belonging to national minorities. The authorities should, in particular, consider vesting the Ombud for Equal Treatment with a mandate to initiate court proceedings on behalf of the victims of discrimination. The authorities should also ensure adequate financial and human resources to the Ombud for Equal Treatment so that this institution is adequately equipped to raise awareness of its mandate among persons belonging to national minorities and to reach out to them, including in minority languages.

51. The Advisory Committee strongly encourages the authorities to pursue efforts to raise awareness about the anti-discrimination legislation and existing legal remedies, in particular among persons belonging to those communities most exposed to discrimination and support them to bring discrimination cases to court. The authorities should also consider enlarging the litigation capacities for the NGOs to

²² According to § 62 of the ETA, "The Litigation Association for the Enforcement of the Rights of Victims of Discrimination may, if requested by an affected person, intervene in a lawsuit for the enforcement of claims under this Federal Act as an intervening party."

²³ See the [Advisory Committee's Fourth Opinion](#), para. 18.

represent the rights and interests of the victims of discrimination.

52. The Advisory Committee asks the authorities, in consultation with the representatives of national minorities, to clarify the mechanisms for submitting discrimination complaints.

Promotion of full and effective equality – Roma (Article 4)

53. Austria's "National Strategy for the Inclusion of Roma 2012-2020" was extended to 2023. The Strategy sets out the following priorities: education, employment, antigypsyism, empowerment of Roma women and girls, strengthening of the Roma civil society, empowerment of Roma youth and participation. It is coordinated by the National Roma Contact Point (NRCP) set up at the Federal Chancellery. The Roma Dialogue Platform set up by the NRCP monitors the Strategy's implementation and promotes exchange of good practices. According to the state report, the Roma Dialogue Platform organises meetings on a regular basis. Regular participation by representatives of different state institutions responsible for Roma inclusion to these meetings offers Roma associations a possibility to have access to the relevant administrations.²⁴

54. In October 2022, an evaluation study on the Roma National Strategy was issued.²⁵ It reveals different problems affecting the Roma minority in several fields, such as education, health, socio-economic situation, employment, and discrimination. The evaluation report indicates that discrimination, hostility and antigypsyism are common. The survey, referred to in the evaluation report, provides detailed information regarding discrimination targeting Roma. In reply to the question as to whether it was easy or difficult to feel comfortable as Roma in the Austrian society, one-third (34%) of the respondents answered that it was easy, and one-fifth (19%) said that it was not. Almost half of the respondents (49%) answered "it depends".²⁶

55. Persons interviewed for the survey mentioned different contexts in which Roma were discriminated. While 48% of the respondents stated that discrimination mainly occurs in public spaces, 42% mentioned that it takes place in

contacts with the authorities, 40% of the respondents referred to discriminatory attitudes in the professional sphere, 38% in educational institutions and 30% for the matters relating to housing. Finally, the proportion of the respondents who mentioned discriminatory attitudes on the internet was 25%.²⁷

56. The authorities stated that they do not collect data on the number of court cases on discrimination affecting persons belonging to national minorities. Interlocutors of the Advisory Committee stated that cases of discrimination against Roma are underreported.²⁸ The evaluation report on the Roma Strategy states that registration and documentation of the discriminatory attitudes against Roma were carried out by the Roma associations. Until 2017, Romano Centro,²⁹ for example, issued a report on antigypsyism, containing examples of documented cases of discrimination against Roma.³⁰ However, the lack of human and financial resources does not allow these reports to be compiled and published on a regular basis. The evaluation report on the Roma Strategy states that it would be desirable for co-operation between the Ombud for Equal Treatment and the Roma associations and/or NGOs to result in resumption of the publications on antigypsyism.³¹ The authorities also informed the Advisory Committee that the division for Women and Equality of the Federal Chancellery supports the women-specific counselling centre established by Romano Centro association through annual basic funding.

57. The Advisory Committee reiterates that states parties should base their equality promotion policy also on independent research related to the situation and access to rights of persons belonging to national minorities, also taking into account various manifestations of multiple discrimination that may be experienced, including those arising from factors that are unrelated to the national minority background.³²

58. The Advisory Committee is pleased to note that combatting antigypsyism is explicitly recognised as a strategic axis of the inclusion of Roma (see Article 6). It also welcomes the women-specific counselling work as supported by the division for Women and Equality of the Federal Chancellery and the fact that the

²⁴ See [fifth state report](#), p. 217.

²⁵ University of Vienna, The evaluation study of the Austrian Strategy for Roma Inclusion, October 2022, available in German at the following link <https://sensiroprojekt.univie.ac.at/evaluierung/bericht/>.

²⁶ *Ibid.*, pp.153-155.

²⁷ *Ibid.*

²⁸ The survey also had the following two questions. Have there been incidents that you brought to court? In reply, 11 respondents said "yes". Have there been incidents that you didn't bring to court? In reply, 50 respondents said "no".

²⁹ Romano Centro was founded in 1991 as one of Austria's first Roma associations. Further details relating to the activities of the Romano Centro are available at the following webpage <https://www.romano-centro.org/>.

³⁰ Romano Centro, Report on [Antigypsyism in Austria](#), Incident documentation 2015-2017, December 2017.

³¹ University of Vienna, The evaluation study of the Austrian strategy for Roma inclusion, October 2022, *op. cit.*, available in German at the following link <https://sensiroprojekt.univie.ac.at/evaluierung/bericht/>, p. 173.

³² See [ACFC Thematic Commentary No. 2](#), The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, adopted on 27 February 2008, para. 57.

Strategy focuses on inclusion of women and girls as this holds a higher potential to address the specific problems experienced by these persons due to the intersectionality of gender and ethnicity.

59. Notwithstanding the above, the Advisory Committee is concerned by the fact that discrimination of Roma is a common problem and in particular that discrimination is frequent in contacts with the authorities. The Advisory Committee considers that negative experiences with the authorities can be one explanation for the potential under-reporting of discrimination cases. It therefore considers that awareness-raising activities are required to address the root causes of discrimination in the society, including among the authorities, and by making Roma individuals themselves aware of avenues of redress and remedy for such instances.

60. Furthermore, the Advisory Committee regrets that there are no public bodies, associations and/or organisations, registering, documenting and producing reports on discrimination cases of the Roma. The Advisory Committee considers that regularly published reports about antigypsyism and discrimination cases affecting persons belonging to the Roma minority are necessary to have reliable data and assess the situation on a permanent basis and in an informed way. It therefore takes note of the evaluation report on the Roma Strategy and considers that positive measures on the part of authorities are required to foster the work of the Roma associations in the field of research and documentation of discrimination of persons belonging to the Roma minority.

61. The Advisory Committee calls on the authorities to step up their efforts to combat discrimination against persons belonging to the Roma minority by conducting awareness-raising activities, by regularly assessing and evaluating the situation through promotion of independent research, and by collecting disaggregated data.

Promotion of minority cultures and languages (Article 5)

62. National minorities have access to promotional funding whose objective is to secure and preserve their languages and cultures. In accordance with the government programme 2020-2024, in 2021, the promotional funding for national minorities by the Federal Chancellery was doubled, amounting to €7 868 000.³³ According to the state report and further information submitted by the Federal Chancellery to the Advisory Committee, additional funding is also provided by the Federal Ministry of

Education, Science and Research as well as other ministries and that these funds are used to organise specific additional educational and cultural activities.³⁴ In connection with the 100-year anniversary of the referendum in Carinthia, the Federal Government decided to grant a total amount of €4 million for the years 2020 to 2024 to promote the Slovene minority as well as to promote projects that serve the cultural diversity, the development of the economy and the infrastructure of the municipalities. Continuous funding of cultural initiatives is also provided by various *Länder*, notably Burgenland, Carinthia, Styria, and the City of Vienna.³⁵

63. Regarding the system of allocation of cultural support for national minorities, proposals are submitted by minority organisations, associations, and institutions to the Federal Chancellery and the National Minority Advisory Councils must be consulted and give recommendations on allocations. The state report mentions several measures to accelerate and simplify the disbursement of the promotional funding for national minorities were taken. In particular, applications for allocation of cultural support are to be submitted by November of the preceding year and recommendations were obtained by December of the year preceding the funding year.³⁶ Some representatives of national minorities stated that while their proposals are reportedly followed in most cases, the formal funding agreement is often received with a significant delay. According to the authorities, delays in processing are mostly due to incomplete applications and the subsequent request for additional documents.

64. Representatives of all six national minorities unanimously welcomed the fact that the funding for the promotion of their cultures has doubled. They also expressed their general satisfaction regarding the support granted to their cultural activities by the federal authorities and various *Länder*. Despite this, they criticised the general procedure for allocation of cultural support, stating that the procedure for applying for funding a specific project and the subsequent decision on the request was long and arduous. Recurrent delays in the disbursement of funding were pointed out as a problem. Interlocutors further stated that it requires a lot of time and resources for the associations to apply for specific funding, making it difficult to plan their activities. Finally, they stated that an increase in funding every 25 years, even if in significant amounts, is neither proactive, nor an adequate approach to treating national minorities.

³³ Until 2021, the budget for promotional funding for national minorities amounted to €3.8 million. For further details see the [Advisory Committee's Fourth Opinion](#), para. 24.

³⁴ See [fifth state report](#), pp. 54-56.

³⁵ See [fifth state report](#), pp. 56-61.

³⁶ See [fifth state report](#), p. 51.

65. Furthermore, representatives of national minority organisations stated that the allocation of funds on a project-by-project basis lacks efficiency since the procedure does not secure regular funding and therefore sustainability of projects. Representatives of the Czech minority also stated that they devote a major part of their cultural funds (72% in 2022 and 74% in 2023) to the maintenance of the *Komenský* School in Vienna (see Article 13). According to the representatives of Czech minority, the remaining amount is thus insufficient for the organisation of cultural events.

66. The Advisory Committee reiterates that states are obliged to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve their identity. Funding should be made available to minority organisations in a sustainable manner, ensuring the continuation of their activities on a more predictable basis, and be allocated in accordance with their needs.

67. The Advisory Committee strongly welcomes that funding for the national minorities was doubled. This is in line with the recommendation made by the Advisory Committee in its Fourth Opinion on Austria.³⁷ It is further pleased to note that the additional funding aimed at organising specific additional educational and cultural activities is provided by the Ministry of Education, Science and Research as well as other ministries and various *Länder*.

68. Whilst welcoming improvements regarding the system of allocation of cultural funding described above, the Advisory Committee is concerned by the reported negative impact of excessive administrative barriers for applying for the funding and the fact that in practice annual grants are disbursed often with delay. This makes it difficult for minority organisations to plan and implement agreed activities. In addition, making grants available solely on the basis of projects does not allow all of the national minorities' associations to run regularly their cultural activities, which adversely affects the sustainability of their work. The Advisory Committee welcomes the fact that intercultural funding has been structured on a two-year basis since 2021 and 2022, respectively. It, however, considers that the rules governing funding allocation should be reviewed to allow continuous pluri-annual financial support to some recurrent

activities. Furthermore, the Advisory Committee is of the view that the support scheme for minority cultures should allow the minority organisations to apply for projects and have access to sustainable long-term baseline funding.

69. The Advisory Committee is further concerned by the fact that the budget allocated to national minority associations is supposed to cover not merely cultural projects but, due to a lack of alternative funding opportunities, also other important activities, such as in the area of education. The Advisory Committee is concerned that despite the increase in general funding reserved for national minorities, no improvements have been made with regard to funding available for the Czech minority, which continue to use most of the available funding for the maintenance of the *Komenský* School (see Article 13).

70. The Advisory Committee strongly encourages the authorities to maintain and further consider increasing the cultural funding annually. The authorities should consult the representatives of the national minorities about their needs and interests in terms of the efficiency of the allocation procedure and ensure that minority organisations can apply for projects and have access to sustainable long-term baseline funding.

Intercultural dialogue and mutual respect (Article 6)

71. The authorities report on a broad range of measures to promote intercultural dialogue, mutual respect and understanding between the minorities and the population at large.³⁸ These include the adoption of the Integration Act in 2017 following the refugee crisis in 2015.³⁹ Various activities are undertaken at the level of the *Länder*. The "Dialogue Forum" within the Carinthian Parliament⁴⁰ (see Article 15) continues to be active. The year 2020 marked the 100-year anniversary of the referendum in Carinthia, attended by Austria's and Slovenia's Presidents. In 2019, Burgenland adopted its "Charter of Diversity", encouraging the regional politicians to establish an environment free from prejudices. The state report further lists a number of activities and events in Burgenland relating to the Croat, Hungarian and Roma minorities. In addition, in 2022 funding was provided for a project of the association *Ständige Konferenz der Vorsitzenden der Beiräte der autochthonen*

³⁷ See the [Advisory Committee's Fourth Opinion](#), para. 27.

³⁸ For further details see [fifth state report](#), pp. 66-89.

³⁹ Since June 2017, the Integration Act sets the framework for successful integration of persons who settle in Austria on a long-term basis. With the amendment of the Integration Act in June 2019, the integration obligations were brought into line with the Fundamental Law on Social Assistance in the sense of a coordinated nationwide system. The new laws should provide for measures, encouraging immigrants to learn the German language faster. For further information concerning the Integration Act see the [webpage](#) of the Federal Chancellery of Austria.

⁴⁰ The Dialogue Forum was set up on the basis of the "Memorandum concerning bilingual topographical signs, the official language as well as measures for the co-operation with the Slovene-language minority", dated 26 April 2011.

Volksgruppen Österreichs with the House of Austrian History, which uses digital media to increase the visibility of the national minorities.

72. Austria's "National Strategy for the Inclusion of Roma 2012-2020", extended up to 2023, comprises measures aimed at eliminating prejudices and stereotypes towards Roma. These include, among others, research measures, conferences, workshops, training, awareness raising, educational tools. The National Strategy sets combatting antigypsyism as a strategic axis of the inclusion of Roma (see Article 4 above). In addition, in 2021, the working definition of antigypsyism of the International Holocaust Remembrance Alliance (IHRA) was acknowledged by the Austrian Council of Ministers.⁴¹ The Advisory Committee was also informed that on 31 January 2023 the Parliament voted unanimously on declaring 2 August as "National Roma Remembrance Day."

73. In 2021, the Government of Austria launched the "National Strategy against antisemitism".⁴² The Strategy is based on six pillars - education, security, law enforcement, integration, documentation and civil society). Among other measures, it is foreseen that security of Jewish institutions will be ensured through strengthening co-operation with the Ministry of the Interior and by creating a dedicated documentation centre for anti-Semitic incidents.⁴³

74. Representatives of national minorities noted that interethnic relations in Burgenland and Carinthia have considerably improved in recent years. At the same time, they reported a lack of knowledge about them in the society being reflected in the limited teaching offered in minority languages or about their historical presence, cultures and traditions (see Article 12). It was mentioned that education in general does not make a sufficient contribution to promoting knowledge about and understanding of national minorities. Minority representatives also pointed

to a lack of basic understanding of minority rights by the majority population.

75. Interlocutors of the Advisory Committee further stated that prejudices against Roma remain a severe problem. Changes are occurring, especially with young Roma, who increasingly perceive their Roma identity as positive, and actively engaging in deconstructing stereotypes. Interlocutors further stated that structural discrimination and prejudice against Roma should be tackled through different awareness-raising measures about antigypsyism. The necessity for intensifying knowledge and sensitivity towards Roma by the authorities was pointed out. Furthermore, to effectively combat antigypsyism, sensitisation of society and targeted measures are necessary. Additionally, awareness among media professionals would help to ensure that Roma are portrayed in the media in an unprejudiced manner thus changing their often stereotyped portrayal in the media⁴⁴ which influences the public image of Roma.

76. The Advisory Committee was informed that prejudices against the Muslim community in Austria increased over the monitoring cycle. During the refugee crisis in 2015, Austria was (and still is) confronted with one of the highest numbers of asylum seekers within Europe. Moreover, public opinion was negatively influenced by the Islamist terrorist attack in Vienna in November 2020 in which four persons were killed and another 23 were injured. Regarding the Muslim community, two different studies conducted in 2017, suggest that 28% of the Austrian population would not want Muslim neighbours⁴⁵ and 65% of them were strongly opposed to further migration from 'Muslim states'.⁴⁶ In exchanges with the Advisory Committee, representatives of the Muslim community reported a lack of tolerance and respect of their community in recent years, stating that certain initiatives of the authorities, such as the attempt to prohibit the headscarf in primary schools,⁴⁷ and the publication of the "Islam map" in 2021⁴⁸ contributed to

⁴¹ Additional information provided by the authorities, p. 24.

⁴² The full text of the Austria's "Strategy against antisemitism" is available at <https://www.bundeskanzleramt.gv.at/dam/jcr:8bd2975f-0483-4e74-abd9-d66446195d7c/antisemitismusstrategie.pdf>.

⁴³ See the [Factsheet](#) on the "Strategy against antisemitism", issued by the Federal Chancellery of Austria.

⁴⁴ See *Antiziganismusbericht*, Romano Centro, 2017. See also University of Vienna, The evaluation study of the Austrian Strategy for Roma Inclusion, October 2022, pp. 170-172, available in German at <https://sensioprojekt.univie.ac.at/evaluierung/bericht/>.

⁴⁵ Bertelsmann Foundation, Muslims in Europe Integrated but not accepted? 2017, p. 12, available at <https://www.bertelsmann-stiftung.de/en/press/press-releases/press-release/pid/clear-progress-for-integration-of-muslims-in-western-europe/>.

⁴⁶ See the survey of Chatham House, 2017, available at <https://www.chathamhouse.org/2017/02/what-do-europeans-think-about-muslim-immigration>.

⁴⁷ In 2019, the Law on School Organisation was amended, providing that schoolchildren were prohibited from wearing ideologically or religiously influenced clothing which involves covering their heads until the end of the school year (until the age of ten). In a decision of 11 December 2020, the Federal Constitutional Court overturned this provision, concluding that the law was aimed at the Islamic headscarf and breached rights on religious freedom.

⁴⁸ In May 2021, a state-funded organisation Documentation Centre for Political Islam published an "Islam map" consisting of a digital map showing 623 addresses of mosques, Muslim associations and individual representatives. According to the [statement](#) of a representative of the Council of Europe Secretary General on antisemitic, anti-Muslim and other forms of religious intolerance

stigmatisation of persons identifying as Muslims. The representatives also mentioned that political speech of some parties in Austria is characterised by divisive rhetoric targeting them.

77. Regarding the Jewish community, the survey released by the European Union Fundamental Rights Agency (FRA) in 2018⁴⁹ suggests that in Austria, more than seven in 10 people (73%) considered antisemitism a “big” or a “very big” problem, while 75% of the respondents consider antisemitism has increased over the past five years. The same proportion believes that the Austrian Government’s efforts to combat antisemitism are not effective. Meanwhile, nearly two-thirds (64%) positively assess the government’s efforts to ensure the security needs of the Jewish community. In addition, two thirds of Austrian Jews (67%) who might sometimes wear, carry or display items that could identify them as Jewish now choose to avoid doing so.⁵⁰ In January 2023, the Austrian federal government published the second implementation report of the “National Strategy against antisemitism”. This report states that 26 of 38 planned measures have already been implemented. In a foreword to the report, the President of the Israelite Religious Community in Austria welcomes the ongoing implementation of the National Strategy and points to a 32% decrease in antisemitic incidents in the first half of 2022. At the same time, he emphasised that the overall figure of attacks and threats were still at a worryingly high level and that the path taken was therefore the right one, but that much remains to be done.⁵¹

78. The Advisory Committee reiterates that Article 6(1) of the Framework Convention obliges states to take effective measures to promote mutual respect, understanding, and co-operation among all persons living on their territory. It emphasises the need for the authorities to develop and implement programmes promoting respect and intercultural understanding, based on the recognition of national minorities and religious groups as an equal integral and valued part of society.

79. The Advisory Committee welcomes the measures taken by the authorities to promote intercultural dialogue and mutual respect through

various activities and events mentioned above and further detailed in the state report.⁵² Despite this, the Advisory Committee, emphasising the importance of strengthening intercultural dialogue and a spirit of mutual respect, is of the view that more could be done and achieved to increase knowledge about minorities and persons belonging to them and to sensitise the broader population, pupils and students about the respective minority cultures, languages, histories or religions. A more structured and integrated approach is needed to promote awareness about and respect of all minorities. Furthermore, the Advisory Committee considers that frequent periodical national studies should be conducted by independent research institutes to assess the degree of acceptance of minorities or other communities living in Austria.

80. The Advisory Committee finds that raising awareness of the public and the majority population about the concerns of the Roma is another important issue. It considers it necessary for the authorities to counter the reported negative portrayal of Roma in the media. In this context, it is important to support own media production by Roma journalists and raise awareness among journalists about the issues affecting persons belonging to the Roma minority

81. Moreover, the Advisory Committee, reiterating that Article 6 applies to “all persons” living in the territory of states parties,⁵³ wishes to emphasise that the state parties to the Framework Convention undertake to promote mutual respect and understanding and co-operation with all persons living in their territory, irrespective of their ethnic, cultural, linguistic or religious identity or nationality. The Advisory Committee is deeply concerned at the rise in public hostility with regard to persons belonging to the Muslim community. It also refers to the findings of the European Commission against Racism and Intolerance (ECRI) in this regard.⁵⁴ It further considers that combating anti-Muslim sentiments requires enhanced efforts in the area of societal integration and social inclusion policies.

82. Finally, whilst warmly welcoming the launch of the “National Strategy against antisemitism” and the implementation reports by the authorities,

and hate crimes, “Countering extremism and dangerous ideologies is one of the most important tasks of national security today. It is therefore only consistent to take action against the spread of dangerous narratives under the guise of freedom of religion. Unfortunately, the “Islam Map” of Austria overshoots the mark, serves existing resentments and therefore has a potentially counterproductive effect. Many Muslims perceive the form and timing of the publication as extremely discriminatory. They feel stigmatized and threatened in their security by the publication of addresses and other details. The “Islam Map” of Austria should therefore be withdrawn in its current form.”

⁴⁹ See the European Union Agency for Fundamental Rights (FRA), [Experiences and perceptions of antisemitism](#), December 2018.

⁵⁰ For details see the press release issued by the European Union Agency for Fundamental Rights (FRA), [Fighting antisemitism in Austria – working together to reverse worrying trends | European Union Agency for Fundamental Rights \(europa.eu\)](#), 30 April 2019.

⁵¹ See [Umsetzungbericht 2022 – Nationale Strategie gegen Antisemitismus \(parlament.gv.at\)](#).

⁵² See [fifth state report](#), pp. 66-89.

⁵³ [ACFC Thematic Commentary No. 4](#), para. 51.

⁵⁴ European Commission against Racism and Intolerance (2020), [ECRI Sixth Report on Austria](#), adopted on 7 April 2020, para. 34.

the Advisory Committee is concerned by the continually high level of antisemitic incidents. It thus considers that the authorities should continue to ensure practical and effective implementation of measures contained in the “National Strategy against antisemitism” to further reduce antisemitic incidents.

83. The Advisory Committee urges the authorities to increase their efforts to promote mutual respect, intercultural dialogue and understanding in society and to increase knowledge among the majority population on diversity as an integral part of the Austrian society, including through the educational system. The authorities should further step up their efforts to combat all forms of racism and intolerance, including antigypsyism, antisemitism, and anti-Muslim racism.

84. The Advisory Committee strongly encourages the authorities to intensify their efforts to counter the reproduction of stereotypes about Roma in the media through supporting media production by Roma themselves and awareness raising among journalists in mainstream media.

Protection from hate crime and hate speech (Article 6)

85. Article 283 of the Austrian Criminal Code prohibits incitement to hatred and the dissemination of propaganda of violence and/or any form of racist hatred.⁵⁵ Moreover, Article 33 of the Criminal Code provides for a general aggravating circumstance for any offence committed with racist or xenophobic motives.⁵⁶ In 2020, the Law to Combat Hate on the Internet,⁵⁷ and the Law on Communication Platforms⁵⁸ were adopted. These laws contain a comprehensive package of legislative measures related to civil, criminal and media law, requiring online platforms to identify and delete posts that can be classified as hateful or defamatory. The government's programme 2020–2024 deals with protection against violence and hatred on the internet. In 2020, the new hate crime recording mechanism was put in place, complemented by an internal police decree, which provides a monitoring definition of hate crime and quality management standards.⁵⁹ The introduction of the new recording system was accompanied by large-scale trainings for police officers. The authorities further informed the Advisory Committee that the law-enforcement authorities received extensive trainings on the application of the legislation on hate-motivated offences.

86. The authorities do not collect statistics specifically on hate speech and hate crime against persons belonging to national minorities. According to the 2022 annual report on hate crime issued by the Ministry of the Interior,⁶⁰ in 2021, the police recorded 5,464 bias-motivated crimes. The motive "national/ethnic origin" (750 violent offences) dominated in hate crimes against life and limb, freedom, honour and public peace. "Internet" was identified as the most common crime scene for offences against public peace, especially incitement to hatred.⁶¹ More than one-thirds of antisemitic hate crimes were

committed online. In contrast, more than half of all anti-Muslim prejudice motives were registered in (semi)public and private spaces.⁶² Out of 5,464 recorded alleged crimes, 4,304 cases were subject to a prosecution, and in 184 cases criminal sentences were imposed.⁶³ These figures for the year 2021 are the highest ever recorded in Austria.

87. An anti-Slovenian posting by the youth organisation of the FPÖ in February 2023 in the context of the election campaign to the Carinthian *Landtag* led to charges for incitement to hatred according to Art. 283 of the Criminal Code and diplomatic tensions with Slovenia. High-ranking politicians at federal and regional level strongly condemned the statements.⁶⁴

88. Different instances of racist and xenophobic, antisemitic motivated, anti-Muslim and anti-Black hate-motivated violence committed during the reporting period were reported to the Advisory Committee. In 2019, the NGO ZARA - Civil Courage and Anti-Racism Work (the *Zivilcourage und Anti-Rassismus-Arbeit*)⁶⁵ recorded 1 950 racist incidents.⁶⁶ This number was increased in 2020, amounting to 3 039 racist incidents⁶⁷ whereas in 2021, the number of cases documented by ZARA was 1 977.⁶⁸ The comparative statistics of the reports for the years 2019, 2020 and 2021 show that most of the reported cases related to racist incidents on the internet (1 070 in 2019, 2 148 in 2020, and 1 117 in 2021), followed by the racist incidents in the public sphere (355 in 2019, 303 in 2020, and 273 in 2021). A number of examples of racist incidents on the internet includes, among others, comments motivated by antigypsyism and anti-Muslim hatred, anti-Muslim racism on online sales platforms, right-wing extremist music on a streaming platform, inciting comments against refugees, Holocaust-denying comments on Facebook, and posts on Facebook trivialising the Holocaust. Incidents in the public sphere include,

⁵⁵ See [fifth state report](#), p. 99.

⁵⁶ *Ibid.*

⁵⁷ Federal Law Gazette I No. 148/2020.

⁵⁸ Federal Law Gazette I No. 151/2020.

⁵⁹ For further information see OSCE ODIHR Hate Crime Reporting, available at <https://hatecrime.osce.org/austria>.

⁶⁰ Ministry of the Interior, Hate crime in Austria – [Annual Report 2021](#), July 2022. This English Summary is an abbreviated version of the German Annual Report "*Hate Crime in Österreich. Jahresbericht 2021*" which was published on 22 July 2022. Both reports and other related publications are available for download on the public website of the Austrian Federal Ministry of the Interior (BMI) available at [Systematische Erfassung von Vorurteilsmotiven bei Strafanzeigen \(„Hate Crime“\)](#) ([bmi.gv.at](#)).

⁶¹ *Ibid.*, pp. 16-19.

⁶² *Ibid.*, p. 7.

⁶³ See OSCE ODIHR Hate Crime Reporting, available at <https://hatecrime.osce.org/austria>.

⁶⁴ [Der Standard](#), Kärnten-Wahl: Auch Kaiser verurteilt blaues "Slowenisierung"-Posting The posting was supported also by another party, the Bündnis für Kärnten.

⁶⁵ [ZARA - Civil Courage and Anti-Racism-Work](#) is an Austrian NGO, founded in 1999, providing counselling to victims and witnesses of racist incidents.

⁶⁶ See ZARA Racism Report 2019: Analysis of racist attacks and structures in Austria, available at [ZARA - Zivilcourage & Anti-Rassismus-Arbeit](#), p. 14.

⁶⁷ See ZARA Racism Report 2020: Analysis of racist attacks and structures in Austria, available at [ZARA - Zivilcourage & Anti-Rassismus-Arbeit](#), p. 14.

⁶⁸ See ZARA Racism Report 2021: Analysis of racist attacks and structures in Austria, available at [ZARA - Zivilcourage & Anti-Rassismus-Arbeit](#), p. 8.

among others, serious antisemitic insults, anti-Muslim racist insults in an underground train, racist prejudice against Black people, severe damage to a Roma and Sinti memorial, racist insults and physical violence on a tram.⁶⁹

89. Moreover, in 2021, the Jewish community of Vienna documented 965 antisemitic incidents.⁷⁰ The report points to an increase corresponding to 65% compared to 2020, when 585 acts of antisemitism were recorded. Finally, in 2018, the Austrian Documentation and Counselling Centre for Muslims (*Dokustelle Osterreich*)⁷¹ recorded 540 anti-Muslim incidents.⁷² This number increased from 1 051 in 2019 to 1 402 in 2020 and decreased in 2021, with 1061 anti-Muslim incidents. The latest report shows that 69% of the cases, exposed to anti-Muslim racism were about women. Whilst two-thirds of the attacks against Muslims were carried out on online platforms, one-third of them happened in various areas of social life. Hate speech and incitement towards Muslims contributed to 78.5% of the total incidents.⁷³ In addition, the report of the NGO ZARA - Civil Courage and Anti-Racism Work (the *Zivilcourage und Anti-Rassismus-Arbeit*) states that 812 hate crimes against Muslims were reported in 2021, with a notable spike after the digital map identifying the locations of more than 600 mosques and associations around Austria was unveiled in May 2021, including signs near mosques depicting an "angry Muslim" and with slogans about "political Islam".⁷⁴

90. The Advisory Committee reiterates that Article 6(2) contains the obligation of states parties to all persons against violence and discrimination on ethnic grounds, in other words not only persons belonging to national minorities. Minorities cannot thrive in a society in which diversity is not respected or even serves as a pretext for hate crimes and discrimination.⁷⁵

91. The Advisory Committee notes with satisfaction the existing solid legal framework in the field of combating racism and discrimination, including the racist hate speech and incitement to hatred as well as the recognition of racist and xenophobic motivation as aggravating circumstances. It welcomes the adoption of the new legislative package against hate on the internet, which provides for different measures in

the area of criminal, civil and media laws, strengthening the protection of victims of hate speech and hate crime.

92. Despite these developments, the Advisory Committee is deeply concerned at the reported rise in hate speech and hate crime during the recent years. The Advisory Committee regrets that after a period marked by constructive developments, including the president of Austria apologising for the historical injustice suffered by the Slovene minority,⁷⁶ the 2023 pre-election period in Carinthia led again to anti-Slovenian statements expressed by some political parties. It welcomes the condemnation by the authorities of these statements and expects an effective investigation initiated on account of the incidents. It therefore considers that the authorities should intensify their efforts to promote respect and mutual understanding in the Austrian society among all persons and communities. Specific awareness-raising campaigns should be carried out in the media (including online) and on the social media to promote positive images of persons belonging to minorities and other communities living in Austria. Moreover, the authorities should increase public awareness of the legal remedies available to combat hate speech and hate crime and regularly evaluate whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be intensified.

93. The Advisory Committee calls on the authorities to intensify their efforts in ensuring a consistent enforcement of the existing legislation to tackle hate crime and hate speech, including the legislative package against hate on the internet. The authorities should, in particular, raise awareness among persons potentially targeted by hate speech and hate crime about existing legislation and remedies, and regularly evaluate whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be intensified.

Radio and television broadcasting and print media in minority languages (Article 9)

⁶⁹ For further details regarding different examples of racist incidents registered by ZARA see [Reports of ZARA](#) on racism issued respectively in 2019 (pp. 40-74), 2020 (pp. 38-79), and 2021 (pp. 36-59).

⁷⁰ See the annual [report](#) of the Jewish community of Vienna, Reporting Office for Antisemitism, 2021, p. 4.

⁷¹ For further information regarding the Austrian Documentation and Counselling Centre for Muslims (*Dokustelle Osterreich*) see the website of available at [Dokustelle Austria - Dokustelle Austria](#).

⁷² For detailed figures see the report issued by Austrian Documentation and Counselling Centre for Muslims (*Dokustelle Osterreich*) available at <https://dokustelle.at/antimuslimischer-rassismus-report-2020>.

⁷³ See the annual report of the Austrian Documentation and Counselling Centre for Muslims (*Dokustelle Osterreich*) of 2021 available at https://dokustelle.at/fileadmin/Documents/Reports/Report_2021_-_A4_-_11-2022.pdf.

⁷⁴ ZARA, Civil Courage and Anti-Racism-Work, Racism Report of 2018, https://assets.zara.or.at/download/pdf/ZARA-Rassismus_Report_2018_EN.pdf, pp.12-13.

⁷⁵ See [ACFC Thematic Commentary No. 4](#), para. 55.

⁷⁶ [Van der Bellen entschuldigt sich](#), 10 October 2020, published at the ORF's webpage.

94. On a general note, there were no major changes in terms of radio and television broadcasting. The Austrian Public Broadcaster (ORF) continues to provide television and radio programmes in minority languages. Regarding the television programmes in Carinthia there are three programmes of 30 minutes available in Slovenian on Sunday, Monday and Wednesday. In Styria, one programme of 30 minutes in Slovenian is aired once a week. In Burgenland, one programme of 30 minutes in Croatian is broadcast once a week and one programme of 25 minutes in the Hungarian language and one programme of 25 minutes in Romani are aired six times a year. Since February 2022, the programme "*Romano Dikipe*" in Romani is broadcast every two months on Sundays on ORF 2 Burgenland. In Vienna, one programme of 25 minutes jointly in the Czech and Slovak languages is broadcast six times a year. Most of these programmes are also available on the internet. Starting from September 2022, a new television programme - "*WIR | ČEŠI, HRVATI, MAGYAROK, ROMA, SLOVÁCI, SLOVENCÍ*" - of 30 minutes was launched, aired every second Sunday in six minority languages with German subtitles.⁷⁷

95. Radio broadcasting in minority languages is mainly provided through the ORF. In Carinthia, there is a community radio station (Radio AGORA) that co-operates with the ORF and provides 12 hours of Slovenian language radio during daytime. In Burgenland, programmes are regularly broadcast in Croatian, Hungarian and Romani languages. Radio Burgenland is also accessible in Vienna. Since January 2022, there is also a private (community radio) station in Burgenland "Mehrsprachiges Radio OP" that broadcasts programmes in minority languages. All programmes for national minorities broadcast by Radio Burgenland are available online.⁷⁸

96. The ORF's online platform offers separate channels for all six national minorities. Since March 2019, the new video archives with contemporary, cultural and historical features, "National minorities in Austria", are available from the ORF-TVthek without any time limitation. The video archives consist of about 100 contributions.⁷⁹

97. Regarding the printed media, the Press Promotion Act provides for subsidies dependent on the number of print editions of newspapers. Minority language newspapers at federal level

are exempted from the requirement of a minimum number of copies.⁸⁰

98. In accordance with the government programme 2020-2024, a separate budget item for the promotional funding of the media of the national minorities was created, amounting to €700 000 with a view of financing one "lead medium" per national minority, to be designed by the Advisory Council of the respective national minority.⁸¹ A bi-annual call was released for the funding years 2022 and 2023 with a total budget of €1.7 million.⁸²

99. Representatives of all six minorities unanimously welcomed the creation of a new budget item specifically for the media in minority languages. Despite this, they pointed out the necessity to focus on high-quality broadcasting about, for and by national minorities. This could contribute to the promotion of minority languages in society, in particular for the numerically smaller minorities and for persons belonging to national minorities who live outside their traditional areas of settlement. Furthermore, the Advisory Committee was informed about the concern that the current discussion in Austria regarding the financing of the ORF and plans for budget reduction at the ORF could also have negative consequences for the extent of radio and television broadcasting in minority languages. In order to promote mutual understanding between minorities and the majority, the necessity to increase the number of television programmes with German subtitles, in addition to the one mentioned above (television programme - "*WIR | ČEŠI, HRVATI, MAGYAROK, ROMA, SLOVÁCI, SLOVENCÍ*"), was also pointed out. Interlocutors further mentioned that minority interests are not sufficiently integrated in the mainstream media. Programmes feature information about minorities rather than information for minorities, with presentations of minority folklore being prioritised over engagement in broader political discourse that is of interest to persons belonging to national minorities and the majority alike. The airtime at the ORF for the television programmes in minority languages differs significantly from one minority to another and has not been changed for a very long time. It was also noted that programmes in Radio Burgenland have an unfavourable broadcasting time-slot in the evening hours when people do not listen to radio. Finally, some interlocutors stated that television programmes in minority languages are

⁷⁷ See [fifth state report](#), pp. 132-136 and additional information provided by the authorities, pp. 26-27.

⁷⁸ See [fifth state report](#), pp. 132-133.

⁷⁹ See [fifth state report](#), p. 141.

⁸⁰ See Article 2(2) of the *Presseförderungsgesetz* 2004 BGBl. I Nr. 136/2003.

⁸¹ See [fifth state report](#), p. 141.

⁸² Additional information provided by the authorities, p. 26.

accessible on the ORF online streaming services for 30 days only, which was not satisfactory.

100. Representatives of some minorities also mentioned that young persons belonging to national minorities prioritise the digital media outlets and social media over the classic editorial media (i.e. newspapers, radio, TV).⁸³ It was also reported that there are no specific programmes for children belonging to national minorities broadcast by the ORF.

101. The Advisory Committee reiterates that “the availability of print, broadcast and electronic media in minority languages has very specific emblematic value for national minorities, in particular for the numerically smaller ones. Through them, persons belonging to national minorities not only gain access to information, but minority language media also raise the visibility and prestige of the minority language as an active tool of communication. In particular, these media can play a significant role for persons belonging to national minorities who are dispersed for, among other reasons, increased mobility, as they allow for communication and contact over distances”.⁸⁴ The Advisory Committee recalls the significance of the role played by the media in the integration of society and emphasises that an active and diverse media scene, including in languages of national minorities, may considerably influence the sense of belonging and participation of persons belonging to national minorities. It wishes also to emphasise that digital applications and technologies can be powerful tools for advancing media production in minority languages.

102. The Advisory Committee warmly welcomes the allocation of a new budget item specifically reserved for the media in minority languages. It further commends the offer of broadcasting for the national minorities through the ORF and notes with satisfaction that there are a number of programmes about the national minorities. Despite this, the Advisory Committee is concerned by the reported indications that the issues pertaining to national minorities are not sufficiently integrated in the mainstream media. It therefore considers it vital that media professionals and journalists obtain adequate training to increase their awareness of and sensitivity towards the specific and contemporary needs and concerns of diverse communities and persons belonging to the society, including by actively involving persons belonging to national minorities in the preparation and presentation of both mainstream and minority language programmes.

103. Furthermore, the Advisory Committee shares the concerns of its interlocutors and

considers that the situation regarding the different levels of airtime at the ORF for the television programmes in minority languages should be reviewed to be adapted to the needs and interests expressed by persons belonging to each national minority. It equally considers that the scope of television programmes with German subtitles could contribute to increasing knowledge about national minorities among the majority and promoting mutual respect and understanding in the society as a whole. In addition, the Advisory Committee is of the view that the television programmes in minority languages could be made available on the ORF online streaming services over a longer time and not for only 30 days as is the practice currently.

104. The Advisory Committee considers it crucial that the production of content in minority languages should adequately meet the information needs of all generations of persons belonging to national minorities. It regrets to note that there are no programmes for children belonging to national minorities. Linked to this, the Advisory Committee emphasises the digital media’s considerable potential to make audio-visual productions available in minority languages at a lower cost than is incurred by traditional media and irrespective of broadcasting hours. It therefore commends the already existing digital offers, such as the ORF’s online platform and creation of an online portal resembling the video archives of the programmes on national minorities. At the same time, it considers that digitalisation could be a lever to remedy the above-highlighted issues with regard to access to information in minority languages. In this vein, the Advisory Committee is of the opinion that the development of digital media could improve the situation of the youth belonging to national minorities who have very limited access to quality entertainment in minority languages.

105. Finally, the Advisory Committee trusts that the current reform plans of the financing of the ORF will not negatively affect the extent of radio and television broadcasting in minority languages.

106. The Advisory Committee calls on the authorities to step up their efforts to ensure a more prominent presence of national minorities and their languages in public media, notably by increasing the quality and quantity of television programmes adapted to the needs and interests of persons belonging to national minorities, as well as by increasing the content produced by them. Issues of interest to them should be integrated into mainstream media.

107. The Advisory Committee encourages the authorities to consider strengthening support for

⁸³ For further information see the recent study on the Slovene minority in Carinthia, entitled ‘*Studie Situation, Sprachgebrauch und Perspektiven für die slowenische Volksgruppe in Kärnten/Koroška*’, pp. 44-51. September 2022.

⁸⁴ [ACFC Thematic Commentary No. 4](#), para. 69.

media content in particular for children and youth in minority languages as well as intensify support in the development of digital media in minority languages. The authorities should also consider broadening the range of television programmes in minority languages available with German subtitles.

Use of minority languages with administrative authorities (Article 10)

108. Following the amendments to the 1976 National Minorities Act in July 2011, the Slovenian, Croatian and Hungarian languages may be used in contacts with administrative authorities in those localities that are included in a closed list of administrative districts, municipalities, and individual villages. This list was included as an attachment to the National Minorities Act and was subsequently enacted as a constitutional provision. Denial of a request to use one's minority language in official contacts in localities not included in the list cannot be challenged before any court.⁸⁵

109. According to the authorities, the amendment to the National Minorities Act in 2011 was based on a political agreement with the representatives of the Slovene minority, providing for legal clarity as well as an actual increase in the number of localities where minority languages may be used in official contacts with the authorities.⁸⁶ In addition, the government programme 2020–2024 sets out a commitment to making the languages of national minorities more visible in the virtual space. With targeted promotional funding for the production of bilingual municipal websites, a first step has been taken since 2021 to make the Slovenian language more visible in the virtual public space.⁸⁷

110. Representatives of the Slovene minority expressed their general dissatisfaction regarding the situation following the amendments of 2011. Not all localities for which the Constitutional Court had confirmed a “mixed population”, are included in the list. A large number of different regulations applicable in the same Land and even at the level of municipality create perception of uncertainty among the population because hardly anyone knows before which authorities the use of the Slovenian language is authorised. Furthermore, a significant shortage of bilingual staff in the local administration and lack of qualified translators

and interpreters were brought to the Advisory Committee's attention. According to a recent study,⁸⁸ Slovenian is not used frequently in contacts with the municipal authorities. This is usually due to poor knowledge of Slovenian by some local civil servants and a *de facto* non-implementation of the statutory bilingualism by a number of local authorities. When it comes to the practice, the lack of readily available forms and the lack of visible information that the Slovenian language can be used with the municipal authorities were also reported by the interlocutors of the Advisory Committee.

111. Representatives of the Croat and Hungarian minorities stated that their languages are mainly used in oral communications, and very few individuals request written administrative procedures to be conducted in minority languages. If the administrative body does not have a civil servant who can communicate in the minority language and the need for interpretation or translation arises, the treatment of a written request would require excessively long delays. In the state report, the authorities agreed with this view.⁸⁹ Representatives of the Croat and Hungarian minorities further argued that the use of minority languages in relations with the local administration would need to be actively encouraged in order to reverse the already quite advanced linguistic assimilation of these communities. However, since supporting bilingualism needs to be covered by the municipalities, they depend on the commitment by the respective municipal council and mayor. The authorities informed the Advisory Committee that the department for Education, Culture and Science in the Office of the Regional Government of Burgenland, responsible for matters relating to the national minorities, has a native Hungarian speaker and a Croatian speaker in its staff.

112. The Advisory Committee reiterates that “the possibility of using minority languages in dealings with the administration in all areas where the criteria established by Article 10.2 of the Framework Convention are met may not be left solely to the discretion of the local authorities concerned. It is therefore important to set up clear and transparent procedures on how and when to institute the use of minority languages, including in written form, to ensure that the right is enjoyed in an equal manner.”⁹⁰ The Advisory Committee

⁸⁵ Some provisions of the National Minorities Act have a constitutional rank (*Verfassungsbestimmung*), while others do not. Provisions with constitutional rank can be amended only through a two-third majority vote in parliament and cannot be challenged in the Constitutional Court.

⁸⁶ See [Comments of the Government of Austria](#) on the Fourth Opinion of the Advisory Committee on the implementation of the Framework Convention for the Protection of National Minorities by Austria, 5 May 2017.

⁸⁷ See [fifth state report](#), p. 149.

⁸⁸ For further information see the recent study on the Slovene minority in Carinthia, entitled “Studie Situation, Sprachgebrauch und Perspektiven für die slowenische Volksgruppe in Kärnten/Koroška”, September 2022, p. 26.

⁸⁹ *Ibid.*

⁹⁰ See [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 53.

reiterates that it encourages “maximum implementation of the possibilities provided by law to allow the use of minority languages in contacts with administrative authorities at local level and in education. Authorities should support and actively encourage such measures by creating an environment that is conducive to the use of minority languages, including through the allocation of necessary financial and human resources”.⁹¹ To this effect, the authorities should take practical measures enabling the use of minority languages. The recruitment of civil servants mastering the minority language, including persons belonging to the national minority concerned, is also a way of promoting minority participation in public administration.⁹²

113. The Advisory Committee reiterates its concerns expressed in the Fourth Opinion on Austria,⁹³ according to which the legislative amendments of 2011 did not result in securing more clarity and consistency in the implementation of language rights of persons belonging to national minorities and thus effective access to minority rights.

114. The Advisory Committee welcomes that some villages and municipalities make bilingual forms available, including online. It praises the authorities’ efforts regarding the production of bilingual municipal websites. It is, however, concerned that this applies to a limited number of municipalities and villages. Moreover, the Advisory Committee is concerned by reports of representatives of the Slovene minority in Carinthia, as well as the Croat and Hungarian minorities in Burgenland that the written proceedings initiated in national minority languages would generally require excessively long treatment, thus discouraging persons belonging to these minorities to use their languages. In addition, the non-availability of staff proficient in the respective minority language constitutes a significant deterrent to use the minority languages even in municipalities where its official use is authorised.

115. The Advisory Committee is of the opinion that digitalisation of the use of minority languages with administrative authorities should continue to be fostered. For example, translation of documents and forms in minority languages and their publication online in all the municipalities concerned would improve the situation.

116. The Advisory Committee calls on the authorities to facilitate the oral and written use of minority languages in contacts with administrative authorities, notably through practical measures enabling administrative authorities to use such languages and by raising awareness of this right among persons belonging

to national minorities. The authorities should take steps to promote positive measures, such as minority language competences, in recruitment of civil servants.

117. The Advisory Committee strongly encourages the authorities to pursue their efforts to promote the digital use of minority languages by and with the administrative authorities and regularly monitor the progress achieved.

⁹¹ See [ACFC Thematic Commentary No. 3](#), para. 58.

⁹² See [ACFC Thematic Commentary No. 2](#), para. 160.

⁹³ See the Advisory Committee’s [Fourth Opinion](#), para. 50.

Use of minority languages with judicial authorities (Article 10)

118. The authorities stated that the Slovenian language is used in local courts at Bleiburg/Pliberk, Eisenkappel/Železna Kapla and Ferlach/Borovlje and in the Regional Court of Klagenfurt (all in Carinthia). The Croatian and Hungarian languages have never been used before the courts in Burgenland, and representatives of the Croat and Hungarian minorities stated that persons belonging to these minorities are not informed of the possibility to do so.

119. Some interlocutors informed the Advisory Committee of an ongoing discussion relating to the reform of the court organisation in Carinthia. The authorities stated that the current government programme sets out a goal to promote the rights of the national minorities in Carinthia and to permanently secure and strengthen the bilingual jurisdiction.⁹⁴ In order to achieve this goal, discussions have already been held between relevant stakeholders regarding the reforms of the courts in Carinthia. Representatives of the Slovene minority were also involved in those discussions. It was decided to find a solution by conducting an open dialogue with the stakeholders concerned.⁹⁵ There were also reports in the media of a political debate on this issue. However, the authorities mentioned that discussions have not yet been completed and concrete implementation plans are not yet available. They also pointed out that there are no current plans to close or consolidate courts in Carinthia. In any event, the primary goal for the authorities is to strengthen and ensure bilingualism in Carinthia in the long term.

120. The Advisory Committee reiterates that it “has consistently encouraged the authorities to take all necessary measures to ensure that minority language rights in the judicial system are fully safeguarded, including as regards investigative and pre-trial stages. In addition, the Advisory Committee has welcomed the guarantee of the right to interpretation into a minority language not only in the context of criminal proceedings, but also in that of civil and administrative proceedings.”⁹⁶

121. The Advisory Committee welcomes the right to use the Slovenian language in local courts in Carinthia. It notes with satisfaction that the scope of this right is not limited to criminal proceedings alone and trusts that all the necessary measures by the authorities to secure the use of the Slovenian language in courts in Carinthia will be pursued. Awareness-raising measures on the part of the authorities among the persons belonging to the Croat and Hungarian minorities

in Burgenland aimed at alerting of the possibility of using their respective languages in courts would be welcomed.

122. The Advisory Committee encourages the authorities to carry out awareness-raising activities in order to inform persons belonging to national minorities in the areas concerned that they are entitled to use their minority languages in courts.

123. The Advisory Committee invites the authorities to pursue, in close co-operation with the persons belonging to the Slovene minority, their efforts to find sustainable solutions for securing the use of the Slovenian language before the judicial authorities.

Display of topographical indications in minority languages (Article 11)

124. The amendment of the National Minorities Act in July 2011 (see Article 10) established a list of localities where the Slovenian, Croatian and Hungarian languages shall be displayed on topographical signs. This list has also been enacted as a constitutional provision. It contains 164 villages in 24 municipalities regarding the Slovenian language, 21 municipalities and 26 villages in additional seven municipalities regarding the Croatian language and one municipality and three villages in additional three municipalities with respect to the Hungarian language. In addition to this list, the municipal councils may adopt decisions to display bilingual signposting for place names. According to the state report, a number of municipalities in Burgenland and Carinthia used this possibility. Moreover, digitalisation of maps with Slovene field names has already been finalised in some municipalities.⁹⁷

125. Some representatives of the Slovene minority stated that the fact that the list was enacted as a constitutional provision deprives them of a possibility to challenge it before courts. Although in addition to this list, a number of municipal councils made further decisions to display bilingual signposting for some place names, they were not implemented in practice. For instance, the municipality of St. Peter bei St. Jakob im Rosenthal/Šentpetru pri Šentjakobu v Rožu decided to display bilingual signposting for two villages, but this decision has not been enforced.

126. Representatives of the Slovene, Croat and Hungarian minorities expressed their wish to have more topographical signs displayed in minority languages on street names, traditional local names on maps, mountain, and lake signposts. Representatives of the Roma minority in Burgenland further stated that cultural and

⁹⁴ Additional information provided by the authorities, p. 29.

⁹⁵ Ibid.

⁹⁶ See [ACFC Thematic Commentary No. 3](#), para. 59.

⁹⁷ For example, in the municipalities of Finkenstein, St. Margareten and Köttmannsdorf.

touristic signage in minority languages would contribute to raising awareness of local national minorities.

127. The Advisory Committee recalls that topographical indications in minority languages contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities, conveying the message that a given territory is shared in harmony by different communities and persons belonging to them.⁹⁸

128. The Advisory Committee welcomes the statutory possibility allowing municipalities to put in place topographical indications in multiple languages including the minority languages in use in Carinthia. The Advisory Committee thus expects that this possibility be widely used in Burgenland and Carinthia, in order to increase the visibility of the minority languages concerned.

129. The Advisory Committee regrets that in practice in most cases only place names in Burgenland and Carinthia have topographical signs in minority languages, but rarely street names or other topographical signs, despite the fact that these are explicitly mentioned in Article 11(3) of the Framework Convention. It wishes to emphasise that displaying topographical indications in minority languages, in addition to the official language, in regions traditionally inhabited by national minorities, would help to enhance the visibility of national minority languages. In this vein, the Advisory Committee considers that multilingual cultural and touristic signage offers considerable potential for the use of topographical names in minority languages as it uses these languages and place names in a field (heritage preservation) that is appreciated in all parts of society. This would also contribute to the maintenance of the local linguistic and cultural heritage and raise awareness of local national minorities.

130. The Advisory Committee encourages the authorities to assess, in close consultation with representatives of national minorities, the extent to which there exists a need and demand for additional topographical signs to be displayed in minority languages in the geographical areas inhabited by a substantial number of persons belonging to national minorities. The authorities should expand the opportunities to display street names, traditional local names on maps, cultural and touristic signposts in minority languages.

131. The Advisory Committee invites the federal authorities to encourage and financially support municipalities in the *Länder* of Burgenland and

Carinthia to make use of the statutory possibilities in force and voluntarily introduce topographical indications in minority languages.

Intercultural education and knowledge about national minorities (Article 12)

132. According to the state report, the curricula for primary schools use very general language pertaining to the topic of national minorities. The topic of human rights is embedded as teaching content in the compulsory subject “history and political education” in all schools as of the eighth grade. The syllabus for the eighth-grade education sets the target of “developing tolerance *vis-à-vis* minorities” in the framework of the subject “geography and economics”.⁹⁹ The new school curricula were promulgated in January 2023, mentioning that the language, culture and respective history of the six recognised minorities in Austria are to be addressed in class and an awareness of the rights and protection of minorities shall be created. The curricula also state that against the background of a globally interconnected and heterogeneous society, pupils should develop an awareness that diversity is a reality which is also a valuable resource. Pupils should learn, among other things, that learning and mastering several languages is of crucial importance for individual identity formation, participation in society and culture, as well as coexistence in a multilingual world. Teaching about Roma victims of the Holocaust also forms a part of these new curricula.¹⁰⁰

133. The state report further informs that memorial plaques have been established at various locations in Burgenland to commemorate Roma victims of the Holocaust. Five workshops were developed and can be conducted for pupils on the basis of the exhibition “Romane Thana – Places of the Roma and Sinti” held in 2015 and by also using the teaching material prepared by Romano Centro. In 2019, information brochure “Roma in Austria. Emancipation of a national minority” was developed and can be used in schools for practical teaching.¹⁰¹

134. Persons belonging to all six recognised minorities stated that their distinct cultures, traditions, and history in Austria over centuries are not adequately reflected in relevant educational materials or in the school curricula. In addition, the importance of minority rights in general education as an integral part of human rights protection is not adequately reflected. Pupils and students in Burgenland, Carinthia and in other parts of Austria, especially in the *Länder* in the Western part of Austria are often unaware

⁹⁸ See [ACFC Thematic Commentary No. 3](#), The Language Rights of Persons Belonging to National Minorities under the Framework Convention, adopted on 24 May 2012, para. 67.

⁹⁹ See [fifth state report](#), p. 163.

¹⁰⁰ For further details see the new school curricula on [primary education](#), [secondary education \(Mittelschule\)](#) and [Secondary education \(AHS\)](#).

¹⁰¹ See [fifth state report](#), pp. 160 and 165-166.

of the fact that national minorities have been living in the territory and contributing to the development of society for centuries, and that their languages are still taught in schools.

135. Representatives of the Roma minority stated that most important for them is the inclusion of their history, including adequate reflection in school curricula and educational materials of remembrance of Roma victims of the Holocaust, with the aim of building a culture of mutual understanding and respect at school.

136. The Advisory Committee reiterates that “States Parties to the Framework Convention are expected to review the curricula and textbooks in subjects such as history, religion and literature regularly so as to ensure that the diversity of cultures and identities is reflected, and that tolerance and intercultural communication are promoted.”¹⁰² It underlines too that education about national minorities should also include the contributions of individuals, including women, belonging to national minorities to various fields, whether it be art, music, literature or science, as part of an integrated and inclusive curriculum. Care should be taken to ensure these are implemented with the involvement of persons belonging to national minorities.

137. The Advisory Committee welcomes that the new school curricula promulgated in January 2023 contain comprehensive information about the language, culture and respective history of the six recognised minorities in Austria as well teaching about the Holocaust. The Advisory Committee considers that practical efforts on the part of the authorities are needed to ensure those elements are promoted and taught in all schools, and in co-operation with persons belonging to national minorities.¹⁰³ Not least in the context of the increasing awareness of the need to teach respect for diversity, acknowledged also in the new curricula, the Advisory Committee is of the view that all pupils in Austria, regardless of where they live, should have some knowledge about the six recognised national minorities. Teachers should also receive an adequate training to contribute to the implementation of the school curricula.

138. The Advisory Committee welcomes that memorial plaques have been established at various locations in Burgenland to commemorate

Roma victims of the Holocaust and some educational materials were developed reflecting the history of Roma. It, nevertheless, regrets that the historical presence of Roma in Austria, including the contribution of Roma to the cultural heritage of Austria as well as remembrance of the Roma victims of the Holocaust, is still not adequately reflected in educational materials. The Advisory Committee therefore welcomes the changes in the new curricula. Emphasising the importance of the Recommendation CM/Rec(2020)2 of the Committee of Ministers, the Advisory Committee considers that the inclusion of Roma history, including teaching about the Holocaust, should also form an integral part of educational materials.¹⁰⁴

139. The Advisory Committee calls on the authorities to ensure the proper implementation of the January 2023 school curricula, coupled with the production of updated educational materials and in-service teacher training to this effect.

Teacher training in minority languages (Article 12)

140. The state report cites a number of positive examples regarding teacher training in minority languages. For instance, at the Pedagogical University Carinthia, a study course is offered in Slovenia to train teachers for the schools pursuant to the Minorities School Act for Carinthia. The Pedagogical University Burgenland takes account of the bilingual educational system by setting a priority in multilingualism with the bachelor course for teaching at the primary level as well as the university training courses for bilingual teaching at primary schools (Croatian, Hungarian) and the new middle schools¹⁰⁵ (Hungarian). Since the 2017/18 school year, the Pedagogical University Burgenland has been offering a training course for future teachers for the teaching in Croatian for the secondary level students. In Burgenland, teacher training in the Romani language is not available. Although the project on the teaching of the Romani language at the University of Graz was launched, due to the absence of interested persons, no training course has been set up.¹⁰⁶

141. The Burgenland Child Education and Childcare Act regulates the childcare facilities and preschool establishments (kindergartens),

¹⁰² See [ACFC Thematic Commentary No. 3](#), p.11. See also OSCE High Commissioner for National Minorities (2012), [The Ljubljana Guidelines on Integration of Diverse Societies](#), p.56.

¹⁰³ See [ACFC Thematic commentary No. 1](#), Education under the Framework Convention for the Protection of National Minorities, adopted on 2 March 2006, 30.

¹⁰⁴ See [Recommendation CM/Rec\(2020\)2](#) of the Committee of Ministers to member states on the inclusion of the history of Roma and/or Travellers in school curricula and teaching materials, adopted by the Committee of Ministers on 1 July 2020.

¹⁰⁵ After completing primary school, children continue their education either in academic secondary schools or new middle schools. A pre-condition for admission to academic secondary school is having obtained a "Very good" or "Good" grade in German, Reading and Mathematics in year 4 of the primary school. For further details see <https://www.bildungssystem.at/en/>.

¹⁰⁶ See [fifth state report](#), pp. 172-173.

providing for preschool teachers' access to specialised training courses and diplomas for bilingual teaching. There is no such statutory regulation in Carinthia.

142. Representatives of some minorities stated that despite the increasing demand for bilingual education, there is no adequate teacher training for bilingual teaching. Moreover, the number of students wishing to become minority language teachers in Burgenland is diminishing. This affects in particular Croatian as taught in primary schools in this region.¹⁰⁷

143. The Advisory Committee recalls that teacher training is one of the essential preconditions for ensuring good quality education for students. "Adequate" opportunities for teacher training imply that the authorities should collect baseline data and make regular needs assessments to ensure that teachers from both majority and minority communities are recruited and given training equipping them to work in multilingual and multicultural environments.¹⁰⁸

144. The Advisory Committee welcomes the above-mentioned efforts of the universities and pedagogical institutions to offer training for bilingual teaching. It regrets, however, that well-qualified teachers for bilingual education are lacking. In addition, there is no requirement for the staff at bilingual kindergartens in Carinthia to possess any specific bilingual education or qualification (see also Article 14). In this connection, the Advisory Committee is of the view that cross-border exchange of nursery staff could be promoted to contribute to solving the staffing shortage. In addition, a regulation is needed for the supervision of the bilingual kindergartens in Carinthia. Finally, the Advisory Committee regrets that no progress has been made regarding the teaching of the Romani language. It considers that the authorities should consider putting in place Romani language studies at the university level which could promote interest in teaching in and learning of Romani in schools.

145. The Advisory Committee strongly encourages the authorities to elaborate a concept for bilingual teacher training, extending the legal requirements for such training to bilingual kindergartens. The authorities should regularly and effectively, in close consultation with minority representatives, monitor the quality of teacher training for bilingual education at all levels, including in kindergartens.

Access of Roma to education (Article 12)

146. Austria's "National Strategy for the Inclusion of Roma 2012-2020" sets out provisions to be made in the area of education. According to the authorities, different measures were adopted to secure the educational inclusion of Roma children in recent years. These, *inter alia*, include reducing the number of early dropouts; services of Roma mediators in Vienna; learning assistance and teaching of Romani language courses.¹⁰⁹ The recent evaluation report on the Roma Strategy¹¹⁰ suggests that in the area of education, the Strategy foresees fewer Roma-targeted measures than in the field of employment, although one of the main reasons for the disadvantaged position of Roma in the labour market is the low level of education. The evaluation report, referring to the survey results conducted among Roma (both local and with a migrant background), states that for 70% of the respondents, education is a priority. The reality is, however, different in practice. Thus, 21% of the respondents stated that they have no school-leaving qualification, 36% mentioned a compulsory school-leaving qualification as their highest educational title, 25% have completed an apprenticeship or a secondary school, 10% have successfully completed the secondary school exit exam and 8% university studies.¹¹¹

147. The experts interviewed for the evaluation highlighted the importance of Roma school mediation, learning assistance and day-time care as key factors for the promotion of a dialogue between parents and teachers. However, they emphasised that these activities are carried out by the Roma associations which mainly exist in Vienna and Burgenland. Even there, however, the situation is difficult, since employment contracts for mediators, counsellors and other staff are precarious, and funding is usually provided for a short period of time, as a result of which there is a general lack of staff who could ensure a more comprehensive support. With regard to educational projects for the empowerment of women and girls, the experts interviewed for the evaluation emphasised the importance of promoting and empowering Roma women and girls through low-threshold and self-determined educational work. The evaluation indicates that currently, there is only one association – Vivaro – which develops and implements a low-threshold programme with workshops and other educational events for Roma women and girls.¹¹²

148. Interlocutors of the Advisory Committee emphasised the necessity to have school mediators in all schools attended by children and

¹⁰⁷ Burgenland schools teach Burgenland Croatian up to the 6th grade and standard Croatian at upper secondary level.

¹⁰⁸ See [ACFC Thematic commentary No. 1](#), pp. 20-21.

¹⁰⁹ See [fifth state report](#), pp. 176-179.

¹¹⁰ University of Vienna, The evaluation study of the Austrian strategy for Roma inclusion, October 2022, available in German at <https://sensiroprojekt.univie.ac.at/evaluierung/bericht/>.

¹¹¹ *Ibid.*, p. 66.

¹¹² *Ibid.*, pp. 69-77.

students belonging to the Roma minority. They noted that currently there are only two school mediators in Vienna and four learning assistants in Burgenland.

149. The Advisory Committee reiterates that ensuring equal opportunities for access to quality education at all levels for persons belonging to national minorities as enshrined in Article 12(3) of the Framework Convention requires states to act resolutely in a number of areas. Apart from monitoring and ensuring enrolment and attendance, states should monitor “school attainments, including absenteeism and drop-out rates, literacy, completion of studies, grades, gender disparities, access to higher educational levels and subsequently access to employment. In some cases, preparatory classes and class or individual assistants/mediators/advisors may be necessary for pupils from disadvantaged environments. Adult education is a necessary complement to the basic education system.”¹¹³

150. The Advisory Committee positively notes progress made in the educational inclusion of Roma children through different measures in recent years. It, however, considers that the number of Roma school mediators in Vienna, is alarmingly low.¹¹⁴ It further considers that successful projects such as Roma school mediation and learning assistance provided to Roma children and students require long-term and secure funding. Therefore, increase in numbers of Roma mediators and learning assistants at schools across the country is of utmost importance. In addition, in view of securing promotion and empowerment of Roma women and girls through educational work, implementation of precise strategic measures on the part of the authorities should be encouraged. Linked to this, the Advisory Committee also considers that the gender aspect is to be mainstreamed in projects on Roma mediators and learning assistants.

151. The Advisory Committee calls on the authorities to identify and implement long-term sustainable solutions to ensure equal opportunities for children and students belonging to Roma minority at all levels, including by enacting a Roma school mediation and learning assistance strategy supported by adequate funds.

152. The Advisory Committee invites the authorities to conduct a comprehensive study on challenges faced by Roma women and girls in

education and, on that basis, to develop and implement targeted measures.

Minority language teaching and learning at private schools (Article 13)

153. Teaching and learning in minority languages for persons belonging to national minorities in Vienna is organised through private schools since public schools in minority languages are available only in Burgenland and Carinthia. For instance, the *Komenský* School in Vienna, a private school with public law status, offers Czech-German and Slovak-German bilingual education from kindergarten and primary school level through to school-leaving examinations. The teachers of the *Komenský* School are publicly funded, and the school receives the Federal Chancellery’s cultural allocation and donations provided by a variety of sources, including the City of Vienna and the Ministry of Education.¹¹⁵ In addition, three organisations in Vienna have started offering courses for children to learn the Hungarian language.¹¹⁶

154. Representatives of the Czech and Slovak minorities stated that the applicable legal framework for private schools in Vienna does not provide for the possibility to receive public funding for education. Although the teachers of the *Komenský* School in Vienna are publicly funded, there is no guarantee that the funds will be sustainable. In addition, representatives stated that they devote a major part of their cultural funds to the maintenance of this school (see Article 5 above). Other costs relating to the maintenance of the school are financed mainly through parental fees. As a result, children and students belonging to the Czech and Slovak minorities are obliged to pay for education in their minority languages, whereas children belonging to other recognised minorities residing in Burgenland and Carinthia are exempted from educational fees when attending public schools.

155. In 2017, representatives of the Czech minority submitted a draft proposal to the relevant ministries and the parliament for the amendment of the Private School Act in order to find a sustainable solution to the minority school funding problem for the persons belonging to national minorities who live outside Burgenland and Carinthia. Reportedly, no reply was received.

156. Interlocutors of the Advisory Committee mentioned that the lack of systemic solution regarding the minority language teaching in Vienna contributes to a worrying degree of

¹¹³ See [ACFC Thematic commentary No. 1](#), p. 21.

¹¹⁴ According to additional information provided by the authorities (p. 5), Roma school mediators are currently at work in six schools in Vienna that show an above average percentage of Roma pupils. All mediators are Roma who speak German as well as either Romani, Serbian or Romanian on native speaker level. They act as mediators between teachers, pupils and parents by helping to overcome language barriers and intercultural challenges as well as largely contribute to allowing parents to form a positive approach towards school education for their children and help parents and pupils recognize the benefit and importance of education as well as counsel them on career options and choices.

¹¹⁵ See [fifth state report](#), p. 180.

¹¹⁶ Ibid.

assimilation of persons belonging to the national minorities residing there.

157. The Advisory Committee deeply regrets that up until now education in minority languages is a legally binding requirement only in Burgenland and Carinthia. Teaching in and learning of minority languages for persons belonging to national minorities, who have been traditionally residing in Vienna, in most cases remains available through private schools only, resulting in different levels of access to rights for persons belonging to minorities.

158. The Advisory Committee fully shares the concerns of the representatives of the Czech and Slovak minorities and considers that the above-described situation puts them in a practical disadvantage *vis-à-vis* the other recognised minorities residing in Burgenland and Carinthia. More explicitly, in contrast to the latter, persons belonging to the Czech and Slovak minorities, who reside in Vienna, are obliged to pay for the education in and of minority languages. Moreover, part of the payment for the maintenance of the school is made through the cultural funding reserved for the Czech minority. Given that the domestic authorities decide on the educational policy, the Advisory Committee emphasises that what is important in this context is that a concrete statutory solution, in consultation with the persons belonging to the Czech and Slovak minority, is found.

159. The Advisory Committee urges the authorities to seek sustainable and statutory solutions, in close co-operation with representatives of the Czech and Slovak minorities, to address the long-standing question pertaining to access to minority language education in Vienna for children and students belonging to these minorities.

Teaching in and of minority languages in Burgenland (Article 14)

160. Regarding bilingual nursery schools, the Burgenland Child Education and Care Act of 2009¹¹⁷ provides that the language of the national minority must be used for activities at a minimum of 12 hours per week and per group in bilingual municipalities. The list of the bilingual municipalities is provided in the law. In addition, Croatian or Hungarian languages may also be used in non-bilingual municipalities, if a minimum of 25% of the parents in these municipalities wish so.¹¹⁸

161. Croatian is taught in bilingual classes at 23 primary schools and may be studied as an optional subject in 11 additional schools.¹¹⁹ There are also two bilingual German-Hungarian primary schools and eleven primary schools with bilingual classes or Hungarian as a compulsory subject, as well as 55 primary schools where Hungarian is taught as an optional course.¹²⁰ Romani is taught as an optional course. In the 2019/20 school year, 12 pupils signed up for classes in Romani at the primary school and the middle school in Oberwart/Felsöör.¹²¹

162. At secondary level, the provision of bilingual education is limited to four schools in Burgenland. In addition, minority languages can be chosen as subjects in a number of secondary level schools. Representatives of some minorities reported that in practice, minority languages are chosen at the secondary level only at the expense of studying another foreign language, which demotivates students.

163. The state report informs of an establishment of the “Forum4Burgenland” in 2019, a joint initiative of the Pedagogical University Burgenland, the Education Directorate for Burgenland and of the national minorities living in Burgenland.¹²² This forum serves as a space for discussions on the production of textbooks and teaching and learning materials for national minority languages in Burgenland. In February and March 2021, the “Forum4Burgenland” organised a series of webinars, which dealt with the topic of multilingualism and digitalisation.

164. Representatives of the Croat and Hungarian minorities reported about a decreasing number of students learning the Croatian and Hungarian languages at the secondary school level. They explained that such a decrease was due to the compulsory registration requirement for the enrolment in secondary schools. Due to the intensity of the school schedule, students are discouraged to enrol in the Croatian and Hungarian language classes. Awareness-raising activities are therefore needed to emphasise the importance of bilingualism. Representatives of the Croat and Hungarian minorities also mentioned the importance of quality teaching in national minority languages, including the quality of teaching materials, which reportedly is unsatisfying. Some interlocutors of the Advisory Committee emphasised the need for bilingual afternoon care for the so-called full-day schools.

¹¹⁷ The Burgenland Child Education and Care Act is in force since 1 January 2009 (the Regional Law Gazette No. 7/2009, in the version of Regional Law Gazette No. 70/2019).

¹¹⁸ See [fifth state report](#), p. 187.

¹¹⁹ See [fifth state report](#), p. 205.

¹²⁰ *Ibid.*

¹²¹ See [fifth state report](#), p. 172.

¹²² *Ibid.*

165. Representatives of the Roma minority pointed to the need to have qualified teachers in the Romani language, stating that there are only four teachers of Romani in Vienna whereas in Burgenland, teaching in the Romani language is ensured by teaching assistants. In order to raise demand for learning the Romani language, the authorities should first and foremost offer quality teaching. Therefore, the introduction of university courses for training Romani language teachers is of utmost importance.¹²³ Linked to this, some interlocutors of the Advisory Committee highlighted the need for promoting the continuation and, where necessary, further introduction of university courses for the training of teachers qualified to teach minority languages, to stimulate students to follow such courses and to promote the recruitment of teachers of minority languages in areas where there is demand.

166. The Advisory Committee reaffirms its view that one of the purposes of minority language education is to maintain or inculcate a degree of fluency and literacy which enables the learner to use the language in public and private life and to pass it on to the next generation. In this connection, the Advisory Committee is concerned by decreasing numbers of students choosing to learn Croatian and Hungarian at the secondary level. It thus considers that sustained positive measures at the secondary level education are needed, including to incentivise students to learn Croatian and Hungarian languages and ultimately pursue studies in teaching of these languages at university. Awareness raising on the benefits of minority language teaching among parents should be carried out.

167. In addition, the Advisory Committee is concerned by the reported problems regarding the quality and availability of teaching materials in Croatian and Hungarian languages. It is therefore pleased to learn about the establishment of the "Forum4Burgenland" in 2019, where discussions on the production and quality of textbooks and teaching and other learning materials can be held. It considers that representatives of Croat and Hungarian minorities should be actively involved in those discussions to effectively raise their concerns in relation to the quality and availability of teaching and learning materials in their respective minority languages.

168. Lastly, regarding the teaching of Romani, the Advisory Committee regrets the lack of progress made with regard to providing education

in this language, evidenced by a low number of students enrolled in the Romani language classes. It considers that a dialogue with the representatives of the Roma minority is required to determine how an interest in learning Romani language can be triggered among the pupils and students. Some ambitious measures are necessary to sustain the Romani language, on an indicative basis through generous support for the creation of attractive teaching materials. In addition, knowledge of Romani, Croatian and Hungarian languages should be considered an asset in public recruitment procedures.

169. The Advisory Committee calls on the authorities, in consultation with the persons belonging to the Roma minority, to undertake ample measures to incentivise the learning in and of the Romani language at preschool, school and university levels.

170. The Advisory Committee strongly encourages the authorities to improve conditions for the teaching in and of Croatian and Hungarian languages. Awareness raising on the benefits of minority language learning among parents and pupils should be conducted regularly and ahead of each school year.

171. The Advisory Committee strongly encourages the authorities to foster the production of teaching and learning materials in Croatian and Hungarian languages to secure high-quality education at all levels.

Teaching in and of minority languages in Carinthia (Article 14)

172. In Carinthia, the minority language education system is regulated by the 1988 Minorities School Act. There is, however, no legislative framework at this Land level, regulating the bilingual kindergartens or other preschool educational facilities. Regulation differs significantly from one municipality to another. While in some municipalities kindergartens are bilingual, in others they are monolingual (German).¹²⁴ In addition, there is no right to bilingual education for the last year of kindergarten, which is compulsory in Austria. The recent survey shows that in the entire scope of territorial application of the Minorities School Act, only 16.7% of all children belonging to the Slovene minority attend bilingual kindergarten or bilingual preschool day-care facility. Thus, the attendance rates for bilingual kindergartens or other preschool facilities are not even half as high as in primary bilingual school.¹²⁵

¹²³ According to [fifth state report](#) (p. 210), all minority languages, except for Romani, can be studied at Austrian universities.

¹²⁴ According to the [state report](#), there are ten bilingual or multilingual private nursery schools in Carinthia, which take care of a total of 356 children. For these childcare services, regional funding in the amount of €487 592 is provided. In addition, they receive subsidies from the Nursery School Fund in the amount of €712 500.

¹²⁵ For further information see the recent study on the Slovene minority in Carinthia, entitled "Studie Situation, Sprachgebrauch und Perspektiven für die slowenische Volksgruppe in Kärnten/Koroška", pp. 32 and 42, September 2022.

173. Currently ten private bilingual nursery schools in Carinthia receive funding from the Carinthian Nursery School Fund.¹²⁶ According to the state report, on 17 October 2018 the governor of Carinthia set up a working group within the department of the regional government responsible for nursery schools and kindergartens.¹²⁷ During its monitoring visit, the Advisory Committee was informed that this working group elaborated a pedagogical framework concept for bilingual kindergartens which is very well conceived and helps the kindergartens in which it is used to implement good pedagogical bilingual principles. In addition, in February 2023, the Carinthian Regional Parliament adopted amendments to the Carinthian Early Childhood Education and Childcare Act. The newly adopted provisions focus on quality and the improvement of the framework conditions for the children and the pedagogical staff, and relate, *inter alia*, to the promotion of the Slovenian language through the provision of specific subsidies to bilingual or multilingual kindergartens.

174. The bilingual education in the primary schools in Carinthia is regulated by the 1988 Minorities School Act, and the proportion of children registered for bilingual instruction is significantly higher than in kindergartens and other preschool educational facilities. Throughout the entire territorial scope of application of the Minorities School Act, 42.4% of primary school children currently attend bilingual classes. The recent study on the Slovene minority in Carinthia indicates that the current situation relating to the Slovenian language can be described as one of “resilience or revitalisation”.¹²⁸ The most important indicator is the consistently high enrolment figures for bilingual primary school education. This also applies to municipalities that are not located in the core area where persons belonging to the Slovene minority live and even those where no bilingual education was taken up for many years.¹²⁹ At secondary level, teaching of Slovenian is provided at 17 schools to 302 pupils in the 2021/2022 school year. The Slovenian Grammar School in Klagenfurt provides education in Slovenian (543 pupils in 2021/2022 and 500 in 2022/2023). In other secondary schools Slovenian is studied as optional subject. In vocational education, there is bilingual education at the Commerce Academy in Klagenfurt (218 students in 2021/2022) and at the (private) Secondary School for Economic

Professions in St. Peter bei St.jakob im Rosenthal (143 students in 2021/2022).¹³⁰

175. Representatives of the Slovene minority stated that one of the main issues relating to education is the absence of a regulation on bilingual kindergartens in Carinthia. As a result, bilingual kindergarten education is partly offered through private initiatives. Some interlocutors stated that considering the fact that the last year in kindergarten is compulsory in the same way as schooling is compulsory in the Austrian educational system, there should be an obligation to provide for bilingual kindergartens within the area of application of the Minorities School Act. The need for bilingual afternoon care for the so-called full-day schools was also pointed out.

176. Regarding the secondary school in Carinthia, in exchanges with the Advisory Committee representatives of the Slovene minority mentioned that there is a decreasing trend in the number of pupils in particular on lower secondary level of education, resulting in a problem in terms of continuity in the minority school system. Furthermore, even if Slovenian can be chosen as an optional subject in a number of schools, in practice it is done at the expense of studying other foreign language because the school schedule is already quite heavy. Interlocutors further pointed to the lack of youth vocational training courses and agricultural colleges offering education in Slovenian. They further regretted that there is no longer a possibility to pursue master’s level studies of Slavistics at the Klagenfurt University.

177. The Advisory Committee reiterates that minority languages should be included in the public school system and in the mandatory curriculum. Furthermore, in a given geographical area, continuity in access to teaching in and of minority languages at all levels of education, from pre-school to higher and adult education, must be ensured.

178. The Advisory Committee is pleased to note that the results of the recent survey on the Slovene minority in Carinthia showed a current ongoing trend of revitalisation of the Slovenian language. It further welcomes the public funding allocated to the ten private nursery bilingual schools in Carinthia. Nevertheless, it regrets that the opportunities with regard to bilingual preschool education are limited and no progress has been made in terms of the adoption of a legal framework on bilingual kindergartens. The disparity between primary and preschool

¹²⁶ The funding was set up in accordance with the Carinthian Nursery School Fund Act, Regional Law Gazette No. 74/2001, which entered into force on 1 October 2001, in order to refund any deficit (loss) to the entities operating private bilingual nursery schools.

¹²⁷ See [fifth state report](#), p. 182.

¹²⁸ See the recent study on the Slovene minority in Carinthia, entitled “Studie Situation, Sprachgebrauch und Perspektiven für die slowenische Volksgruppe in Kärnten/Koroška”, p. 66, September 2022.

¹²⁹ *Ibid.*

¹³⁰ See the recent study on the Slovene minority in Carinthia, entitled “Studie Situation, Sprachgebrauch und Perspektiven für die slowenische Volksgruppe in Kärnten/Koroška”, pp. 26-27, September 2022.

(kindergarten) level education is of some concern as it may be an inhibiting factor in pupils and parents choosing to begin primary education in Slovenian – if such education has not been made available at preschool level. The Advisory Committee therefore considers that the funding of the bilingual preschool education should be secured through the funding reserved for the public education system, having also regard to the fact that the last year of kindergarten forms part of compulsory education. This on the one hand will allow children to start their language immersion from an early age, and on the other hand, will secure continuity in access to teaching in and learning of minority languages at all levels of the education system.

179. Regarding the bilingual afternoon care, the Advisory Committee considers that some policies and practices may be elaborated to promote bilingualism in the so-called full-day primary schools. The Advisory Committee is also of the view that it is necessary to further develop Slovenian language lessons at the secondary schools to secure continuity in minority language learning.

180. The Advisory Committee urges the authorities to adopt a statutory regulation providing in the Land of Carinthia for the right to bilingual education in the last year of kindergarten and to ensure conditions for its implementation.

181. The Advisory Committee asks the authorities in the Land of Carinthia to further develop opportunities to learn the Slovenian language at secondary level and to explore ways to secure bilingual afternoon education in full-day schools.

Teaching in and of minority languages outside Burgenland and Carinthia (Article 14)

182. Outside Burgenland and Carinthia, minority language education in the public school system is limited to optional classes that are offered at some schools where there is parental demand and available teachers. Contrary to Burgenland and Carinthia, there is no specific statutory regulation for teaching in and of minority languages in Vienna. The authorities stated that a system of mother-tongue teaching (first language teaching) can be set up at different school types and in different formats, if there is sufficient demand.¹³¹ First language teaching is part of mainstream education and it is implemented in respect of 25 languages, either through a second teacher who accompanies all classes and provides teaching in a language other than German, or through additional classes. In the 2020/21 school year, Croatian, Hungarian,

Slovak, Slovenian, and Romani were among the language courses offered in schools in Vienna.¹³² The authorities further mentioned that the low density of minority settlement in Styria or Vienna do not justify, among other, a minorities' school system, as in Burgenland and Carinthia.¹³³

183. In Styria, the Slovenian language is taught as a foreign language at primary schools. In the 2020/2021 school year, 51 pupils in total were enrolled in such language teaching. At secondary schools, Slovenian language was taught to a total of 47 pupils in the 2021/2022 school year.¹³⁴

184. Representatives of all six national minorities expressed their general dissatisfaction regarding the minority language teaching and learning system in Vienna. A long-standing request to find a sustainable solution to ensure that the educational needs of persons belonging to the national minorities living in Vienna are adequately secured remains unaddressed. This situation concerns not only to those minorities who traditionally live in Vienna, but also persons belonging to other recognised national minorities who moved away from Burgenland and Carinthia - their traditional areas of settlements. Linked to the latter point, it must be observed that in Austria access to rights enshrined in the Framework Convention of persons belonging to the recognised minorities has a territorial dimension (see Article 3). Interlocutors of the Advisory Committee stated that such territorial application of rights negatively affects the access to rights of persons belonging to national minorities, in particular right to education in minority languages outside Burgenland and Carinthia. The current legislative solutions in respect of the education in minority languages are not adequate with the trends of the increased mobility to urbanized areas.¹³⁵

185. In addition, representatives of the Slovene minority mentioned that since the Private School Act does not offer any sustainable solution for the education in minority languages, the private Slovene kindergarten in Vienna is threatened with closure. Representatives of the Hungarian minority stated that bilingual education in a public primary school is available for them in Vienna. However, the school bus services are financed by the Hungarian government. In addition, they also mentioned about the lack of educational offer in Hungarian at the secondary level.

186. The Advisory Committee reiterates that Article 14 applies 'in areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand'. A margin of appreciation is left to the

¹³¹ Additional information provided by the authorities on 27 January 2023.

¹³² Ibid.

¹³³ See [fifth state report](#), p. 21.

¹³⁴ See [fifth state report](#), p. 209.

¹³⁵ The recent study indicates that the increased migration of the Slovene population from Carinthia to Vienna and Graz affects mostly the better educated individuals.

authorities to determine the sufficiency of this demand. Assessing this requires more than a passive approach; the Advisory Committee reaffirms that the authorities should regularly monitor the demand for teaching in and of minority languages and should stimulate such demand through awareness-raising among parents and pupils.

187. The Advisory Committee praises the authorities of Vienna for the inclusion of minority languages in mainstream education. It regrets, however, that due to the territorial application of the right to learn minority languages, there may be some persons belonging to the Croat, Hungarian, Slovene and Roma minority who face obstacles to accessing minority language education in Vienna. The Advisory Committee considers that in the absence of data on whether there are 'substantial numbers' of Slovenes, Croats, Hungarians and Roma elsewhere outside Burgenland and Carinthia, the Austrian authorities should concretely assess the level of demand for learning Croatian, Hungarian, Romani and Slovenian outside the traditional areas of Burgenland and Carinthia and in areas where persons belonging to these minorities may live in substantial numbers, as required under Article 14 of the Framework Convention.

188. The Advisory Committee urges the authorities to take steps to assess the level of demand for Croatian, Hungarian, Slovenian and Romani languages education in areas outside the traditional area of settlement where persons belonging to these minorities may live in substantial numbers. Following such an assessment, the authorities should decide on appropriate measures relating to Croatian, Hungarian, Slovenian and Romani languages education in these areas, in close consultation with representatives of the minorities concerned.

Effective participation in decision-making processes (Article 15)

189. National minorities continue to be represented in elected bodies at all levels, mainly in municipal councils and regional parliaments, and in the civil service, including in executive positions. The Dialogue Forum in Carinthia¹³⁶ continues to ensure direct access of Slovene national minority representatives to senior regional policy makers.¹³⁷ The "Forum4Burgenland" provides a space for discussing issues related to education and

promoting visibility of minority languages (see Article 14).¹³⁸

190. The Roma Dialogue Platform within the Federal Chancellery continues to institutionalise the dialogue between the administrative authorities, NGOs specialised in the protection of the rights of Roma and other interested persons (see Article 4 above). The Dialogue Platform organises meetings on different topics. For instance, the 24th Roma Dialogue Platform meetings held in 2021 and 2022 concerned the topics of "Roma inclusion at the European and national level", "Health and social inclusion of Roma" and "Combatting Hate Crime" respectively.¹³⁹

191. The Advisory Committee was also informed of an establishment of a dialogue platform within the parliament of Austria where the chairpersons of the national minorities' Advisory Councils meet at least once a year in order to exchange views on national minority related topics and to further promote and strengthen the dialogue on a state-wide basis. In March 2022, the first dialogue platform took place, focusing on minority languages and education.¹⁴⁰

192. Interlocutors of the Advisory Committee welcomed these different platforms providing for a space for raising their issues. They also praised the establishment of a new platform within the parliament to discuss minority language and education issues, stating that follow-up events to this discussion are encouraged by minorities. Representatives of all six recognised minorities mentioned that the dialogue platforms notwithstanding, they still lack an institutional mechanism at the federal level for effective consultation on issues of their concern. All of them pointed to the necessity to have full-fledged and regular dialogue with the authorities. Civil society organisations also mentioned that overall coordination structures and mainstreaming of Roma inclusion are rather weak and the capacity of the National Roma Contact Point (NRCP) remains limited (only one person). As of April 2022, the person designed as the NRCP left the position. According to the authorities, the head of the department for National Minorities Issues within the Federal Chancellery, who was appointed in the end of 2022, is also responsible for the Austrian National Roma Contact Point. During the transitional period, where the National Roma Contact Point was not officially staffed from April to December 2022, the tasks were

¹³⁶ According to the state report (p. 218), the Dialogue Forum is composed of one representative each of all political parties represented in the regional parliament, the members of the regional government, or a person nominated by them, respectively, one representative each of the Slovene organisations, one representative of *Enotna Lista* as well as six mayors (two each from the districts Völkermarkt and [Greater] Klagenfurt Land, one each from the districts Villach and Hermagor).

¹³⁷ See [fifth state report](#), p. 218.

¹³⁸ See [fifth state report](#), p. 207.

¹³⁹ Additional information provided by the authorities on 14 October 2022, pp. 4-5.

¹⁴⁰ Additional information provided by the authorities on 14 October 2022 p. 31.

comprehensively supervised by the head of division and an employee of the department for National Minorities Issues. Some interlocutors complained that there are no Roma working in the NRCP's cabinet.

193. A representative proposed by the National Minorities Advisory Councils is appointed by the Federal Chancellor to the ORF Audience Council, which, among others, comments on the allocation of shares of broadcasting time to ethnic groups. For that purpose, the Audience Council may hear representatives of the National Minorities Advisory Councils.¹⁴¹

194. The Advisory Committee recalls that the existence of an institutional partner for minority organisations within the governmental structures is essential in order to ensure effective participation by taking into account the needs, expectations and interests of persons belonging to national minorities in various sectors in particular when issues of their concern are discussed.

195. The Advisory Committee welcomes the fact that persons belonging to national minorities are represented in elected bodies at different levels. It also notes with appreciation organisation of Roma Dialogue Platform meetings during which a number of topics relevant for the Roma were discussed. It is, however, concerned that the position of the NRCP has been left unfilled since April 2022, which constitutes an obstacle for organisations responsible for the protection of the rights of Roma to raise and discuss issues pertaining to Roma. Moreover, considering the fact that there are no statutory measures to facilitate or guarantee representation for national minorities in the elected bodies at municipal, regional and federal levels, the Advisory Committee is of the view that an establishment of a mechanism competent for the promotion of dialogue between representatives of national minorities and decision-making bodies could be envisaged.

196. The Advisory Committee encourages the authorities to further develop the mechanisms and institutions at the federal level with possible decision-making responsibilities to raise and address the issues pertaining to national minorities and increasing their participation in and influence on decision-making on all matters affecting them.

Effective participation in public affairs (Article 15)

197. The National Minority Advisory Councils (also referred to as Advisory Councils) are appointed to advise the Federal Government or

the Federal minister, respectively in all questions affecting the interests of the national minorities and continue to be the main vehicle through which national minority representatives have an official dialogue with the authorities. They are mandated to convene twice per year and if needed more often. Their composition and mandate remain unchanged since the last monitoring cycle.

198. As regards the selection procedure of the members of the Advisory Councils, they are appointed by decision of the federal government. One half of the members is appointed upon proposal by the representative organisations of the national minorities. The other half is made up of the so-called "political body" and the "church body". The "political body" consists of persons who are members of a general representative entity (municipal council, regional parliament, National Council, Federal Council) and who were chosen based on their affiliation with the respective national minority or that they actually belong to the national minority. The "church body" consists of persons who, as members of the respective national minority, are proposed by a church or religious community.¹⁴² There are no specific gender-related and youth quotas regarding membership in the Advisory Councils. According to the authorities, the introduction of supplementary criteria for the appointment of the members of the Advisory Councils would significantly limit the autonomy of the national minority associations when nominating candidates. The authorities also explained that national minority youth representatives are represented in the Austrian National Youth Council, a representative body for youth.

199. Following the adoption of the Advisory Committee's Fourth Opinion on Austria, the Committee of Ministers made a recommendation for immediate action, urging the authorities to prioritise the reform of the National Minority Advisory Councils.¹⁴³ The authorities stated that despite ongoing discussions, a consensus among the representatives of national minorities on modernisation of minority representation has not yet been reached.¹⁴⁴ Referring to the draft law of 2012 providing for an amendment of the National Minority Advisory Councils, the authorities stated that no agreement could be reached on this draft within the national minorities. They highlighted that for the future reforms, unity among all six national minorities is an essential factor.

200. Some of the interlocutors of the Advisory Committee reiterated their previous complaints,

¹⁴¹ See the Federal Act on the Austrian Broadcasting Corporation (ORF Act)], § 28 (4-6) and § 30 (1)(5) available at: https://www.ris.bka.gv.at/Dokumente/ErV/ERV_1984_379/ERV_1984_379.pdf.

¹⁴² See [fifth state report](#), p. 216.

¹⁴³ See [Resolution CM/ResCMN\(2017\)6](#) on the implementation of the Framework Convention for the Protection of National Minorities by Austria, adopted by the Committee of Ministers on 17 October 2017 at the 1297th meeting of the Ministers' Deputies.

¹⁴⁴ Additional information provided by the authorities on 14 October 2022, p. 33.

stating that the Advisory Councils are not functional institutions and that nomination of its members by the Federal Chancellery is problematic. It was further pointed out that professional statutory requirements for its members are lacking. In addition, there are no quotas for the equal participation of men and women and youth in these Advisory Councils. Interlocutors further mentioned that the Advisory Councils do not have enough competencies to ensure effective participation of persons belonging to national minorities in public affairs in the field of minority rights and that their mandate is limited in practice to advise on the allocation of cultural funding (see Article 5). The need for changes and modernisation in roles and tasks of the Advisory Councils was pointed out. Some of the interlocutors of the Advisory Committee stated that the selection procedure for the members of the Advisory Council is problematic because the Law on National Minorities does not provide for clear criteria in this respect. The Advisory Committee was informed of the proposal to limit the members' term of office.

201. Some interlocutors complained to the Advisory Committee that the fifth state report on the implementation of the Framework Convention was prepared by the government and minority representatives, through the Advisory Councils, but that they were asked to provide comments within a period of four weeks during a holiday period. A statement made by one of the NGOs was rejected allegedly for exceeding the maximum permissible length (five pages).

202. The Advisory Committee reiterates that "consultation alone [...] does not constitute a sufficient mechanism for ensuring effective participation of persons belonging to national minorities. It is important to ensure that the obligation to consult them is entrenched in law and that their involvement in decision-making processes is of a regular and permanent nature. For the credibility of consultative bodies, it is essential that their appointment procedures are transparent and designed in close consultation with national minorities. state parties are encouraged periodically to review the appointment procedures to make sure that the bodies concerned are as inclusive as possible, maintain their independence from governments, and genuinely represent a wide range of views amongst persons belonging to national minorities. It is important to ensure that women belonging to national minorities are involved in consultative bodies."¹⁴⁵

203. Against this background, the Advisory Committee reiterates its view expressed in its

Fourth Opinion on Austria regarding the procedure for nomination of the representatives in the Advisory Councils.¹⁴⁶ It regrets that so far no reforms were undertaken to update the selection procedure of the members of the Advisory Councils. In this context, the proposal to limit the members' term of office could be considered, in close consultation with the representatives of national minorities. Moreover, in the Advisory Committee's view, regulations on the gender equality as well quotas on youth participation in the Advisory Councils are necessary. The Advisory Committee believes that it is important that different interests and needs are reflected through participation of persons belonging to national minorities from different generations, including the youth and the elderly. However, striving for unanimity should not be a barrier for progressing.

204. Regarding the participation of persons belonging to national minorities in the monitoring process of the Framework Convention, the Advisory Committee reiterates that "it is crucial for achieving a balanced and quality outcome. When preparing State Reports or other written communications required under the Framework Convention or other international treaties pertaining to minority issues, state parties should respect the principles enshrined in Article 15 of the Framework Convention and consult persons belonging to national minorities. In this and other contexts, it is important that interlocutors, such as consultative bodies, be not perceived as exclusive interlocutors but that State authorities also include other actors, especially minority or/and non-governmental organisations in the consultation process".¹⁴⁷ The Advisory Committee is concerned by the reported absence of meaningful dialogue on assessment of progress on the implementation of minority rights.

205. The Advisory Committee urges the authorities to reform in close consultation with the national minorities the appointment procedure and composition of the National Minority Advisory Councils, including with a view to ensuring gender equality and the presence of youth, and limiting the length of their members' service. The authorities should also broaden these Councils' competences so as to ensure effective participation of persons belonging to national minorities in public affairs.

Bilateral and cross-border co-operation (Articles 17 and 18)

206. A number of co-operation agreements in the field of culture have been signed between Austria and neighbouring states. Subsequent working

¹⁴⁵ See [ACFC Thematic Commentary No. 2](#), para. 111.

¹⁴⁶ See the [Advisory Committee's Fourth Opinion](#) paras. 75-76.

¹⁴⁷ See [ACFC Thematic Commentary No. 2](#), para. 142.

programmes were established between the parties to these agreements to secure their implementation.¹⁴⁸

207. Representatives of the Slovene minority highlighted the limited cross-border co-operation during the Covid-19 pandemic which particularly affected this minority. They mentioned the negative impact of border closures for culture, education, family relations, and socio-economic life. Development of guidelines for the management of crises was suggested to facilitate cross-border co-operation in the event of a possible future crisis.

208. While underlining that the primary responsibility for protecting the rights of persons belonging to national minorities rests with the authorities of the state where they reside, the Advisory Committee nonetheless recalls that bilateral agreements, as well as informal cross-border co-operation, can contribute to promotion

of rights of persons belonging to national minorities.

209. The Advisory Committee welcomes Austria's efforts of bilateral and cross-border co-operation and sees an opportunity to further promote relations with neighbouring countries, including cross-border co-operation at the level of regional and municipal authorities. However, as open borders have proven essential for deepening cross-border contacts and relations, the Advisory Committee regrets the continued controls at Austria's borders with Slovenia and Hungary since 2015 and hopes that all efforts to end these controls will be pursued.¹⁴⁹

210. The Advisory Committee encourages the authorities to pursue their efforts to maintain good neighbourly relations with all neighbouring countries and to remove any obstacles to cross-border contacts.

¹⁴⁸ According to the [state report](#) (pp. 227-229), the working programme in connection with the cultural treaty with the Czech Republic provides for the support for the *Komenský* School in Vienna. In addition, the working programme established for the implementation of the cultural co-operation between Austria and Slovenia contains specific chapters regarding the Slovene minority in Austria. Regarding co-operation with the Slovak Republic, the working programme provides for co-operation in the fields of arts, culture, science and sports, including a variety of scholarship and exchange programmes. Finally, co-operation with Croatia and Hungary is also envisaged through working programmes with some arrangements pertaining to national minorities.

¹⁴⁹ The European Court of Justice declared these controls to be in contradiction to the Schengen Borders Code. For further details see the [judgment](#) of the Court (Grand Chamber) of 26 April 2022.

The Advisory Committee on the Framework Convention for the Protection of National Minorities is an independent body that assists the Committee of Ministers of the Council of Europe in evaluating the adequacy of the measures taken by the Parties to the Framework Convention to give effect to the principles set out therein.

The Framework Convention for the Protection of National Minorities, adopted by the Committee of Ministers of the Council of Europe on 10 November 1994 and entered into force on 1 February 1998, sets out principles to be respected as well as goals to be achieved by the states, in order to ensure the protection of national minorities. The text of the Framework Convention is available, among other languages, in German, Croatian, Czech, Hungarian, Romani, Slovak, and Slovenian.

This Opinion contains the evaluation of the Advisory Committee following its 5th country visit to Austria.

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