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Appendices

**REPORT SUBMITTED BY AUSTRIA
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 15 November 2000)

Report by the Republic of Austria

**Comments by the Slovenian, Hungarian
and Czech Minority Council**

Vienna, October 2000

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

Comments by the Slovenian Minority Advisory Council

Comments by the Council of Carinthian Slovenes (Rat der Kärntner Slowenen) and the Central Association of Slovene Organisations in Carinthia (Zentralverband slowenischer Organisationen in Kärnten) on the Report drawn up by the Republic of Austria pursuant to Article 25 para. 1 of the Framework Convention for the Protection of National Minorities. The above organisations, which represent the interests of Carinthian Slovenes, did not have an opportunity to comment on the Report prior to its transmission to the Council of Europe.

The present observations are confined to a few relevant points which, in the opinion of the organisations representing the interests of Carinthian Slovenes, should have been taken into account in the Report.

As to Part I, page 7

In the historical survey of the Report, mention is only made of the resettlement movement during the National Socialist era without going into further detail (... "and from 1942 onwards many [Slovenes] were forced to emigrate"). It should be pointed out, however, that the resettlement scheme was a well-planned, large-scale measure of persecution, which during the first wave affected 917 people and, if carried out as intended, would have exterminated the Slovene minority in Carinthia.

As to Part I, page 17

The statement made by the authors of the Report in respect of Article 19 of the Basic Law (Staatsgrundgesetz) is incomplete and one-sided insofar as they only refer to the legal view held by the Constitutional Court in its ruling of 1952, Coll. VfSlg. 2459/1952, which is unfavourable to the Slovene minority, and not to the legal view held by a large number of legal experts, in particular Theodor Veiter, Felix Ermacora, Dieter Kolonovits and others, according to which Article 19 of the Basic Law is still in force and applicable. It must also be

noted in this respect, that in taking a decision on the so-called “Staatszielbestimmung” (a provision defining the pertinent aims of the State; Federal Law Gazette Vol. I No. 68/2000), the Austrian constitutional legislator, in complying with the express wish of the minority, abstained from rescinding Article 19 of the Basic Law.

As to Part II, page 60 et seq.

As regards the statements made in the Report on the use of the minority language as an additional official language, we believe that there is no indication to the effect that the official language regulation of the Minorities Act and the ordinance issued in that respect, are considered unsatisfactory and in contraction with Article 7 para. 3 of the State Treaty of Vienna by the Slovene minority.

The same holds true of the statements made in respect of the issue of bilingual topographical inscriptions on page 65 of the Report. The Topographical Ordinance, in particular the 25%-clause enshrined in s. 2 para. 1 (2) of the 1976 Minorities Act, is also considered by the Slovene minority to be in contradiction with Article 7 of the State Treaty of 1955.

As to Part II, page 94 et seq.

The real problem with bilingual education in kindergartens is that there are not enough communities in Carinthia that are willing to establish bilingual (Slovene-German) groups at communal kindergartens. As a result, the Slovene minority has to establish and run its own bilingual kindergartens with the assistance of the church and Slovene associations, whereby the expenses incurred in running these kindergartens constitute a heavy burden for the competent bodies and are a matter of grave concern. After efforts aimed at creating a legal right to the establishment of bilingual groups in communal kindergartens through an amendment of the Carinthian Kindergarten Act, have proved unsuccessful, there is now a chance of securing the financial means required for bilingual kindergartens and kindergarten groups by creating a special fund under public law.

**Report by the Republic of Austria
pursuant to Article 25 paragraph 1 of the
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Comments by the Hungarian Minority Advisory Council

General remarks:

1. Anonymity. Leaving aside the accompanying letter from the Federal Chancellery, there is no indication in the Report as to its publisher or author.
2. Procedure. According to the original plan, it would have been imperative, prior to the transmission of the Report to the Council of Europe, for the opinions of the representatives of the national minorities to be procured. However, this was not the case.
3. Design. For the sake of comparability, the Report should have been compiled according to uniform criteria. As the situation of each national minority is presented separately and with a different set of “priorities”, neither similarities nor differences are clearly visible and distinguishable.
4. National minority – National Minority Advisory Council (p. 2, para. 4). This statement is rather vague and hardly informative.

In the following, we will not go into detail on any individual paragraphs, nor come up with corrections of wrong or misleading statements contained in the Report. Instead, we submit a version which is to a certain extent a verbatim rendering of the Report of the Federal Chancellery in Italics (!). The present version is consistent with the self-portrayal of the Hungarian National Minority.

The Hungarian minority

The text should read as follows:

As a result of the recognition of the Viennese Hungarians (1922) as a part of the Hungarian minority, the Hungarian minority is composed of two parts, namely the Burgenland Hungarians and the Hungarians living in the Vienna region.

Burgenland

The first paragraph (p. 8) remains unchanged, but should continue as follows:

Even the Hungarians in Burgenland do not form a uniform settlement, but were split into four groups prior to the annexation of Burgenland (1921):

- a) Meierhöfe (dairy farms) in the Seewinkel region (Neusiedl District)
- b) Major market communities or district municipalities including the future Provincial capital Eisenstadt
- c) Oberpullendorf and Mitterpullendorf
- d) The (Obere) Wart with the settlements of Oberwart and Unterwart as well as Siget in der Wart.

The first two groups were largely absorbed after the Second World War, especially as a result of industrialisation and technological progress after 1955. At present, the number of Hungarians in the district municipalities (with the exception of Oberpullendorf and Oberwart) is rather small, which is also true for Eisenstadt. The text beginning with *The economic changes after 1945 led to...* should remain until the end of the paragraph on page 8.)

The district municipalities of Oberwart and Oberpullendorf did not succeed in developing into centres of the Hungarian minority despite the fact that in 1920 a majority of 75.4% and 94%, respectively, were Magyars. Since then, they have largely lost their “Magyar character”: In 1991, only 25.29% of the inhabitants of Oberwart and 23.9% in Oberpullendorf said that their colloquial language was Hungarian. The reason for this is mostly a kind of overlapping; i.e. when German was introduced both as the national and official language and as the business language, Hungarian was only used on a rather restricted level, and was mostly spoken within the family. Following the consolidation of communities (1971) – according to the former Provincial Governor Theodor Kery a “European solution” – the community of Siget (1920: 91.9% Hungarian; 1991: 83.9% bilingual) lost its political autonomy due to the fact that it was incorporated, together with the Croatian-speaking community of Spitzzicken, into the German-speaking community of Rotenturm. Unterwart (1920: 86.9% Hungarian, 1991: 81.0% bilingual) has since then formed a political unit together with the German-speaking community of Eisenzicken. In the school system after World War II, Hungarian served as a

foreign language, which was taught for 2-3 hours per week even in communities with a Hungarian majority. When the second cycle of primary schooling was abolished, pupils were assigned to secondary schools in Oberwart or Oberpullendorf, which offer(ed) instruction in Hungarian on a voluntary basis, given that Minority Schools Act for Burgenland only applied to primary schools. It is a fact, though, that persons under the age of 20, will at best understand Hungarian while they use the German language in everyday life, even within the family. The large majority of children come from mixed marriages.

With the establishment of the bilingual grammar school in Oberwart (1993) and the promulgation of the Minority Schools Act, some positive changes may be expected, provided that pupils coming from primary or secondary schools have a sufficient command of Hungarian. The ordinance on the introduction of Hungarian as a second official language (2000) may also have a favourable effect. *The fall of the Iron Curtain* (para. 1 on page 9) remains unchanged.

Vienna

The Hungarians in Vienna are a historically grown minority which has been able to regenerate itself with the help of new immigrants. Their origins can be traced back to the Middle Ages. There is evidence of a continuous presence of Hungarians since the first half of the 16th century. With the fall of Buda (1541), the Hungarian central administrative offices were transferred to Vienna, and the residence of the Habsburgs as Kings of Hungary also was regarded as a kind of Hungarian capital. In the last quarter of the 17th century, there was an increase in the number of Hungarian immigrants to Vienna, even with Hungarian guilds being founded in the city. Along with the Imperial court offices and the universities, the Hungarian guard, which was founded in 1760, played an important role. Vienna was also an important centre for the Hungarians from an intellectual and cultural point of view. (Apart from a wide variety of books, the second oldest Hungarian newspaper, *Bétsi Magyar Kurír* (1786-1834) was also published in Vienna). In the first half of the 19th century, some 15,000 Hungarians lived in Vienna. The first associations of Viennese Hungarians were founded in the 1860s, which subsequently led to the establishment of several Hungarian newspapers. Until the collapse of the Austro-Hungarian monarchy, the number of Hungarians living in Vienna rose to more than 100,000 (1910: 139,300).

Since the collapse of the Austro-Hungarian Monarchy, the demographic tendency of Hungarians in Austria is on the decline: In 1920, the number of Hungarians dwelling on the territory of the Republic (i.e. still without Burgenland) was 127,688; of these, 76,168 lived in Vienna.

As a result of repatriation and the economic breakdown, many of these moved away – some of them to the new successor states. According to the census figures of 1923, the number of Hungarians in Vienna was 10,922, and in Lower Austria 2,355. By 1934, the Viennese figure was further reduced to 9,598, to which 1,042 newly naturalised Hungarians were added, making it a total of 10,640. After the Second World War, the Hungarians were able to maintain their strength mainly on account of a number of refugee waves (above all in 1956). Among Viennese Hungarians, mixed marriages have been most common. Therefore, the majority of children are growing up in a German-speaking environment, which leads to a rapid assimilation process. This situation may only be remedied if the associations become more actively engaged in their cultural work and if, as a future objective, a bilingual school is established.

The total number of Austrians of Hungarian descent may be estimated at 30,000-50,000.

Associations

Burgenland:

The most important role as regards the preservation of the national minorities has traditionally been played by the various churches. Even though the Hungarians in the commune of (Obere) Wart were and still are highly split between the religious denominations (Roman Catholics in Oberpullendorf, Roman Catholics and Calvinists in Oberwart, Roman Catholics in Unterwart, and Lutherans in Siget), which was at times quite an obstacle to their integration as a national minority, the importance of the churches can hardly be overestimated (until 1938, there were even church-operated schools with Hungarian as a language of instruction.). *Text on p. 34 may remain unchanged.*

Vienna:

At present, there are 14 associations in Vienna, the oldest of them being the Hungarian Workers' Association (*Ungarischer Arbeiterverein*) of 1899 and the St. Stephen's Association (St. Stephansverein) of 1918. Apart from the Roman Catholic Pastoral Office and the Lutheran Pastoral Service, the Central Union of Hungarian Associations and Organisations (*Zentralverband ungarischer Vereine und Organisationen*) in Austria, which was founded in 1980, should also be mentioned. The association "Europa Club" offers a comprehensive cultural programme from the fields of literature and history. The main objective of the Peter Bornemisza Society is the preservation and promotion of literature. *The Central Union has since its beginnings endeavoured to organise the Hungarians living outside the Burgenland and to achieve their recognition as a national minority. It is the umbrella organisation of 15*

member associations (at the present time), five of which have their registered domicile in Vienna. *It has been due to the initiative and efforts of the Central Union that the Hungarians living in and around Vienna were recognised as a national minority in 1992.* The Central Union engages in a variety of activities in cooperation with its member organisations which reach beyond Vienna and Lower Austria to some of the other provinces as well. The Central Union is the owner and publisher of "Bécsi Napló", the only Austrian newspaper in the Hungarian language, and of the trilingual calendar "Örség". For 14 years, the Central Union has been operating the Vienna Hungarian School, which was attended by more than 100 students in the 1999/2000 school year. Further, the Central Union is also negotiating with the Vienna Board of Education to institute Hungarian language courses. For four years now, Hungarian is being taught as a voluntary subject in four or five primary schools of the City of Vienna within the framework of the "Hungaricum" project. In the 1999/2000 school year, more than 150 students used this opportunity. Hungarian theatre (guest performances by various Hungarian theatrical companies from Transylvania, Carpatoukaraine, Vojvodina and Slovakia) and popular science symposia are some other main elements of the activities the Central Union, with the lectures presented at these events eventually being published. In addition, there are also regular exhibitions and concerts. The Central Union possesses a library of several thousand volumes whose holdings are, however, only partly catalogued and, thus, unstructured.

As to pp. 49ff:

The Hungarian minority engages only minimally in radio and television broadcasting activities of the Austrian Broadcasting Corporation: The ORF's regional station in Burgenland broadcasts one-half hour in Hungarian once a week (on Sundays, at 7:30 p.m., when the TV stations broadcast the news programme "Zeit im Bild"), with 10 minutes statutorily being reserved for music. There is a special 30-minute programme entitled "Adj! Isten, magyarok!" ("Hello, Hungary!") on TV. This is a minimal programme without any editorial function, which only goes to show that the Hungarian language barely has any importance. The Hungarians living in the Vienna region have no broadcasting; the TV programme "Heimat, fremde Heimat" ("Home, strange home") only reports on events organised by the associations rather briefly and at random intervals. This fact amounts to an undervaluation of the Hungarian language, which definitely does not help to strengthen the national identity, especially among our young people.

Printmedia

As to p. 57:

The Hungarian minority has only one newspaper at its disposal, namely the above-mentioned publication "Bécsi Napló", which is published by the Central Union at bimonthly intervals. The periodical Örség is published as a quarterly and serves as the newsletter of the Burgenland Hungarian cultural association.

As to p. 117, para. 3:

The Hungarian minority has not yet had the opportunity to become organised as a political party. That is why the associations have an even more important role to play. Since elected representatives who are of Hungarian descent are only occasionally to be found in the regional parliaments (diets) of Burgenland or Vienna or in the national parliament, and given that they are expected to represent the interests of their respective parties, the Hungarian minority is sadly underrepresented in public life. Even the mayors of Oberpullendorf, Oberwart and Unterwart, who are members of the Hungarian minority, understandably, have put the interests of the minority behind those of the community at large, which means that one has to take into consideration, especially in Oberpullendorf and Oberwart, that the vast majority of the population are German speakers.

Vienna – Oberwart, September 2000-10-20

Ernst Kulmann
Chairman of the
Advisory Council

Ernö Deák
Deputy Chairman of the
Advisory Council

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Comments by the Czech Minority Advisory Council

In its session on 14 September 2000, the Advisory Council for the Czech Minority has made the following oral statement:

The enumeration of the Czech minority associations does not cover all organisations of the Czech minority.

The statements made in the State Report in respect of Articles 12 and 14 of the Framework Convention in the chapter "As to the situation of the Czech minority and the Slovak minority" on the "European Grammar School" in Vienna, do not have any direct connection with the Czech minority.

Due to the range of frequencies, the possibility of receiving TV programmes from the Czech Republic, referred to in respect of Article 9 of the Framework Convention in the State Report, applies only to a limited extent.