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THE PROTECTION OF NATIONAL MINORITIES**

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PART I

I.1. General Remarks

As mentioned before in the first national report submitted in 2000, Austria ratified the Framework Convention for the Protection of National Minorities on 31 March 1998, and – in accordance with its Article 1 (1), it entered into force on 1 July 1998 (Federal Law Gazette III No. 120/1998). Austria communicated the first national report on 15 November 2000. In December 2001, a delegation of the Advisory Committee visited Austria in order to meet with representatives of the federal authorities, the regional authorities, the national minorities, as well as of NGOs. The Advisory Committee accepted the review report on Austria on the occasion of its 14th session on 16 May 2002 [CM(2002)91]. The Federal Chancellery commented on the review report of the Council of Europe on 17 October 2002. On 12 June 2003, the President of the Advisory Committee communicated a catalogue of items for the national report which Austria has to submit in the second monitoring cycle. This catalogue became part of the resolution regarding Austria, which the Committee of Ministers ultimately adopted on 4 February 2004 and which was communicated to the Republic of Austria. This resolution contains both the conclusions and the recommendations of the Advisory Committee [ResCMN(2004)1].

In compliance with Article 25 (2) of the Framework Convention for the Protection of National Minorities, Austria is now submitting its second national report. The report reflects the status on 6 September 2006 and follows the recommendations of the Advisory Committee in its general structure.

The **first part** of the national report deals in detail with the questions raised by the Advisory Committee. The measures taken by Austria in order to implement the proposals for improvement by the Council of Europe, as recommended in the resolution, are explained in detail. In addition, the changes in Austrian legislation concerning national minorities are described. For the benefit of a complete overview, the new and/or the amended legal sources are attached in the Annex. These are discussed in the report.

The **second part** of the present national report is a comprehensive and updated document which highlights in detail the measures taken to protect and to promote the national minorities that live on Austrian territory. In analogy to the first national report, the second part of the present report has been structured in keeping with the individual articles of the Framework Convention. In this connection, both the current and the historical measures of Austria's policy for the national minorities are illustrated. The statutory measures are covered in this part and it contains a comprehensive presentation of the situation of the individual national minorities. It deals with economic and sociological aspects, as well as with the bilingual educational system, the state's promotion of the national minorities and the media facilities available to the national minorities.

The Federal Chancellery seized the individual National Minority Advisory Councils with the draft of the second national report and gave them the opportunity to comment on it in writing. The statement of the Slovene minority is attached in the annex; the wishes of the other National Minority Advisory Councils were integrated into the present report. An updated summary of the research projects, publications and exhibitions on topics that are specific of the national minorities round off the present report.

The Republic of Austria welcomes the comprehensive review and monitoring activities regarding the implementing measures for the Framework Convention on the part of the Council of Europe. The Republic of Austria continues to be committed to an intensive and open dialogue concerning issues of the national minorities and thanks the Advisory Committee, as well as the Committee of Ministers for their constructive cooperation.

The Framework Convention for the Protection of National Minorities is an instrument that is excellently suited to do justice to the efforts of national minorities in Europe to obtain recognition, as well as to implement their rights.

In its resolution of 4 February 2004, the Council of Europe acknowledged the efforts of Austria with a view to protecting the national minorities living on Austrian territory and pointed out that legislation for the national minorities has been improved, as well as Austria's school and media policies. In the further course of the report, specific issues and suggestions for improvement will be discussed in detail.

It should also be mentioned that the so-called "Three Wise Men" drew up a report, which the President of the European Court of Human Rights had commissioned. It dealt in detail with the "steps taken by the Austrian government in favor of the common European values, especially the rights of minorities, refugees and immigrants". In their conclusions regarding the rights of national minorities, the authors (Martti Ahtisaari, Jochen Frowein and Marcelino Oreja) arrive at the following result:

"Austria's legal system has established special protective measures for the minorities living in Austria. This protection has constitutional standing. The protection of national minorities, afforded to the national minorities living in Austria by the Austrian legal system, surpasses that afforded by many other European states."

Special attention was paid to the policy clause in the Austrian federal constitution which entered into force on 1 August 2000. After all, it took account of one of the key demands by the Austrian national minorities, namely "that a policy clause with constitutional standing be adopted, which shall comprise a commitment of the Republic of Austria regarding its cultural, linguistic and ethnic diversity, as it has developed in the course of history". This was achieved by the following paragraph 2 of Article 8 of the Federal Constitution Act:

"The Republic (federal, regional and local authorities) is committed to its linguistic and cultural diversity, as it has developed in the course of history, which finds expression in its autochthonous national minorities. The language, and culture, the existence and maintenance of these national minorities shall be respected, secured and promoted."

"A special obligation under constitutional law became part of Austria's constitutional law with this amendment of the constitution, namely to promote the existence and the activities of the national minorities", this is the evaluation given by the "Three Wise Men" in their report.

The following chapter deals with the subjects mentioned by the Council of Europe in its resolution of 4 February 2004.

I.2. Comments on the Questions and the Resolution of the Council of Europe

With the fall of the "Iron Curtain", as well as with the EU accession of Hungary, Slovenia, the Czech Republic and Slovakia the prestige of the languages of the national minorities has increased as much as their functionality. A growing number of trans-frontier activities, exchange programs and mutual visits are of special benefit for the members of the national minorities, as they are able to cultivate their linguistic and cultural identity through contacts with members of their language group abroad.

Of course, this also applies to the **Slovene national minority** in Styria. The following can be reported in connection with the resolution of the Council of Europe regarding the presence in the media and the participation of Styrian Slovenes in public life:

By way of a decree of the Federal Government dated 16 December 2003, the Advisory Council for the Slovene Minority was constituted for a new term of office. In this connection, a representative of the Styrian Slovenes was appointed as a member of this advisory council for the first time.

The activities of the Slovene minority in Styria receive regular financial support from the budget of the Federal Chancellery earmarked for the promotion of national minorities. With the "*Artikel-VII-Kulturverein für Steiermark*" (Article VII Cultural Association for Styria) Slovenes in Styria also have found a platform which contributes essentially towards securing the identity of the national minority and which also represents Styrian Slovenes (e.g. vis-à-vis the public and the political bodies). The association engages equally in activities for the minorities, science and the arts. The "Pavel House" at Bad Radkersburg has become a place of encounter, which offers premises for exhibitions and activities. Both the operating costs of Pavel House and the staff costs for the managing director of the "*Artikel-VII-Kulturverein*" are promoted from the budget of the Federal Chancellery that is available to promote the national minorities. As a result, the association also has the capacities needed to implement its projects (e.g. creating awareness among the general public, activities to highlight the special situation of the population along the border). Other supporting measures are the publication of the bilingual information bulletin "Signal", as well as other, partly multilingual publications and events of the association. Since 1 May 2004 the revised exhibition on the subject of "Styrian Slovenes – From the Historical to the Political Aspect" can also be visited at Pavel House. The subjects covered by the exhibition were broadened to include core themes such as "The German-speaking population of the Abstell Region" and "The Roma Population at Cankova". The exhibition offers an overview of the multitude of identities in the region – a patchwork of minorities.

As far as the Slovene-language broadcasts available on television are concerned, Slovenes in Styria can receive the Slovene-language TV magazine "Dober dan, Koroška", broadcast by the Regional Studio for Carinthia, which is re-broadcast throughout Austria and also transmitted in digital form via the ORF (Austrian Broadcasting Corporation). It is also available on the Internet and can be downloaded. In general, all television broadcasts produced for the national minorities by the regional television stations in Carinthia and Burgenland are available on the Internet and can be received in digital form throughout Austria via the ORF. All programs for the national minorities that are broadcast by Radio Burgenland, Radio Carinthia, Radio "Dva-Agora", Radio Vienna and Radio 1476 can be accessed from the Internet via Live-Stream.

In addition, two public Slovene stations (RTV 1 and RTV 2) can also be received throughout the entire southern Styrian region. These are very popular with the Slovene minority, as they also broadcast reports about the region along the border.

Acquiring language skills is, of course, key to maintaining the identity and culture of a national minority. Especially in the case of the Slovene population in Styria, the educational activities creating identity are of particular importance. It is for this reason that special attention has been paid for some time to expanding the teaching of the Slovene language in southern Styria.

At present, classroom teaching in Slovene is being offered in Styria by the general compulsory schools in the three southern school districts of Styria, i.e. in the districts of Deutschlandsberg, Leibnitz and Bad Radkersburg. For many years, the primary school at Eibiswald in the school district of Deutschlandsberg has been successful in offering courses in the Slovene languages as optional exercise. In the 2005/06 school year, 14 pupils attended these courses. In the school district of Leibnitz, the primary school at Arnfels and the primary school at Ratsch offer courses in Slovene as optional exercises, which were attended by a total of 19 pupils during the 2005/06 school year. At the lower-level secondary school at Arnfels (*Hauptschule/Realschule*), a language course in Slovene is offered as an optional compulsory subject, for which 77 pupils enrolled during the 2005/06 school year.

During the 2005/06 school year courses in Slovene were offered as an optional exercise in the school district of Bad Radkersburg. The Slovene courses were attended by 14 pupils at the primary school at Bad Radkersburg, by 26 pupils at the lower-level secondary school at Bad Radkersburg, by 31 pupils at the primary school at Mureck, and by 9 pupils at the lower-level secondary schools of Mureck and Straden. As compared to the 2004/05 school year, the number of pupils has increased. It is the wish of the Slovene population in Styria that the teaching of the Slovene language should be further expanded in the future and that, consequently, a still increasing number of children and young persons will avail themselves of the language courses offered.

Concerning the wish of the national minority to have an inter-cultural, bilingual nursery school in the region along the border, the Federal Chancellery welcomes the setting up of such a private facility, and federal funds could well be made available from the budget available for the promotion of the national minorities.

However, before setting up such a private nursery school, one would have to establish the demand for it. After all, according to the language census taken in the fall of 2004, only four children in the district of Bad Radkersburg and another eight children, who are raised bilingually (German/Slovene) in the district of Leibnitz attended public nursery schools during the 2004/05 nursery school- year. This is the reason why, to this date, no expressly bilingual nursery schools and/or nursery-school groups are being run, at which a mother-tongue Slovene-speaking nursery-school teacher is employed in addition to the German-speaking nursery-school teacher. However, there is a partnership between the municipal nursery school at Bad Radkersburg and the nursery school at Gornja Radgona (Slovenia). In the course of this partnership, joint projects are being implemented and/or small groups of one nursery school spend some time, at regular intervals, at the respectively other nursery school.

As far as the **media sector of the national minorities** in Austria is concerned, several changes have occurred since the first national report was prepared. Both with regard to the

print media and the radio, as well as the television coverage, new features have been introduced.

With the Press Promotion Act of 2004 (Federal Law Gazette I No. 136/2003), access to press promotion has been made easier for members of the national minorities. Whereas weekly newspapers must have a minimum number of 5,000 copies and must employ a minimum of two full-time journalists in order to receive funds from the promotion budget, these requirements do not apply to weekly newspapers published in the language of a national minority.

The new Austrian Broadcasting Corporation (ORF) Act (Federal Law Gazette I No. 83/2001), which entered into force on 1 January 2002, now obliges the Austrian Broadcasting Corporation (ORF) to broadcast an appropriate portion of its programs in the languages of the national minorities. The broadcasting times for these programs are laid down every year, after hearing a council of the broadcasting audience, which also includes a representative of the national minorities. In addition, the amendment of the ORF law also facilitated cooperation between the ORF and private radio stations. This new cooperation has a different format, depending on the individual federal provinces. In general, the new law resulted in a change of the programs offered, which is in favor of the languages of the national minorities.

In its radio and television programs, as well as on the Internet and on the Teletext programs, the ORF offers a wide range of broadcasts for the members of the six national minorities that have a national-minority advisory council. In recent years, the programs offered by the ORF to Austria's national minorities have been expanded continuously. The programs broadcast are in the languages of the national minorities, on the one hand, and comprise German-language programs, on the other hand, which are meant to familiarize the German-speaking majority with topics relating to the national minorities. Furthermore, the ORF stages activities in favor of the national minorities on an ongoing basis in the form of numerous off-air activities.

Since cooperation between the ORF and AKO Lokalradio GmbH began on 21 March 2004, in the course of which the ORF produces eight hours of programs every day in the Slovene language and broadcasts them on "Radio DVA-AGORA", the programs offered by the ORF to this national minority have been expanded considerably. This is the continuation of a series of expansion measures which the ORF took in recent years in the framework of its broadcasts for the national minorities.

In addition to the radio and television broadcasts on topical issues, which the regional stations in Burgenland and Carinthia produce for the national minorities and which have been available on the Internet since 2000 as real-audio and/or real-video broadcasts for downloading, the information broadcasts of the Regional Studio Carinthia have been offered as real-audio broadcasts for downloading on "Radio DVA-AGORA". Moreover, all regional ORF radio stations, as well as Radio 1476 – and thus all programs for national minorities broadcast by Radio Burgenland, Radio Carinthia, Radio Vienna and Radio 1476 – are now also available via Live-Stream on the Internet.

All programs broadcast for the national minorities by Radio Burgenland, Radio Carinthia, Radio Vienna, as well as ORF 2 (including the local program slots in Burgenland and Carinthia, as well as the Teletext programs) can now be received in digital form via the ORF, as a result of which also those members of the national minorities who live outside the respective autochthonous settlement areas can also rely on being provided with the programs.

In connection with the media activities available for the Czech, the Slovak and the Hungarian minority are concerned, to which reference is made in the resolution, Radio 1476 – the medium-wave program of the ORF – plays a major role. This radio station introduced broadcasts in the Slovak, Czech and Hungarian languages, as well as in Romany in recent years. In addition, news and magazine programs are broadcast in the Burgenland-Croat language. The programs available for the national minorities in Burgenland are supplemented by a three-language magazine on Burgenland-Croat and Hungarian subjects, as well as by features in the Romany language.

The special Internet platform of the ORF <http://volkgruppen.ORF.at> also offers the national minorities a number of services in German and their respective mother tongue, as well as information of relevance to the national minorities, which contribute towards maintaining and stimulating the languages and cultures of the autochthonous national minorities. The subjects (news, available services, etc.) are dealt with in the Slovene, Burgenland-Croat and Hungarian languages, as well as in the Slovak, Czech and Romany languages.

With reference to the Framework Convention, the comprehensive program provided by the ORF, as well as by private radio stations is discussed in detail under Article 9.

With the ordinance on official languages regarding the Hungarian minority, which entered into force on 1 October 2000, it was stated clearly that **Hungarian** can be used as **an official language** both before the district administrative authorities and the local courts of Oberpullendorf and Oberwart, as well as before the authorities of the communities of Oberpullendorf, Oberwart, Rotenturm an der Pinka and Unterwart. In addition, Hungarian is also an official language before the Office of the Regional Government of Burgenland, the regional court of Eisenstadt, as well as other regional federal authorities such as, for example, the tax offices.

It can be stated, in general, that the official language is accepted more in oral communication with the authorities than in written proceedings. The practical objective for administrative proceedings in bilingual administrative districts is to assign staff members who are familiar with the respective language of a national minority which avoids the recruitment of interpreters to a large extent, which would otherwise lead to unnecessary delays.

For the sake of illustration, the staff situation is shown below, by way of example, regarding the local courts in the bilingual areas (the figures date back to the year 2004):

Number of staff members familiar with the Slovene language:

Local Court Bleiburg: 3 persons, including the president of the local court and the director of the court office.

Local court Eisenkappel: 4 persons, including the president of the local court and the director of the court office.

Local court Ferlach: 5 persons, including the president of the local court, one more judge and the director of the court office.

Number of staff members familiar with the Hungarian language:

Local Court Oberwart: 7 persons, including 3 judges of the local court.

Number of staff members familiar with the Croat language:

Local Court Oberwart: 1 Rechtspfleger (higher-level court clerk).

Regional Court Eisenstadt: 4 persons, including 2 judges of the regional court.

Statistics, again from the year 2004, on the application of provisions of the National Minorities Act and the ordinance on official languages reveals the following picture, by way of example, for the Slovene language:

During the period under review, the Regional Court Klagenfurt did not conduct a single case in the Slovene language. This is in line with the situation in earlier years. It was only in the year 2002 that one case (criminal-law case regarding the media) was conducted in the Slovene language.

The local courts at Bleiburg, Eisenkappel and Ferlach handled a total of 100 cases in which the proceedings and interrogations were conducted – sometimes completely – in the Slovene language, or in which actions were filed and motions were submitted in the Slovene language. Moreover, legal advice was given in the Slovene language – especially on the court days of the Local Court Eisenkappel and the Local Court Ferlach.

When comparing the number of cases with the figures for 2003, one will notice a slight increase in the number of proceedings before the Local Court Bleiburg (+4), as well as the Local Court Ferlach (+10), as well as a slight decline in the number of cases before the Local Court Eisenkappel (-3). The total number of all cases continued to rise, as compared to the year before. The strong downward trend of earlier years appears to have been stopped for the time being (total number of cases in the year 2000: 158; 2001: 83; 2002: 69; 2003: 89; 2004: 100).

In its resolution, the Council of Europe identified the situation regarding **topographical indications and signs** in the bilingual area of the federal province of Carinthia as one of the problem areas.

The so-called Carinthian municipal signs issue has its origins in Article 7 item 3 of the State Treaty of Vienna, which stipulates as follows:

“In the administrative and court districts of Carinthia, Burgenland and Styria with a Slovene, Croat or mixed population [...], the indications and signs of a topographical nature will be drawn up in both, i.e. the Slovene or Croatian language and in the German language.”

Since 1955 several attempts were made to put this relatively undefined mandate, resulting from the State Treaty of Vienna, into concrete terms and to instill it with life. A first attempt was the Municipal Signs Act of 1972 which, however, led to the so-called attack on municipal signs (*Ortstafelsturm*), as it lacked a broad consensus. In 1976, lengthy preparatory work resulted in agreement on the National Minorities Act. The threshold value of 25% (share of the minority population), stipulated there as a prerequisite for placing bilingual topographical signs, was ultimately lifted by the Constitutional Court in December 2001 in its first decision on municipal signs.

In reaction to that decision, the Federal Chancellor set up the “consensus conference”, in the course of which representatives from federal and regional political life, as well as from the Slovene population in Carinthia and the Carinthian homeland associations (*Heimatverbände*) were asked repeatedly to sit down at the negotiating table in order to work on a solution that would find the broadest possible acceptance. In addition, the Federal Chancellor invited the mayors affected by the municipal sign issue to the Federal Chancellery in order to discuss the issue with them.

In June of this year, it was possible to reach a compromise, at last, which was the result of intensive deliberations and negotiations. Quite rightly, it was regarded as a historic compromise. The solution obtained consists of two elements:

1. A new ordinance on topographical signs and indications for Carinthia which provides that topographical signs and indications shall be affixed in two languages in a total of 141 Carinthian municipalities according to a multi-stage time schedule (until the end of the year 2009).
2. A constitutional provision that underpins the compromise. The 15/10 model, a guarantee for continuity, a multi-stage time schedule and the often discussed clause on extending the scope of the provision are the main core elements of this provision.

As a result, a solution was put on the table that takes account of the justified concerns of the Slovene minority in Carinthia and complies with the State Treaty of Vienna, but also does not put too much strain on the German-speaking majority population in the municipalities concerned.

The new ordinance on topographical signs and indications for Carinthia was adopted by the Federal Government on 17 July 2006 (Federal law Gazette II 2006/263). However, § 6 (1) will only “enter into force at a point in time to be determined by a law with constitutional standing”.

In other words, it was unfortunately not possible this time – in spite of all efforts – to implement this solution by means of a law having constitutional standing. The Federal Chancellery regrets this fact and hopes that it will soon be possible to overcome the differences in positions that have surfaced.

Several innovations were introduced with regard to **education** – an area which the Council of Europe also addressed. All details, as well as up-to-date figures regarding Austria’s school system for the minorities are presented in detail in Part II of the national report. The following can be underlined, though, in connection with the specific points raised by the Council of Europe:

For the Czech minority living in Vienna there is the Komensky School, which has been set up as a private school. It offers one continuous study course from the nursery school to the upper-level secondary school-leaving examination (*Matura*). This school is run by the “Schulverein Komensky” (Komensky School Association), which receives substantial grants from public funds. There is very much demand for this school. In the 2005/2006 school year, a total of 380 children and juveniles attended the private bilingual educational facility. On account of the growing demand, the school association is being increasingly faced with problems regarding space. With oral financing commitments by the City of Vienna and the

Ministry of Education as a basis, refurbishing and expansion work was begun at a second school site in the summer of 2006. The Federal Chancellery also supports the Komensky School Association with funds from the budget available for the promotion of national minorities. As early as at the start of the school year beginning in September 2006 new premises can be used on a provisional basis, which makes it possible to admit new pupils and nursery-school children. During the 2007/2008 school year, it might actually be possible to reach the figure of 500 for children and juveniles at this school.

Instruction in the Slovak language is offered at the Komensky School and at several schools in Vienna in the form of “mother-tongue classes”. At the “European Middle School” (*Europäische Mittelschule*) the Slovak language is taught as a foreign language, in addition to Czech and Hungarian.

Instruction in the Hungarian language is offered by the organizations of the national minorities, as “mother-tongue classes” at public schools, but also by commercial providers. Adult-education facilities (*Volkshochschulen*) offer a large number of language courses, including also the languages of the national minorities.

The Croat, Hungarian, Slovak and Czech languages are also offered as living foreign languages in courses run for several schools (mostly as optional compulsory subjects or optional subjects). These language courses are primarily offered to the children of migrants and not primarily to members of the national minorities. Schools in Vienna also engage in school partnerships with Czech, Slovak and Hungarian schools.

In addition, Hungarian and Czech are also taught at a federal commercial college (*Bundeshandelsakademie*), and Hungarian is also taught at a higher educational institute for business occupations (*Höhere Lehranstalt für wirtschaftliche Berufe*).

More details on the different types of schools and the language courses offered in Vienna can be found in Part II of the national report (Article 12 and Article 14 of the Framework Convention).

Bilingual classes in Carinthia and Burgenland are governed by the school acts for the national minorities. The number of pupils attending bilingual school classes has been stable or is increasing (in relative terms). A closer look reveals, however, that children have decreasing language competencies when they are admitted to school. The reason for that is not only the fact that the minority languages are spoken increasingly less in the families of the national minorities, but also that many monolingual parents decide to benefit from the bilingual education available to their children. The latter is to be welcomed for the sake of integration and the acceptance of the national minorities by society.

The following can be stated in connection with the transition from bilingual primary schools to secondary school-level I in Carinthia – an issue that was addressed in the resolution:

Within the scope of application of the Minorities School Act for Carinthia (and beyond, in case of a sustainable demand), the persons responsible for a child’s education are given the possibility to register their children for bilingual classes (primary school) or to classes in the Slovene language (as of secondary school-level I). The knowledge of the Slovene language, acquired while attending compulsory school, can be extended and deepened by continuing to attend a great many general and vocational schools at the middle and higher level.

Article 7 item 2 of the State Treaty of Vienna provides that the Slovene minority shall have “a proportionate number of middle-level schools of its own”. As a result, the federal upper-level secondary school (*Bundesgymnasium*), which now also offers technical subjects (*Bundesrealgymnasium*) was set up for the Slovene population in Klagenfurt in 1957. There, classes are taught in the Slovene language. In the early nineties, a bilingual commercial college (*Handelsakademie*) was set up in Klagenfurt. Furthermore, a bilingual private educational institute for business occupations can be found in the Rosental valley.

During the 2005/2006 school year, a total of 3734 pupils attended bilingual classes and/or classes teaching the Slovene language. Of these, 1984 pupils went to a bilingual primary school and 37 pupils attended Slovene courses as an optional exercise at primary school. Another 339 pupils were taught Slovene at a lower-level secondary school (*Hauptschule*), of which 122 pupils had registered in accordance with the school act for national minorities. Of these 53 attended Slovene courses as a living foreign language, and 164 pupils at lower-level secondary schools chose Slovene as an optional subject. The bilingual federal upper-level secondary school (*Bundesgymnasium* and *Bundesrealgymnasium*) for the Slovene population was attended by 541 pupils. 141 attended the bilingual federal commercial college, and 134 went to the bilingual higher educational institute for business occupations and/or the special commercial school.

The individual national minorities and the public sector paid special attention to extending the available nursery schools, at which young children can be taught in the two languages. The question as to legal form and ownership of the respective nursery school was of secondary importance in the implementation of this matter. Improving the legal and financial framework conditions was in the foreground of all efforts.

Two specific improvements over the status reported in the last national report can be mentioned in connection with pre-school education for the national minorities: The Nursery School Funds Act for Carinthia of 12 July 2001 has made it possible to obtain financial grants for bilingual or multilingual private nursery schools in the settlement area of the Slovene minority in Carinthia. In addition, it also contains quality-assurance measures for the bilingual education. In addition to the private nursery schools available in Carinthia, there are also bilingual groups in public nursery schools. In Burgenland, all of the bilingual pre-school education is provided by municipal nursery schools, so that there was no need to set up private bilingual nursery schools. With the amendment of the Nursery-School Act for Burgenland of 8 July 2005, the use of the Burgenland-Croat and/or the Hungarian language(s) was expanded in the bilingual nursery schools from a minimum of nine to twelve hours per week.

The **national minority of the Roma** holds a special position in several respects. First of all, it is significant that this population segment was considerably reduced in numbers, on account of persecution during the National Socialist period. This persecution also led to a major break in the linguistic and cultural tradition. One continues to read reports about discrimination which is often mutually linked to insufficient education or poor integration into the labor market. As a result, major efforts are being undertaken by Austria in order to promote success at school, as well as the integration of Roma children and/or Roma juveniles into the labor market.

In October 2005 it was decided that EUR 1.1 million (spread out over 10 years) from the Reconciliation Fund should be used for the Roma minority, as well as to earmark these funds for activities with young people and for the education sector of the Roma population.

The National Minorities School Act for Burgenland of 1994 (Federal Law Gazette No. 641/1994), as well as the corresponding implementing laws in the federal province of Burgenland stipulate that there is a title to being taught in Romany if there is demand for it. On account of the fact that the Romany language became a written language at a very late point in time, this right can be implemented only in steps. The language of the Burgenland Roma is a language with an oral tradition and therefore had no written records. In the course of a project by a scientist at the Institute for Linguistics of the University of Graz, in cooperation with the Roma Association at Oberwart, work began some ten years ago on creating and codifying a written Romany language, as well as on establishing the didactics for this language. With this Romany project of the University of Graz the main varieties of the Romany language spoken in Austria were identified and processed scientifically, as well as written down for the first time. As a result of this work, newspapers of Roma associations can be published in two languages, bilingual collections of Roma stories and teaching games can be produced, and courses in Romany can be offered at Oberwart and Unterwart, for which curricula and teaching materials can be prepared. Ongoing scientific support is required in order to publish the bilingual newspapers of the Roma associations and to prepare the teaching of the Romany language. The “RomBus” of the association called Roma Service tours the region to support Roma children in Burgenland in their learning efforts, but also serves to provide public relations work.

During the 2005/2006 school year, Romany was taught at the following locations:

Primary School Oberwart	5 pupils
Primary School Unterwart	4 pupils
Lower-Level Secondary School Oberwart	9 pupils
Upper-Level Secondary School Oberwart	9 pupils

During the 2006/2007 school year, the possibility of attending a course in Romany will also be offered at the lower-level secondary school at Stegersbach.

At the event “Roma and Education” in April 2005 it was shown that extra-mural learning assistance helps considerably to keep the number of Roma pupils in special schools at a very low level. During the 2005/2006 school year, five Roma children had been assigned to attend class at special schools.

In the framework of the assistance provided by schools to pupils with learning deficits and/or exceptional conduct, Roma children can avail themselves of the same opportunities and possibilities as they are available to all other children at school. These range from assistance by a school psychologist to measures achieving a better integration into the class at school. No answer can be given regarding the number of Roma children who receive support and assistance, as schools do not record affiliation with a national minority.

The Roma living in Vienna also receive special support. Beginning with the 2004/2005 school year, two teachers have been assigned to teach classes in Romany in their mother tongue at primary schools.

In addition, the association Romano Centro received annual financial support from the Vienna Integration Fund for its projects. This included the project “Roma-Assistenz” (Roma Assistance), inter alia, which served the goal of improving communication between Roma children, the school and the family. Roma assistants were employed in three compulsory

schools in Vienna. Moreover, the Romano Centro supported the financing of private coaches for Roma children, as part of the project “Lernhilfe” (Assistance for Learning). The municipal authorities of the City of Vienna also supported the association Romano Centro in the year 2005 to provide measures to learn languages (e.g. German courses).

The “Initiative THARA Haus” is a cooperation project between Romany and non-Romany organizations which is promoted with money from the Federal Ministry of the Economy and Labor, the City of Vienna and the European Social Fund. “THARA Haus” has set itself the goal of helping Roma juveniles to become integrated into the labor market. A good education and training are important requirements for young people. In consequence, in cooperation with “polycollege Stöbergasse” in Vienna, an extra-mural study course is offered, especially for young people from the Roma and Sinti population, so that they succeed in obtaining the school-leaving examination from lower-level secondary schools. Parallel to these efforts, these young people receive coaching and support in their studies at the THARA Haus, which is free of charge. A whole range of options is available to help the young Roma population to finish school successfully and, thus, to have also better opportunities on the labor market.

Furthermore, the Labor Market Service promotes a labor-market assistant who is employed by the Roma Association in Burgenland, whose primary task is to focus on advising members of the Roma minority on occupations and educational possibilities. The goal of this counseling service is to support policies for the integration of the Roma population into the labor market, especially those living in southern Burgenland.

The labor market project “Mri buti”, which originally began as an EU project under the “equal” program, is now being continued with domestic financing. This project offers jobs on an hourly or daily basis and also takes account of the current performance potential and readiness of a population segment that often encounters difficulties on the labor market.

PART II

II.1. The Situation of the National Minorities in Austria

Austria regards the diversity of its population, of which the national minorities form a part, as enriching for society as a whole.

§ 1 (2) of the National Minorities Act defines national minorities “as the groups of Austrian citizens with another language than German as a mother tongue and their own folklore tradition who live on and are natives of parts of the federal territory”.

The law does not stipulate in detail which groups meet these requirements and are thus regarded as national minorities. However, the Ordinance on the National Minority Advisory Councils specifies them, as it regulates the establishment of national minority advisory councils for the following minority groups:

- the Burgenland-Croat minority
- the Slovene minority
- the Hungarian minority
- the Czech minority
- the Slovak minority
- the Roma minority

In the meantime, the expression “*Volksgruppe*” (= “population segment” → national minority) has become largely accepted and can also be frequently found in international contexts. It was chosen in 1976 mainly because of the reason that an often discriminating shade of meaning was to be avoided that attaches to the expression “*Minderheit*” (= minority), which was commonly used up to that time. Although the State Treaty of St. Germain, State Law Gazette No. 303/1920 (Article 62 and following) and the State Treaty re-establishing an independent and democratic Austria, Federal Law Gazette No. 152/1955 (Article 7, State Treaty of Vienna) introduced and/or used repeatedly that concept, the present report uses the term “*Volksgruppe*” (in the German version), which is in line with Austrian legal terminology. Of course, replacing an expression that appears to be outdated, by a modern, more common expression does not change any of the aforementioned obligations of Austria under international law.

The National Minorities Act only applies to the autochthonous minorities. As was mentioned before, the Slovene minority in Carinthia and Styria, the Croat minority in Burgenland and in Vienna, the Czech minority and the Slovak minority in Vienna, as well as the national minority of the Roma in Burgenland have been accepted as national minorities, as defined by the National Minorities Act.

According to the provisions of the National Minorities Act, in connection with the ordinances on their implementation, indications and signs of a topographical nature, which are put up by public authorities, must be produced in two languages in certain areas. In addition, people are entitled to use the language of their national minority as an official language before certain authorities and service units. Moreover, the National Minorities Act stipulates that national minority advisory councils shall be set up and that the national minorities shall be promoted. With regard to the Slovene minority in Carinthia and Styria and the Croat minority in

Burgenland, the right to bilingual school classes, official language and bilingual topographical indications has also been laid down in Article 7 of the State Treaty of Vienna.

Most autochthonous national minorities and/or their members have become very well integrated into the majority population. However, the national minorities that are traditionally native to Austria are faced with the problems of a shrinking number of members, as well as over-ageing. The trend towards assimilation is reinforced by the following circumstances: the small size of the national minorities in terms of absolute numbers; the fact that they partly live in scattered settlement areas; the decrease in agrarian lifestyle and thus the increase in mobility and a mostly German-speaking working environment; mixed marriages. Austria therefore supports the national minorities in their efforts to maintain their cultures and languages by means of promotional measures in the field of the minority languages, minority cultures and national minority media, as well as by improving the bilingual educational system. In addition, the achievements of the churches (led by the Catholic church, and in case of the Hungarian minority also the Protestant Church AB = Augsburg denomination and HB = Helvetian denomination) are of great historical and current importance in connection with maintaining and strengthening the national minorities.

The structures of the national minorities are mainly supported by the organizations of the national minorities, which were formed on the basis of the statutory regulations for associations. The organizations of the national minorities are associations which serve to maintain and secure the respective national minority, its special customs and folklore, as well as its special characteristics and rights. Foundations and funds under private law, which serve this purpose, are also organizations of the national minorities. In practice, though, they hardly play any role. Organizations of the national minorities are eligible to receive money from the budget earmarked to promote the national minorities. To the extent that projects are promoted that are specific of a national minority, the organizations of the national minorities are on the same level as the religions and religious denominations (see § 9 of the National Minorities Act).

II.1.1. The History of the National Minorities

The Croat minority in Burgenland

More than 450 years ago, Croats settled in what was then Western Hungary (and today comprises the Burgenland, the border region of Western Hungary, parts of Lower Austria, Slovakia and the Czech Republic). After 1848 the development of a Croat sense of identity became apparent. The fact that many people in Burgenland commute to Vienna every day or every week, a development which started as early as between the two World Wars, and the increasing exodus from these areas have encouraged assimilation tendencies among many Croats. In order to counteract the danger of losing their identity in a city as big as Vienna, the "Croatian-Burgenland Cultural Association in Vienna" (*Kroatisch-Burgenländischer Kulturverein in Wien*) was established in 1934, and - like the Vienna-based "Croatian Club of University Graduates" (*Kroatischer Akademikerklub*) - has succeeded in increasing its influence in the last few decades, as it was given a say in matters concerning the Burgenland Croats. It was at a very early stage that the Croats embarked on the road to integration and did so in every respect, be it in the social, economic, professional or political field. This enabled them to implement many measures required for maintaining and cultivating their language and culture. Since the seventies, a growing number of Croats, in particular young students, have become aware of their own identity, and since the eighties, this has gradually and

considerably improved their linguistic and cultural situation and has led to a strengthening of the Croat identity.

The Ordinance of the Federal Government on the National Minority Advisory Councils, Federal Law Gazette No. 38/1977, is the first mention of the national minorities living in Austria. Accordingly, the Minority School Act for Burgenland speaks of the “Croat” language, for example. The government bill for a national minorities act emphasizes “that the expression ‘language of a national minority’ ... must always be understood to mean the language actually spoken by the national minorities in Austria. So, this means, for example, Burgenland-Croat, but not the Croatian language in general.” The present national report should also be understood with this definition.

Today, Burgenland Croats live in about 50 municipalities in Burgenland. The settlements are scattered as language islands all over the entire federal province. There is no closed settlement area. In addition, Burgenland Croats live in Vienna.

Approximately 10 years ago, numerous scientific investigations were made on the situation of the Burgenland Croats (see Article 12). The most important results of these studies were:

- In their age structure, the Burgenland Croats are clearly older than the rest of the population (on average by 8 years) – the reason is mainly that the younger generation no longer learns the Croat language.
- For the Burgenland Croats the most important characteristic of their identity is the language.
- The younger the interviewees, the stronger the appreciation for bilingualism and thus of the Croat language.
- In the course of the last three generations, a dramatic loss of language competence within the family has appeared – only 27% of the parents who themselves were raised bilingually use the Croat language when speaking to their own children.
- Croats have an extremely strong “need for harmony” and – with an overwhelming majority (82%) – consider their relations to the rest of the population as “without any problems and harmonious”.
- Opinions about the effect of municipal signs on the national minority are divided: 47% think that they are “important”, as the identity of the Croats would otherwise not be acknowledged; 46% think that this is not the case.
- The experience in life with being bilingual is positive – 48% of the commuters indicate that their bilingualism has helped them in their occupational career; only 2% think that it was an obstacle. 50% state that their bilingualism had “no influence”.
- Almost two thirds think that “it is once again modern to use the Croat language when speaking to their children”.
- About one fifth of the Croats think that “the Croat language is a language for old people” – this opinion is particularly widespread in the south of the country.
- The view is widespread that bilingual children have fewer difficulties in learning at school – 68% of the Croat population shares this view.
- 50% of the interviewees wish that their own children be taught in Croatian.

The Slovene minority

Around 1,400 years ago, the first Slovenes (the Slovenes of the Alps) settled, inter alia, in the regions of Carinthia and Styria; however, as a result of the immigration and settlement of farmers from Bavaria and Franconia, which was supported from the 9th century onwards by

East Franconian rulers, more and more Slovenes had to retreat to south and south-east Carinthia and to the lower part of Styria in the Middle Ages, in the course of mutual assimilation processes.

In the 15th century, a language boundary was thus established in Carinthia running along the line of Hermagor – Villach – Maria Saal – Diex – Lavamünd; it largely remained in place until the mid-19th century.

The nationalist tendencies, which in the mid-19th century also became apparent in Carinthia, created the basis for ethnic-motivated conflicts. Apart from ethnic differences, there were also ideological ones; while the Slovenes found strong support in the Roman-Catholic Church, the Germans considered liberal ideas to be of central importance. The development of tourism, industry and trade in the second half of the 19th century fostered the use of the German language and enhanced the assimilation process. Closer contacts between the Slovenes in Carinthia and Slovenes in Carniola and other crown lands also contributed to an increased ethno-political segregation. With the breakdown of the Austro-Hungarian Empire, the question of assigning nationality and of re-defining the boundaries of Carinthia became topical issues. The Treaty of Saint-Germain stipulated that two Carinthian regions settled exclusively (Seeland) or largely (Mieß Valley) by Slovenes, be ceded to Yugoslavia, on the one hand; it also called for a plebiscite be held for determining the most important issue, namely whether South Carinthia should be part of Austria or Yugoslavia, on the other hand. The result of the plebiscite held on 10 October 1920, showed a 59% vote for Austria, meaning that the territorial unity of Carinthia was essentially preserved. Prior to the plebiscite, the Provisional Regional Assembly of Carinthia, in a resolution adopted on 28 September 1920, had appealed to the Carinthian Slovenes, *inter alia*, committing itself to "maintaining the linguistic and national identity of the fellow Slovene fellow nationals at all times, as well as showing the same care in promoting their intellectual and economic prosperity as for the country's German inhabitants". According to estimates, approximately 12,000 Slovenes voted for Austria in the plebiscite.

In consequence, Austria's minority policy focused on Slovene issues in Carinthia, apart from issues of the Czech population in Vienna. Complaints were also submitted to the League of Nations. Several years of negotiations in the second half of the 1920s, which were aimed at creating a cultural autonomy for the Carinthian Slovenes, which implied, *inter alia*, a declaration of one's affiliation to the "Slovene community" (as a "community of a public-law nature") through an entry into the "Book of the Slovene People" (*slowenisches Volksbuch*), did not bring any positive results. During the Nazi period, the Slovenes were persecuted, and from 1942 onwards many were forced to re-locate.

During the post-war period, a broad ideological and political gap within the national minority soon became apparent, which was due, *inter alia*, to the conflict between Catholicism and Communism and to the territorial claims that were repeatedly raised by Yugoslavia in respect of southern Carinthia until 1949, whereby the existence of the Slovene minority was used as a justification. The latter issue was not finally resolved until the State Treaty of 1955. Efforts aimed at implementing and extending the rights of minorities and their protection, as enshrined in Article 7 of the State Treaty of 1955, as well as a modern interpretation of this provision have frequently been a topic on the political agenda. Although it clearly emanates from the wording of the Treaty that these rights do not only relate to the Slovenes in Carinthia but to "the Slovene and Croat minorities in Carinthia, Burgenland and Styria", disputes of a more spectacular nature have so far been confined to the Carinthian region. Here, one should mention, in particular, the school strike of 1958 against the hitherto - since 1945 - compulsory

bilingual instruction, the so-called municipal signs conflict of 1972 and the protests against the secret mother-tongue survey of 1976. The historical roots of the greater conflict potential lie - no doubt – in the territorial disputes outlined above.

The Slovene population in Styria lives mainly in several villages in the region of the Radkersburg Winkel, which is located in the southeastern part of Styria, as well as in the Leutschach region and the Soboth area. In addition, parts of the Slovene population in Styria settled in the regional capital of Graz in the course of industrialization efforts.

The Hungarian minority

The predecessors of today's Hungarian minority were early settlers whose task was to protect the western border for the Hungarian kings. So-called settlements of border guards still exist along the Hungarian border; place names such as Oberwart and Siget in der Wart (“Wart” meaning border guard) are reminders of their existence. In 1921, the Burgenland Hungarians became a national minority in Austria.

While the national minority was free to maintain contacts with Hungary during the period between the two wars, the situation changed after World War II. As with the Croats in Burgenland, the economic changes after 1945 led to an increased rural exodus, as well as to weekly commuting; there was also a general tendency of part-time farming or seeking industrial work. This social change - in the same way as the Iron Curtain - called into question the established value of Hungarian as a mother tongue and led to a strong linguistic assimilation, which could only be counteracted through intensive private educational efforts. Today many of the 30 to 60-year-olds no longer have a command of Hungarian, the emphasis is therefore rather on bilingual work with children and juveniles.

The fall of the Iron Curtain has had a very positive effect for the Hungarian population in Burgenland. The fact that it was now easier to be in contact with friends and relatives in Hungary has strengthened their identity.

The current settlement area comprises the regions of Oberwart (Oberwart, Unterwart, Siget in der Wart) and Oberpullendorf (Oberpullendorf, Mittelpullendorf). Hungarians in Burgenland also live in larger places and towns such as Eisenstadt or Frauenkirchen, etc. Hungarian families have lived in Graz and Vienna already for many centuries. Today, especially the number of Hungarians in Vienna exceeds by far those in Burgenland, as a result of the recent waves of immigration.

The situation of the Hungarian language community in Vienna was strongly influenced by three big waves of emigrants and refugees from Hungary in 1945, 1948 and 1956. In 1992, the Hungarians living in Vienna were recognized as part of the Hungarian minority, and since then they have had their own representatives in the Hungarian Minority Advisory Council, established as early as in 1977, in accordance with the pertinent legal provisions.

The Czech minority

Since the days when King Ottokar Premysl ruled the country, Czechs have settled in Vienna. Towards the end of the 18th century, the waves of immigration were so dramatic that proclamations also had to be published in Czech in the suburbs of Vienna. The immigration wave reached its climax between 1880 and 1890, when more than 200,000 Czechs, in particular workers and craftsmen, came to Vienna. The majority of the Czech associations

still in existence today were founded between 1860 and 1890. The Czech heyday in Vienna was certainly after the turn of the century. At that time, Vienna was also the second-largest Czech city in the world, its Czech population being outnumbered only by that of Prague. Despite strong political resistance, the first independent Czech schools were established during that period. It was thanks to the great variety of Czech industries, crafts, associations, banks, newspapers and the political parties, as well as to the extensive social activities pursued by numerous associations that, in those days, Czech invariably became the language which was used almost exclusively by the national minority in everyday life.

Two big waves of returnees after the two world wars reduced the number of Czechs in Vienna by 50% each. Up to 1968, their numbers declined further. As a result of the situation in Czechoslovakia in 1968 and 1969, many Czechs came to settle in Vienna. The Czech language community increased again after the quelling of the "Prague Spring" of 1968/69 when 10,000 Czechoslovak citizens applied for political asylum in Austria.

Since 1945, the situation of the Czech population in Vienna has been characterized by a strong dependence on the political situation in former Czechoslovakia, on the one hand, and, on the other hand, by the fact that they have developed a certain independence, which was also encouraged by the existence of the "Iron Curtain". A major problem in the 1950s was that the minority was divided, one group maintaining official contacts with former Czechoslovakia and another, larger group refusing to maintain Communist contacts. It was not until the 1990s that the two groups were re-united and agreed on the establishment of an advisory council for the entire Czech minority at the Federal Chancellery. This step paved the way for a certain correction of the image within the group, which especially encouraged the involvement of younger members of the Czech minority and led to a number of innovations.

As a result of the political changes in Czechoslovakia in November 1989, closer contacts were established again between the Czech population in Vienna and the Czech Republic.

The Slovak minority

The Slovak population in Austria is a small minority that has lived in this country for quite a long time. From the 5th to the 9th centuries, the eastern regions of Lower Austria were part of the first state entities of early Slovaks. Linguistic and ethnographic analyses indicate that there has been a continuous Slovak settlement in these regions to this day. Approximately 25% of the Slovak minority lives in Lower Austria. The largest part of the Slovak minority (about two thirds) lives in Vienna. Slovaks live in all districts of the town. The remaining members of the minority are dispersed throughout Austria, most of them living in Upper Austria and Styria.

Around 1900, the number of Slovaks in Austria reached its highest point (approx. 70,000), with most of them living in Vienna and in the Marchfeld region. It rapidly declined thereafter to 20,000 around 1914 on what is today Austrian territory. After 1918 a number of Slovaks re-settled in newly founded Czechoslovakia. The 1923 census still indicated a population of 4,802 Slovaks in all of Austria. The census conducted in Austria in the year 2001 – which also counted members of the national minorities separately according to the language used in everyday life – 4,741 Slovaks lived in Vienna, of which 1,775 had Austrian nationality and 2,966 were foreigners. Altogether, 10,234 Slovaks lived in Austria, of which 3,343 were of Austrian nationality and 6,891 foreigners.

A national minority advisory council was set up for the Slovak minority on 21 July 1992, when the ordinance on national minority advisory councils was amended (Federal Law Gazette No. 38/1977 in the version of Federal law Gazette No. 148/1992).

The Roma minority

Five larger groups of Roma can be distinguished in Austria today. These are in the order of their length of stay in the Central European, German-speaking area: Sinti, Burgenland Roma, Lovara, Kalderash and Arlije. The table below outlines the history of their migration and the geographical parameters of these five groups.

	SINTI	BGLD.-ROMA	LOVARA	KALDERAŠ	ARLIJE
Country of Emigration	<i>South Germany Czech region</i>	<i>Hungary</i>	<i>Hungary Slovakia</i>	<i>Serbia</i>	<i>Macedonia Kosovo</i>
Period of Immigration	<i>around 1900</i>	<i>from 15th century onwards</i>	<i>second half of 19th century. 1956</i>	<i>from the 1960s onwards</i>	<i>from the 1960s onwards</i>
Settlement area	<i>primarily towns</i>	<i>Burgenland (towns in eastern part of Austria)</i>	<i>primarily Vienna area</i>	<i>Vienna area</i>	<i>Vienna area</i>

"Country of Emigration" means the last host country or country in which they stayed before entering Austria. The table does not give any precise figures for this group of the population. It should be mentioned, though, that the number of Roma that have come Austria in search of work since the 60s – and who are mainly Austrian nationals today – is much higher by far than the number of Sinti, Burgenland Roma and Lovara that have lived in Austria for a longer period of time.

The different length of their stay on what is now Austrian territory has also led to different socio-historical developments of the individual groups. While Roma migrant workers were only slightly or hardly at all affected by the Nazi genocide, the Burgenland Roma, Sinti and Lovara are still suffering from this experience. The generation of their grandparents, who played a decisive role in shaping the cultural heritage and in passing it on to children and grandchildren, has been almost extinguished, with most of them dying in concentration camps; this has had, inter alia, the effect of destroying their social structure which is reflected, for example, in their large families, and has dealt a heavy blow to these groups from which they have not yet fully recovered to this very day. In fact, the liberation of the few survivors did not put an end to their marginalization and discrimination.

The fact that the Austrian public takes a positive attitude towards Roma is, inter alia, due to the fact that they have organized themselves following the "Commemoration Year of Austria's *Anschluss* to the Third Reich" in 1988. In 1993, the Roma were officially recognized as a national minority.

The Federal Chancellery promotes the publication of newspapers by the Austrian Roma organizations, one of which is published in German ("Romano kipo") and three in two languages ("Romani Patrin", "Romano Centro", "d'Roma"). In Burgenland, courses in Romany are being offered as part of the language courses at primary schools and, since the last school year, also in lower-level secondary schools (on a trial basis). A textbook for teaching Romany on the primary-school level was promoted. On various occasions, Roma-

specific theater projects, exhibitions, etc. are promoted, and the most commonly spoken varieties of the Romany language are being codified (“Romany project”).

The legal requirements for a national minority advisory council for the Roma minority were established in 1993, and the council was actually convened for the first time in 1995.

There is no statistical material that could provide information on the actual number of autochthonous and non-autochthonous Roma living in Austria. One can, of course, refer to the results of the censuses conducted in 1991 and 2001. At the census in 2001, 4,348 Austrian citizens indicated that Romany was the language they use in everyday life, possibly in combination with German. It was reported, in this connection, that the persons concerned occasionally mixed up the “Romany” and the “Romanian” languages. At the 1991 census, 122 Austrian citizens indicated that Romany was the language they used in everyday life. According to rough estimates and indications by the population itself, several ten-thousands of Roma live in Austria (some sources speak of 50,000 Roma living alone in Vienna), of which the overwhelming segment (perhaps 90%) should be assessed to be non-autochthonous.

The Numerical Strength of the Minorities

The figures obtained at the most recent census, conducted in the year 2001, are indicated below in order to give a general overview of the numerical strength of the national minorities living in Austria. One must, however, clearly bear in mind that these statistics can only provide approximate values, as the Austrian census does not inquire about affiliation with a national minority, but about the language actually used in everyday life. Multiple indications are admissible. The number of persons using a specific language must, however, not be equated to the number of persons belonging to a national minority. The national minorities themselves refuse to participate in statistical investigations that ask for a commitment to a national minority. The earlier possibility, contained in the National Census Act, i.e. to give a confidential indication of one’s mother tongue, has now been abolished. It was used only once to this date (in the year 1974).

Population according to everyday language and nationality – 2001 Census:

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

* Percentages refer to the total number of indications of a non-German everyday language

** A variety of the Slovene language, interspersed with German vocabulary

Source: Statistik Austria

According to § 1 (3) of the National Minorities Act "the declaration that one belongs to a national minority is free" and no-one is obliged to "prove his/her affiliation to a national minority." If one also takes into account the fact that according to the legal definition of the term "national minority" (§ 1 (2) of the National Minorities Act), the relevant linguistic element is the mother tongue, and that in the national census conducted every ten years under the National Census Act, the relevant question is that of the language spoken in everyday life, it is obvious that there is currently no legal possibility of obtaining precise figures regarding the members of the national minorities. And since the term "everyday language" may give rise to different interpretations, census results can be no more than an indication of the numerical strength of a particular national minority. The entry into force of the law on register censuses does not result in any change either. However, it is decisive that a secret census regarding the mother tongue is no longer admissible, which the national minorities have always rejected.

Apart from regular census results, other indicators of the numerical strength of a national minority are the frequent use of the respective language at school, the existence and scope of local minority associations, the election results of groups (parties) or candidates addressing minority issues (especially at the local level), the dissemination of mass media in the minority language and certainly also the use of that language in church life. It is quite obvious that almost all of these indicators depend on a variety of factors that are not necessarily confined to national minorities and are thus, taken by themselves, not a reliable source either.

Registrations for bilingual schools need to be analyzed before using these figures as an indication for the size of a national minority. It happens time and again that monolingual children attend bilingual classes, whereas children of minority families for various reasons are not enrolled to attend such courses or do not register for them at all. In Burgenland, though, where teaching classes bilingually has been generally introduced in bilingual communities, the language spoken by pupils in everyday life is indicated in school statistics. It is, however, inadmissible, at any rate, to assign persons to an ethnic group.

II.1.2. The Legal Situation

It is quite clear that being Austrian nationals, persons belonging to national minorities in Austria enjoy the same rights, especially the same political and fundamental rights, as all other nationals. As will be explained in greater detail when discussing the individual articles, Austria already fulfils many of its obligations arising from the present Convention by giving the members of national minorities the opportunity to make use of these rights in the same way as other nationals.

Moreover, the Austrian legal system contains a number of specific national minority regulations. These regulations are listed below and will be discussed under the respective articles in greater detail.

Constitutional provisions

The following national minority provisions are of constitutional standing:

Article 8 (1) and (2) of the Federal Constitution Act:

- (1) The German language shall be the official language of the Republic, irrespective of any rights granted to the linguistic minorities by way of federal law.

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

Articles 66 to 68 of the State Treaty of Saint-Germain-en-Laye of 10 September 1919, State Law Gazette No. 303/1920. These provisions have constitutional standing in accordance with Article 149 (1) of the Federal Constitution Act.

In addition to a ban on discrimination, Article 66 of the cited law contains a provision on the free use of language: “No restrictions shall be imposed on Austrian nationals regarding the free use of any language in private or business transactions, in matters of religion, the press or of any kind of publications or public gatherings.”

Article 67 of the cited law guarantees the right of the national minorities “to establish charitable, religious or social institutions, schools and other educational facilities, as well as to operate and monitor them, with the right to use their own language and their religion freely and at their discretion in these institutions and facilities.”

Article 68 of the cited law provides, inter alia, that the national minorities shall also share in the financial means of the state, “for example for educational, religious or charitable purposes.”

Article 7 of the State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna), Federal Law Gazette No. 152/1955; Article 7 items 2 to 4, has constitutional standing in accordance with Article II item 3 of the amendment of the Federal Constitution Act, Federal Law Gazette No. 59/1964.

Article 7 of the cited law reads as follows:

“Article 7. Rights of the Slovene and Croat minorities

1. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall enjoy the same rights on the basis of the same conditions as they apply to all other Austrian nationals, including the right to have their own organizations, gatherings and a press in their own languages.
2. They shall have the right to receive elementary instruction in Slovene and Croat and to have a proportionate number of their own secondary-level schools. In this connection, the curricula of schools shall be reviewed, and a department shall be set up with the school inspection authority for the Slovene and Croat schools.
3. In the administrative and court districts of Carinthia, Burgenland and Styria with a Slovene, Croat or mixed population, the Slovene or the Croat languages are admitted as official languages, in addition to the German language. In those districts, the signs and indications of a topographical nature shall be produced both in the Slovene or Croat languages, as well as in German.
4. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall participate in the cultural, administrative and court institutions of these regions on the basis of the same conditions as they apply to other Austrian nationals.
5. The activities of organizations aiming at depriving the Croat or Slovene population of their characteristics and rights as minorities shall be prohibited.”

Article I of the Minority School Act for Carinthia, Federal law Gazette No. 101/1959 in the version of Federal law Gazette I No. 76/2001

§ 1 of the Minority School Act for Burgenland, Federal Law Gazette No. 641/1994 in the version of Federal law Gazette I No. 136/1998

It should be noted, in particular, that the European Convention on Human Rights and Fundamental Freedoms (ECHR) has constitutional standing in Austria. Any alleged violation of one of the rights, granted by the Convention, can therefore be challenged directly before the Constitutional Court. Article 14 of the ECHR is of particular importance in this connection, as it ensures that the enjoyment of rights guaranteed by the ECHR shall be secured without any discrimination, especially with regard to language.

In its case law (file number VfSlg. 2459/1952 and others) the Constitutional Court holds the view that Article 19 of the Basic State Law on the General Rights of Citizens for the Kingdoms and Countries Represented in the Imperial Council (Imperial Law Gazette 1867/142) has been replaced by Articles 66 to 68 of the State Treaty of St. Germain, in conjunction with Article 8 of the Federal Constitution Act.

Article 19 of the Basic State Law read: “(1) All ethnic entities of the State shall have equal rights, and every ethnic entity has the inviolable right to maintain and preserve its nationality and language. (2) The equal right of all languages customarily used in a country in schools, before authorities and in public life shall be recognized by the State.”

The concept of “ethnic entities” related to the peoples of the Austro-Hungarian Monarchy. Since 1920, in the Republic, there are no longer ethnic entities, but minorities. There is therefore no scope for applying Article 19 of the Basic State Law.

Simple-Law Provisions and Ordinances

The following legal instruments were adopted as laws by simple majority or as ordinances:

National Minorities Act, Federal Law Gazette No. 396/1976 in the version of Federal Law Gazette I No. 35/2002:

According to § 1 (2) of the National Minorities Act, national minorities are defined as “as the groups of Austrian citizens with another language than German as a mother tongue and their own folklore tradition who live on and are natives of parts of the federal territory”. Today, the Slovene minority in Carinthia and Styria, the Croat minority in Burgenland, the Hungarian minority in Burgenland and in Vienna, the Czech minority in Vienna, the Slovak minority in Vienna, as well as the Roma minority in Burgenland are regarded as national minorities as defined by the National Minorities Act.

The federal law of 7 July 1976 on the legal status of national minorities in Austria (National Minorities Act) has, first of all, the function of a law that implements Article 7 of the State Treaty of Vienna (except for the legislative provisions on schools, which are incorporated in the minority school laws for Burgenland and Carinthia), and, secondly, it created the legal basis for setting up the national minority advisory councils and the financial promotion of the national minorities; thirdly, the law is not restricted in its scope of application to the Croat and the Slovene minorities, but on account of its definition of the term “national minority” it

subsequently made it possible to apply the law to the Hungarian minority, the Czech minority, the Slovak minority and the Roma minority.

Minority School Act for Carinthia, Federal Law Gazette No. 101/1959 in the version of Federal Law Gazette I No. 76/2001.

Minority School Act for Burgenland, Federal law Gazette No. 641/1994 in the version of Federal Law Gazette I No. 136/1998.

Ordinances issued on the basis of the National Minorities Act:

- Ordinance of the Federal Government on national minority advisory councils, Federal Law Gazette No. 38/1977 in the version of Federal Law Gazette No. 895/1993
- Ordinance of the Federal Government determining the regional territories in which topographical signs and indications shall be affixed both in the German and the Slovene languages, Federal Law Gazette II No. 245/2006
- Ordinance of the Federal Government determining the courts, administrative authorities and other service units at which the Slovene language is admitted as an official language in addition to the German language, Federal Law Gazette No. 307/1977 in the version of Federal Law Gazette II No. 428/2000
- Ordinance of the Federal Government determining the courts, administrative authorities and other service units at which the Croat language is admitted as an official language in addition to the German language, Federal Law Gazette No. 231/1990 in the version of Federal Law Gazette No. 6/1991
- Ordinance of the Federal Government determining the regional territories in which topographical signs and indications shall be affixed not only in the German but also in Croat or Hungarian languages, Federal Law Gazette II No. 170/2000
- Ordinance of the Federal Government determining the courts, administrative authorities and other service units at which the Hungarian language is admitted as an official language in addition to the German language, Federal law Gazette II No. 229/2000 in the version of Federal Law Gazette II No. 335/2000
- Ordinance of the Federal Government determining the regional territories in which topographical signs and indications shall be affixed both in the German and Slovene languages, Federal Law Gazette II No. 263/2006 (has not entered into force to date).

A national minority advisory council has been set up at the Federal Chancellery for each of the six autochthonous national minorities. The task of the advisory councils is to advise the Federal Government and the Federal Ministers in matters relating to the national minorities. They must maintain and represent the cultural, social and economic overall interests of their national minority and, in particular, they shall be heard prior to the adoption of legal provisions and general plans in the field of promotion. They can submit proposals for the improvement of the situation of the national minorities and their members. In particular, the national minority advisory councils also make recommendations on the distribution of the funds from the budget for the promotion of the national minorities (see Chapter II of the National Minorities Act).

In keeping with the provisions of the National Minorities Act, in conjunction with the implementing ordinances, indications and signs of a topographical nature, which are affixed by public authorities, shall be produced in two languages, and there is the right to use the language of the national minority as an official language before certain authorities.

Case Law

The following decisions by the highest courts in the country give an overview of the present case law:

Decision of the Constitutional Court of 9 March, file number G 2-4/00-7:

In this decision, the Constitutional Court stated that “elementary instruction”, as mentioned in Article 7 item 2 of the State Treaty of Vienna, which has constitutional standing, is meant to refer to the first four grades of schools. Classes must therefore be taught in two languages in the schools of relevance in this connection. The Constitutional Court explained in its decision that elementary instruction in the Slovene language is no longer ensured if Slovene is taught only as a compulsory subject – like a foreign language – whereas the remaining classes in the other subjects are taught in German.

Decision of the Constitutional Court of 4 October 2000, file number V 91/99-11:

In this decision, the Constitutional Court stated in connection with the use of the Slovene language as an official language that an administrative district, as defined by Article 7 item 3 of the State Treaty of Vienna, which has constitutional standing, is also meant to refer to a municipality. An administrative district with a “mixed population”, as defined in Article 7 item 3 of the State Treaty of Vienna, certainly relates to a municipality coming under the purview of this provision if the share of the Slovene-speaking population in the total population amounts to 10.4% - as is the case with the municipality of Eberndorf, which gave rise to the present court case.

Decision of the Constitutional Court of 13 December 2001, file numbers G 213/01-18, V 62, 63/01-08:

(With regard to topographical indications and signs), municipalities are also considered as “administrative districts with a mixed population”, as defined in Article 7 item 3 of the State Treaty of Vienna. In the reasons which the Constitutional Court gave for its decision, the court stated that a municipality (as is the case with the municipality of St. Kanzian am Klopeiner See which gave rise to the present court case) is an “administrative district with a mixed population” whenever –seen over a longer period of time – the percentage of the minority population has been more than 10%.

Decision of the Constitutional Court of 27 June 2002, file number B 1230/01:

In this decision, the Constitutional Court dealt with the question whether an autonomous bilingual primary school can be transformed into an autonomous school branch of a merely German-speaking primary school. The Constitutional Court stated that there is compliance with Article 7 item 2 of the State Treaty of Vienna if a/any bilingual primary school exists in a bilingual municipality for the pupils belonging to that school district. The organizational structure according to school law does not matter in this connection.

II.2. As to the Individual Provisions of the Framework Convention

Article I

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international cooperation.

International Cooperation in the Protection of Minorities

According to the government program of 2003, the Federal Government is committed to the traditional Austrian peace and security policy in the sense of avoiding conflicts and solving conflicts. "In this context, special importance attaches to the respect for the human rights and rights of minorities." The Austrian Federal Government takes active steps in connection with this policy in the framework of the international organizations to which Austria belongs (especially the Council of Europe, the EU, the UN and the OSCE). For example, Austria's presidency in the "Human Security Network" during the year 2003 was particularly geared to international education in the field of human rights.

Austria has always been among the countries that participated with commitment in the drafting of international documents for the protection of minorities.

Austria signed the Framework Convention for the Protection of National Minorities of the Council of Europe in early February 1995. On 30 September 1997 the Federal Government submitted the Framework Convention, together with the Interpretative Declaration, which confines the scope of the Convention to national minorities to the National Council (*Nationalrat*) for approval according to Article 50 (1) of the Federal Constitution Act. On 31 March 1998 Austria ratified the approval of the Framework Convention. It entered into force in terms of international law on 1 July 1998.

On the occasion of depositing the ratification document regarding the Framework Convention, Austria made the following statement:

"The Republic of Austria states that it defines the concept of "national minorities", as contained in the Framework Convention for the Protection of National Minorities, as pertaining to the groups of citizens with another language than German as a mother tongue and their own folklore tradition who live on and are natives of parts of the federal territory covered by the scope of application of the National Minorities Act, Federal Law Gazette 396/1976."

Article 1 (2) of the National Minorities Act and Article 7 of the State Treaty of Vienna already indicate that the national minorities mentioned there have an autochthonous settlement area. Members of national minorities who live outside their autochthonous settlement area will, of course, not be able to enjoy those rights that are, of needs, connected to a special territory or to a specific density of the population. However, they will preserve their status as members of a national minority. Decisive criteria for recognition as a national minority are thus the fact that this is a group of nationals with another language than German as a mother tongue and its own folklore tradition which has been living in an autochthonous settlement area in Austria over a longer period of time.

Article 2

The provisions of this Framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighborliness, friendly relations and co-operation between States.

International agreements

Austria also supports this aim of the Council of Europe, which transpires from Article 2, through a wide range of bilateral agreements it has entered into, for example, in the cultural, scientific and other fields. Austria maintains very good bilateral relations with its neighbor countries. Of the large number of cultural agreements concluded by Austria, the European Cultural Agreement, Federal Law Gazette No. 80/1958, in particular, deserves to be mentioned.

The fact that the Federal Government feels strongly committed to these aims is also reflected in a number of multilateral agreements. Austria has ratified the following international agreements, in particular:

- the International Covenant on Civil and Political Rights of 9 December 1966;
- the International Covenant on Economic, Social and Cultural Rights of 19 December 1966;
- the International Convention on the Elimination of all Forms of Racial Discrimination of 7 March 1966;
- the Convention for the Protection of Human Rights and Fundamental Freedoms and the Additional Protocols thereto;
- the Charter of the Council of Europe.

Last but not least, reference must also be made to the large number of OSCE documents, which Austria fully supports.

Article 3

1. *Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such, and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
2. *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.*

Ad paragraph 1: Freedom to declare one's affiliation with a national minority

Under § 1 (3) of the National Minorities Act, everyone is free to declare his or her affiliation with a national minority. No person belonging to a national minority shall be put at a disadvantage as a result of exercising or not exercising the rights to which he/she is entitled as a member of such a national minority. No one is under an obligation to show his or her affiliation to a national minority.

Ad paragraph 2: Individual rights and collective rights

Paragraph 2 must be looked at in conjunction with the regulations enshrined in the Austrian Basic State Law (equality before the law, freedom to form associations and right of assembly, freedom of conscience and creed, freedom of expression, ...). As has already been outlined before, Article 14 of the European Convention on Human Rights is of particular relevance regarding the protection of national minorities.

There is a comprehensive system of protection regarding the rights of individuals in Austria. Members of national minorities can assert the rights granted to them under Austrian law through the legal channels set out in the Constitution. If they consider their rights to have been violated by an administrative act, they can file a complaint with a court of public law (the Administrative Court or the Constitutional Court).

There are only few collective rights under the Austrian law on national minorities, including the right of the national minority advisory councils (*Volksgruppenbeiräte*) to deal with the pertinent issues, and the right of representative minority organizations to make proposals for the appointment of the members of these councils, including the possibility of certain representative organizations to challenge the composition of the respective advisory council by filing a complaint with the Administrative Court (§ 4 (1) of the National Minorities Act; see also the comments under Article 15).

Some minority organizations call for a strengthening of collective rights (primarily the right of associations to take legal action). Others reject this proposal and favor efficient individual rights of protection.

Article 4

1. ***The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.***
2. ***The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.***
3. ***The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.***

The government program of 28 February 2003 states the following: “The Federal Government will make every effort so as to strengthen and modernize democratic institutions and procedures in Austria. This commitment, of course, includes especially the expansion of the rights of the minorities.”

In concrete terms, the Federal Government also took account of the national minorities in its current government program. Efforts were made to achieve a solution of the so-called “municipal signs issue” in Carinthia in the framework of a consensus conference. As was mentioned already in Part I of the present report, it has not been possible to date, in spite of all

efforts on the part of all parties concerned, to bring about the targeted solution. However, it is to be hoped that it will soon be possible to overcome the differences in opinion that surfaced.

Ad paragraph 1: Ban on discrimination – legal basis

General principle of equality (Article 7 (1) of the Federal Constitution Act):

This requirement has been fulfilled in Austria by the general principle of equality (Article 7 (1) of the Federal Constitution Act), which is one of the pillars of the Austrian constitutional system. According to this principle, all nationals of the federal republic are equal before the law. This principle of equality is equally binding upon all state organs, viz. organs at the federal, regional and local levels.

State Treaty of St. Germain-en-Laye: In addition, Article 66 (1) of the Treaty of St. Germain-en-Laye, which has constitutional standing, stipulates that all Austrian nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion. Under Article 67 of the cited law, Austrian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as other Austrian nationals.

State Treaty for the Re-establishment of an Independent and Democratic Austria:

Moreover, Article 7 item 1 of the State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna) provides that Austrian nationals of the Slovene and Croat minorities shall enjoy the same rights on the basis of the same terms as all other Austrian nationals.

ECHR: Last but not least, reference must also be made to Article 14 of the European Convention on Human Rights, which - like the entire ECHR as such - is part of the Austrian Federal Constitution.

Transposition of the anti-discrimination directives: The anti-discrimination directives and the amended EU equal-treatment directive were transposed in Austria mainly by the Equal Treatment Act, Federal Law Gazette I No. 66/2004 and the Federal Law on the Equal Treatment Commission and the Equal-Treatment Ombudsman, Federal Law Gazette No. 108/1979, as last amended by Federal Law Gazette I No. 66/2004. As part of the package of accompanying measures, the competencies of the equal-treatment ombudsman were enlarged to create an independent “ombudsman service”.

With 1 July 2004 as the effective date, new provisions were enacted in Austria regarding legislation on equal treatment. The new legislation on equal treatment serves mainly to transpose the two anti-discrimination directives, adopted by the EU, namely

- Council Directive 2000/43/EC on implementing the principle of equal treatment between persons, irrespective of racial or ethnic origin (Anti-Racism Directive),
- Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation (equal-treatment framework directive), which prohibits any discrimination on the basis of religion or ideology, a handicap, age or sexual orientation,
- Directive 2002/73 of the European Parliament and Council (amended Equal-Treatment Directive).

In addition to the fields of occupation and employment, the Anti-Racism Directive also covers the areas of social protection, social benefits, education, as well as access to and provision with goods and services; the Equal-Treatment Framework Directive and the amended Equal-Treatment Directive only cover the areas of employment and occupation. All directives apply both to the private and public sector.

In the course of transposing these directives, the earlier equal-treatment law was renamed and called Federal Law on the Equal-Treatment Commission and the Equal-Treatment Ombudsman Service. It was also amended to the extent that it now governs institutions (Equal-Treatment Commission and Equal-Treatment Ombudsman Service), as well as procedure. The new equal-treatment law has taken over the substantive provisions of the earlier equal-treatment law and was expanded by those provisions that resulted from the need to transpose the directives. Aspects regarding handicaps, as well as matters falling under the legislative competencies of the federal provinces are not included in the law. The service regulations of federal civil servants are treated separately, as will be explained later.

The law contains the following main provisions: Nobody must be exposed to any direct or indirect discrimination on grounds of gender, affiliation with an ethnic group, religion or ideology, age or sexual orientation, in connection with an employment relationship, especially when commencing an employment relationship, when determining the remuneration, when granting voluntary social benefits that do not constitute a remuneration, in connection with initial and continuing training and re-training measures, in connection with an occupational advancement or other working conditions, upon termination of an employment relationship, as well in all other aspects of the working environment, such as access to vocational guidance, occupational training, occupational continuing training and re-training outside of an employment relationship, when participating in an organization representing staff members, or in connection with conditions applying to access to self-employed gainful activities. In addition, nobody – for reasons of belonging to an ethnic group – shall be exposed to direct or indirect discrimination in all other areas, namely social protection, including social security, access to and supply with goods and services that are generally available to the public, including housing facilities.

Furthermore, new stipulations were adopted in connection with the payment of damages in case of violations of the demand for equal treatment: The demand for equal treatment imposes the following sanctions on all facts constituting an act of discrimination, which also includes discrimination for reasons of belonging to an ethnic group:

- compensation of the pecuniary damage, i.e. positive damage and lost earnings, or
- creation of non-discriminatory conditions and – in both cases – in addition
- compensation for the intangible damage caused by the personal impairment suffered.

In addition to the ban on sexual harassment, already included in the earlier equal-treatment law, a gender-related molestation, as well as a harassment based on one of the facts constituting an act of discrimination is now also regarded as discrimination. Moreover, the demand for non-discriminatory criteria in job offers, including sanctions, has now also been introduced into the new facts constituting an act of discrimination. A ban on any disadvantageous treatment has been introduced as a measure to strengthen the protection against discrimination. It does not only cover the complainant (staff member) but also other employees such as witnesses or colleagues who support the complaint.

The scope of tasks of the existing Equal-Treatment Commission that was previously responsible for the equal treatment of the sexes was expanded to include the aforementioned facts constituting an act of discrimination. It now consists of three senates. The scope of activities of the Equal-Treatment Ombudsman Service, which is responsible for providing advice and support to persons feeling exposed to acts of discrimination, was expanded in analogy.

The federal law on equal treatment must also be observed in connection with employees of the federal authorities. With regard to employees of the federal provinces, the municipalities and the associations of municipalities, separate laws have been adopted by the individual federal provinces which transpose the anti-discrimination directive.

Ad paragraphs 2 and 3: Supporting measures and the principle of equality

The general principle of equality enshrined in paragraph 1 does not prevent the legislator from giving preference to members of a national minority over members of the majority population. According to the case law of the Constitutional Court, the principle of equality requires the legislator to apply the same legal consequences to the same facts, and different legal consequences to different facts (objectivity rule). Especially in connection with the protection of minorities, the Constitutional Court has held (file number VfSlg. 9224/1981) that the various provisions of constitutional standing relating to national minorities in their entirety imply an evaluation by the constitutional legislator in favor of protecting the minorities. It is up to the (simple) legislator to take into account this evaluation when adopting rules and regulations. Putting members of national minorities on an equal footing with members of other social groups, by relying more or less on a specific pattern, will not always satisfy the requirements of such a constitutional evaluation. Depending on the issue to be determined, the protection of members of a minority vis-à-vis members of other social groups may – from an objective point of view – justify or even require a more favorable treatment of that minority in certain cases.

Article 8 (2) of the Federal Constitution Act:

This is also the aim of the above-mentioned basic policy clause in the constitution, enshrined in Article 8 (2) of the Federal Constitution Act. It contains a mandate for the state organs, requiring them to act in accordance with this provision.

The Constitutional Court also considers such basic policy clauses in the constitution to be a useful tool for any legal interpretation, as they give regulations serving that aim an objective justification.

Article 8 (2) of the Federal Constitution Act reads as follows:

"The Republic (federal, regional and local authorities) is committed to its linguistic and cultural diversity, which has evolved in the course of time and finds its expression in the autochthonous ethnic groups. The language and culture, the continued existence and protection of these ethnic groups are to be respected, safeguarded and promoted."

A number of studies on this subject indicate that segments of the population, who grow up bilingually, often reach a higher educational level. This is also true of persons belonging to the national minorities in Austria. At present, the Roma are still the only exception to this

finding. Special promotional programs (in-school and extra-curricular attention to children and juveniles), with direct or indirect public funding, serve to eliminate the still existing deficits.

Those national minorities, whose autochthonous settlement areas are situated in economically disadvantaged regions, are affected by this disadvantage in the same way as the majority population in those regions. The national minorities are, however, particularly affected by such a situation if the exodus of the younger members of the national minorities to the large industrial conurbations leads to a disproportionate over-ageing of the national minorities in the autochthonous settlement areas. All national minorities, except those living in Vienna, face this problem.

According to Item 5.5 of the Code of Ethics of the Austrian press media, any discrimination for racial, religious, national, sexual and other reasons is inadmissible. This Code of Ethics is a set of principles when working in the publishing business that the Austrian media have imposed upon themselves.

Article 5

1. *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
2. *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Ad paragraph 1: Promotion of national minorities

By providing financial assistance, both the federal and regional authorities make a considerable contribution towards helping the members of the national minorities to maintain and further develop their culture.

In connection with Austria's national minorities, a person's religious belief plays only a minor role in determining his or her identity. Nevertheless, efforts in the past and at present by religious institutions, aiming at maintaining the language skills of the members of national minorities, play a major role.

Development of the funding by the Federal Chancellery for the promotion of the national minorities:

State funding, in particular, helps to maintain the cultural heritage and to further develop the culture. Since the entry into force of the National Minorities Act, the **financial assistance** provided by the Federal Chancellery **for the promotion of the national minorities** has developed as follows:

1977: ATS 5 million
1978: ATS 5 Million

1979: ATS 5 Million
 1980: ATS 5 million
 1981: ATS 5 million
 1982: ATS 5 million
 1983: ATS 5 million
 1984: ATS 4.25 million
 1985: ATS 3.825 million
 1986: ATS 5 million
 1987: ATS 4.850 million
 1988: ATS 4.462 million
 1989: ATS 14.35 million

The considerable increase in the year 1989 is due to the fact that the Slovene Minority Advisory Council was set up in that year.

1990: ATS 20.35 million
 1991: ATS 24 million
 1992: ATS 34 million

The increase in promotional funding in the early nineties is due to the expansion of the National Minority Advisory Council for the Hungarian minority by including the Hungarian population of Vienna (constituting session in February 1993), the setting up of the National Minority Advisory Council for the Slovak minority (constitution session in May 1993), and the setting up of a National Minority Advisory Council for the Czech minority (constituting session in May 1994).

1993: ATS 37.8 million
 1994: ATS 39.8 million
 1995: ATS 52.72 million

The originally budgeted amount of ATS 42.72, as contained in the government bill, was increased by ATS 10 million to ATS 52.72, on account of the fact that the Roma minority, in particular, needed financial assistance in order to catch up. The Roma Minority Advisory Council had its constituting session on 5 September 1995.

1996: ATS 52.72 million
 1997: ATS 52.72 million
 1998: ATS 67.72 million

of which ATS 15 million were used to promote radio programs for the national minorities.

1999: ATS 66.848 million
 of which ATS 15 million were used to promote radio programs for the national minorities.

2000: ATS 51.848 million
 of which ATS 10 million were used to promote radio programs for the national minorities.

2001: EUR 3.768 million
 2002: EUR 3.768 million
 2003: EUR 3.768 million
 2004: EUR 3.768 million
 2005: EUR 3.768 million

2006: EUR 3.768 million

Every year, the full amount of the annual promotional funding is spent.

It should be mentioned that, in contrast to most other items for promotional funding in the budget, it has been possible to maintain the promotion for national minorities essentially on the same level since 1995, without any budget cuts. It was in the years 1998 to 2000 that the sum was increased, as the radio programs for the national minorities were promoted. This financial assistance was subsequently replaced by the possibilities offered by the amended Austrian Public Broadcasting Act (Federal Law Gazette I No. 83/2001), on account of the newly established program mandate in favor of the national minorities.

The organizations of the national minorities receive considerable financial support from the budget available for promotional funding in order to maintain the language and culture of the respective national minority. The general trend with national minorities is that of a difficult restructuring phase, in account of the fact that the population is decreasingly ready to join associations as active or passive members and that the national minorities are becoming increasingly over-aged. Without the availability of promotional funding for the national minorities, efforts would be much more difficult to achieve, namely to attach also the younger segment among the members of the national minorities on a lasting basis to the national minorities and thus to implement the objectives of the National Minorities Act, which are to maintain and preserve the national minorities. The organizations of the national minorities must set priorities and must offer an attractive cultural and language program. They are able to accomplish this goal only by utilizing to the promotional funding for the national minorities.

Beyond the cultural aspect, the promotional funding for the national minorities is also deployed in a constructive manner, as it contributes towards raising the level of knowledge about the languages of the national minorities. As almost all the languages of the national minorities are official languages of the European Union, members of the national minorities with a good level of education in their mother tongue are also a major potential for Austria as an economic and cultural location.

Criteria for the distribution of promotional funding

Many factors need to be taken into account in order to distribute justly the total amount of money among the six national minorities.

Increases in the budget for promotional funding due to the fact that new national minority advisory councils were set up led, as a rule, to an increase in the funding for the new national minorities, for which national minority advisory councils had been set up for some time already.

The National Minorities Act defines the objective of promotion as “to maintain and secure the existence of the national minorities, their folklore, as well as their characteristics and rights.” The National Minorities Act does not provide for promotional funding to individual persons but to organizations of the national minorities which prepare specific activities for their national respective national minority. In consequence, this means that the amounts of funding in their relation to the different national minorities is not determined by a head count (to be determined in whatever form), but that the actual need for promotional funding of the specific

activities for the respective national minorities, offered by the organizations of the national minorities, and the demand for these activities, are the decisive criteria.

One reason why a distribution of the promotional funding according to quotas is difficult to achieve is the fact that it is difficult to establish the number of members of the national minorities, as the national census only inquired about the language used everyday, and as future national censuses according to the Register Calculation Act will no longer automatically inquire about the everyday language.

It should also be mentioned that not all national minorities have the same interest in participating in the activities available to their respective national minority, as well as that the need of the national minorities for specific activities is determined by different political and social framework conditions (think, for example, of the social and educational problems of the Roma population). Furthermore, the national minorities have different possibilities to obtain funding from other sources.

It should ultimately be mentioned that in line with self-determination, every member of a national minority is free to become integrated into an organization of his/her national minority and to inquire about its activities, or to refrain from any active attachment to or participation in the organizations of the national minorities.

Just like all other promotional funding schemes, the promotion of the national minorities serves the general goal of facilitating the implementation of projects for which the financial means of the interested population segment would not be sufficient and which it would thus be impossible to implement without public funding. This applies, by way of example, to research activities regarding the national minorities such as, inter alia, research into historical sources, applied scientific studies on the learning of a second language, the codification and teaching methods for the varieties of the Roma language spoken in Austria.

It is worth mentioning that the needs of the profiles of the six national minorities are surprisingly different. The Roma minority, for example, has other priorities to set, on account of the more difficult social and educational situation than national minorities that must mainly fight over-ageing and assimilation and search for attractive ways in which to create a sustainable interest among the younger segment of the national minority for the language and culture of the national minority.

On the occasion of the discussions between the Federal Chancellor and the chairpersons and the deputy chairpersons of the national minority advisory councils in the year 2000, the Federal Chancellor pointed out expressly that – for reasons of budget consolidation – it would not be possible to increase the promotional funding for the national minorities. He therefore asked the chairpersons and deputy chairpersons of the national minority advisory councils to increasingly establish priorities and to submit recommendations for promotional funding to the Federal Chancellery in a weighted structure according to facts and not according to the “watering can” principle (a little money for every project). The Federal Chancellery would consider a different approach to distributing the budget for promotional funding among the national minorities if a fact-based justification were submitted which, in particular, could be a joint proposal by the national minority advisory councils.

Statutory basis for providing the national minorities with promotional funding

Chapter III of the Federal Law of 7 July 1976 on the Legal Status of the National Minorities in Austria, Federal Law Gazette 1976/396 (National Minorities Act), is the statutory basis for providing the national minorities with promotional funding. § 1 (2) of the National Minorities Act defines “national minorities in the meaning of the present federal law as the groups of Austrian citizens with another language than German as a mother tongue and their own folklore tradition who live on and are natives of parts of the federal territory”.

§ 8 of the National Minorities Act stipulates: “The Federal authorities shall promote – irrespective of general promotional measures – the measures and projects that serve to maintain and secure the existence of the national minorities, their folklore and traditions, as well as their characteristics and rights.”

According to § 9 (2) of the National Minorities Act “associations, foundations and funds that serve to maintain and secure a national minority, its specific folklore and tradition, as well as its characteristics and rights (organizations of the national minorities)”, as well as “churches and religious denominations, together with their institutions” (paragraph 3) are eligible for receiving money from the budget available to promote the national minorities.

According to § 9 (5) of the National Minorities Act, territorial corporations may only receive financial funding under the National Minorities Act for such measures as are necessary to implement provisions on topographical signs and the official languages and that exceed the economic capacities of the respective territorial corporation.

Process of awarding promotional funding

At the beginning of every year, the Federal Chancellery sends out application form to the organizations of the national minorities and/or, in analogy, the churches – to the extent that they are known to the Chancellery as potential applicants for promotional funding. In addition, the Federal Chancellery publishes the application forms on its homepage, indicating the deadline for applications. The purpose of the deadlines for applications is to allow the Federal Chancellery and the members of the respective national minority advisory councils to deal with the substance of the applications before the meetings of the national minority advisory councils in which they are called upon to issue their recommendations. Whenever organizations of national minorities are not yet known to the Federal Chancellery, or were newly founded, evidence of the bylaws of the association is required.

According to § 10 (2) of the National Minorities Act the “responsible national minority advisory council shall issue a recommendation by 15 March of every year on the use of the promotional funds” (the so-called “recommendation for promotional funding”) in connection with the individual applications for promotional funding. Irrespective of the foregoing, the Federal Chancellery is responsible for checking the applications with regard to the legal admissibility of applicants to receive grants and for preparing the agreements on the grants.

The grants for the promotion of the national minorities are dispersed with the federal authorities acting as private-economic administrator for the money. According to § 11 of the National Minorities Act, the recipients of promotional funding must be required by contract to report on the use of the money (a reporting form, which is part of the agreement, is used for this purpose) and to provide proof of the payments (the so-called “payment settlement”). The

reports of the recipients of grants must be brought to the attention of the respective national minority advisory council.

In addition to the “grants on the basis of the National Minorities Act”, for which recommendations of the national minority advisory councils must be obtained, “other grants” of a minor volume are also available, for example, for preparing teaching methods and codifying the varieties of the Roma languages spoken in Austria, or grants as support for the printing costs of publications by a specific national minority, or support for scientific research projects relating to a specific national minority, as well as projects covering several national minorities, or support for projects regarding a specific national minority, for which no application was filed by the organizations of the national minorities. In addition, in past years budget funds assigned to specific expenses were covered from the amount budgeted for “other grants” in order to avoid that these measures affected the organizations of the national minorities. In recent years, though, the promotional funding for the national minorities was excluded from assigning budget funds to specific expenses – as a token of the special appreciation for the work done by the organizations of the national minorities – and the amounts saved were debited to other budget items.

Guidelines for special promotional grants

Both the National Minority Advisory Council for the Hungarian Minority and the Court of Audit suggested the publication of guidelines for special promotional grants. At first, the Federal Chancellery tried to take account of this request by drawing up agreements – according to a uniform standard – for the promotional grants, which were as detailed as possible and increased the legal certainty for the recipients of the grants. In addition, the Federal Chancellery has made major efforts to test, together with the advisory councils for the national minorities, pre-versions of texts for guidelines in connection with special promotional grants for their practical use, which are in the form of an information sheet enclosed with the application form for promotional grants for national minorities, as well as to optimize them.

However, already when presenting the government bill for a law on the national minorities, file number RV 217 BlgNR 14. GP, page 12, the difficulties encountered in this connection were highlighted (“When describing the projects to be promoted, it was practically impossible to give a list. The measures range from supporting the publication of books and journals in the language of a national minority to a variety of cultural events and contacts. The common feature, though, of all of these projects, which are to be supported in the framework of promoting the national minorities, is that they are suited to contribute towards maintaining and securing the national minority and its special characteristics and rights.”)

On the basis of the experience made by the Federal Chancellery when giving explanations and assistance in preparing the application forms, which were sent along together with the application forms for the years 2005 and 2006, a more highly developed draft for guidelines for special promotional measures will be drafted, in cooperation with the national minority advisory councils, in order to obtain the approval of the Court of Audit.

Structure of the minority associations in Austria

The Burgenland Croats:

Due to their settlement structure, the **Burgenland Croats** do not have a cultural or economic center. It was thus at a very early stage that local activities in the cultural field constituted a pillar for developing their identity. Local associations (music bands, theater groups, choirs, and local cultural associations) therefore play a particularly important role. For the past 60 years, the Burgenland Croats have had a number of associations and organizations operating on the national level. In Vienna, too, cultural associations have been active during the past few decades.

Below is a comprehensive list of associations with national activities in various fields: culture, adult education, media, literature, scientific work and documentation:

- HKD - Hrvatsko kulturno društvo (Croatian Cultural Association in Burgenland)
- hkdc - Hrvatski kulturni i dokumentarni centar (Croatian Cultural and Documentation Center)
- HStD - Hrvatsko štamparsko društvo (Croatian Press Association)
- HNVS - Narodna visoka škola Gradišćanskih Hrvatov (Adult Education Center of the Burgenland Croats)
- HGKD - Hrvatsko gradišćansko kulturno društvo (Cultural Association of the Burgenland Croats in Vienna)
- HAK - Hrvatski akademski klub (Club of Croatian University Graduates)
- ZORA - Društvo gradišćansko-hrvatskih pedagogov (Association of Burgenland-Croat Pedagogues)
- ZIGH - Znanstveni institut Gradišćanskih Hrvatov (Scientific Institute of the Burgenland Croats)
- DOGH - Društvo za obrazovanje Gradišćanskih Hrvatov (Educational Center of the Burgenland Croats).

Below is a list of associations with regional activities that received funding from the budget available to promote national minorities during the period 2001 to 2005:

Burgenländisch-Kroatisches Zentrum
Kulturvereinigung KUGA
AG kroatischer Kommunalpolitiker im Burgenland
Präsidium der SPÖ Mandatare
Kulturvereinigung Pannonisches Institut PAIN
TOP- Tamburica-Orchester und Chor Pinkovac/Güttenbach
Fremdenverkehrs- Verschönerungs- Trachten- und Volkstanzverein Stinatz
Für Zagersdorf Verein
Verein zur Förderung der Kultur im Dorf
DORENO - Dorferneuerungsverein Draßburg
Folkloreensemble der BurgenlandkroatInnen Kolo Slavuj
Folkloreensemble der Südburgenländischen Kroaten "STOKAVCI"
Folkloregruppe "GRANICARI - Grenzland"
Folkloregruppe HAJDENJAKI
Folkloregruppe "Stalnost" Schachendorf
Junge Initiative - Kroatischer Minihof

Kroatische Folkloregruppe des Burgenlandes "POLJANCI"
Kulturverein Schandorf
Künstlerisches Ensemble Parndorf "Lastavica"
Musikverein- und Kulturverein Neudorf
Tamburicaverein Bijelo Selo - Parma
Tamburicaensemble EHO
Tamburizzaverein HATSKO KOLO
Tamburizza Verein "Ivan Vuković"
Tamburizzaorchester Schandorf
Tamburizzaorchester Steinbrunn
Tamburica Uzlop/Oslip
Tamburica Zagersdorf
Verein Jugend Nebersdorf
Verein zur Förderung der zweisprachigen Spielgemeinschaft
Chor Frankenau - Frakanavski pjevacki zbor
Folklore- und Tamburizzaverein Dürnbach
Gemischter Kirchenchor Großwarasdorf
Musikverein Hornstein Tamburizza - Volkstanzgruppe
Tamburizzagruppe Neuberg
Bildungswerk der Pfarre Klingenbach
Gesangsverein Neuberg
Gesangsverein "RADOST"
Theatergruppe Zagersdorf
Tamburica Stinjacko kolo
Chor Nikitsch
Theatergruppe Neuberg
Sloznost Chor Klein Warasdorf

Furthermore, the Eisenstadt diocese, the Croatian Section of the Pastoral Services, received considerable promotional funding for the national minority in connection with the publication of "Glasnik" the church magazine of the Burgenland Croats.

The work of these associations for the national minorities cover the following areas: maintaining and strengthening the local cultural activities (music, theater, literature), scientific assistance and evaluation of bilingual instruction, preparation of new text books and educational materials for schools and nursery schools, special training programs for bilingual pedagogues, school projects and participation in school partnerships, developing new, contemporary forms of cultural work (youth culture, contemporary literature, the new media, etc.), establishing documentation and information centers on the history of the respective minority (promoting scientific work, etc.), ensuring and extending the provision of information by the media in the respective minority language, promoting a further linguistic standardization, and developing strategies for introducing bilingualism into economic life (by providing translation services and student-exchange services, etc.) as well as publishing materials. In addition, a wide range of courses are organized for adults as part of adult education programs, and international contacts and cooperation are maintained.

Finally, it must be pointed out that the Croat villages in Burgenland have a large number of colorful and different associations, which - apart from those dedicated to the preservation of the Croat language and culture - hardly differ in their structure from associations in German-speaking villages. The activities of these associations are organized and carried out on an

honorary basis by volunteers. Cultural activities on the level of the villages serve primarily to satisfy the cultural needs of a specific village and are therefore confined to the respective minority. In some areas (e.g. folklore, amateur theater) the elementary structures need a degree of professionalism and an inter-linkage of the activities, as this work largely depends on individuals, so that there are no guarantees for a further development of a long-term basis.

The study "Cultural Management in the Village: An Examination of the Cultural Activities in Croat Villages, Structural Analysis of the Associations" ("Kulturmanagement im Dorf: Untersuchung der kulturellen Aktivitäten in den kroatischen Dörfern, Strukturanalyse des Vereinswesens"), which was published in 1998, proposed a new approach and a new presentation for existing activities, on the basis of concrete projects, by using a professional cultural management. This professional approach to cultural management was applied, for example, to specific projects ("Stinatz Heinmathaus" and the ancient burial grounds at Schandorf).

The Slovene Minority:

The associations and institutions of the **Slovene minority in Carinthia** include, inter alia, political, cultural and youth organizations:

Within the Slovene minority, six central organizations are the basic institutions:

1. Central Association of Slovene Organizations in Carinthia
2. Council of Slovenes in Carinthia
3. Community of Slovenes in Carinthia
4. Christian Cultural Association
5. Slovene Cultural Association
6. Article VII Cultural Association for Styria

The Central Association of Slovene Organizations (Zveza slovenskih organizacij/Zentralverband slowenischer Organisationen in Kärnten) – founded in 1955 - is an umbrella organization that represents the Slovene population in Carinthia on the political level. Its anti-fascist orientation is not only a reflection of its historical roots in the resistance movement during World War II, but constitutes today a determined rejection of those political and nationalistic efforts that regard the Slovene minority as a homogenous, national and ethnic structure or question its importance to society. The Central Association therefore advocates a broader and open understanding of the concept of national minorities, which rejects efforts of an overall integration, based on the principle of stating one's ethnic affiliation.

The Council of Slovenes in Carinthia (Narodni svet koroških Slovencev/Rat der Kärntner Slowenen) has been in existence since 1949. It is not an umbrella organization but works in close cooperation with a number of organizations of the Slovene minority and has about 20 local committees. The chairperson and the members of the national minority assembly are elected directly and constitute the most important decision-making body. The Council advocates an autonomous policy and supports Slovenes in Carinthia who run as independent candidates at elections, especially elections to the municipal councils and the regional government, and/or it works for a statutory guarantee for a representative of the Slovene minority in the Carinthian regional government. The objective of its activities is, in particular, to maintain the ethnic identity of the Slovene minority.

The Community of Slovenes in Carinthia (Skupnost koroških Slovencev in Slovenk/Gemeinschaft der Kärntner Slowenen und Sloweninnen) – it was founded when a group split off from the Council of Slovenes in Carinthia – presented itself to the public on 27 June 2003 for the first time. The Community of Slovenes in Carinthia has set for itself the priority of representing and strengthening the national minority, as well as of conducting a political and social dialogue in order to solve open problems and conflicts. Three years after it was founded, the Community of Slovenes in Carinthia has become well established with a large number of regular members.

The Slovene Cultural Association (Slovenska prosvetna zveza/Slowenischer Kulturverband) had its origin in the Slovenian Christian Social Association, founded in 1908, and took on its present-day name in 1933. On account of ideological difference, the Christian Cultural Association (Christlicher Kulturverband) split off in 1945. The Slovene Cultural Association is an umbrella organization of about 45 local cultural associations and owner of four cultural centers and the Library of Slovene Studies in Klagenfurt. The association offers member associations a range of services such as, for example, helping them to sign up cultural groups or theater groups, helping them with organizational work, providing financial support to implement cultural programs, preparing invitations, applications or providing advice on cultural issues. Comprehensive archives of theater literature and music sheets can be found at the association's head office, which are made available to member associations free of charge. In addition to services for member associations, the association is involved in a broad range of activities of its own. One important concern is to promote artists. The production of compositions and texts for theater plays, for example, are commissioned, in order to give musicians and authors the possibility to work also in the bilingual field. Every year, two theater productions are produced in this manner, and concerts and author's readings are organized. In November of every year, the numerous choirs participate in a "performance competition". In addition, the association organizes lectures on topical issues (minority policy, health, the arts and culture, EU), continuing-training seminars for members and association officials, dance, language, painting, theater and pottery workshops for adults and young people. The association has published approximately 40 books in the course of the past ten years.

The Christian Cultural Association (Kršèanska kulturna zveza/Christlicher Kulturverband) split off from the Slovene Cultural Association after 1945. The purpose of the Christian Cultural Association is to maintain, represent and promote the cultural achievements, needs and interests of the Slovenian population in Carinthia, to promote scientific and research projects in this area, to provide educational and training opportunities, to help exchange cultural goods between the two national groups living in Carinthia. 52 local Slovene cultural associations are associated to the Christian Cultural Association.

The "Artikel VII-Kulturverein für Steiermark" (Article VII Cultural Association for Styria) represent the Slovene population in Styria. The association was founded in 1988. One of its main concerns is to implement the rights of the Slovene-speaking population in Styria, as enshrined in Article 7 of the State Treaty of Vienna (Federal Law Gazette No. 152/1955). In 1998 the Pavel House was established at Bad Radkersburg as the cultural center of the Slovene population in Styria. The association also works towards extending the teaching of the Slovene language at schools in southern Styria. According to information provided by the association, Slovene language courses, taught as an optional subject, are accepted by the population on a broad basis.

Other organizations of the Slovene minority that received financial funding as a national minority during the period under review:

Groups for children and day schools
Hort der Hermagoras
Hort des Vereins Elternkreis ABCČ
KG Zwerge
Focus projects
Kulturhaus/Bleiburg
KUMST Sitterdorf
Privatkindergarten MAVRICA
Verein der FreundInnen des Persmannhofes
PD Lipa, Völkermarkt
Slowenischer Schulverein
SPD Radiše, Radsberg
Pfarre St. Jakob
Homes
Jugendheim des Slowenischen Schulvereins (mladinski dom)
Konvent der Schulschwestern in St. Peter
Educational, training and scientific institutions
Pädagogische Fachvereinigung
Gemeinschaft der Kärntner Slowenen und Sloweninnen
Slowenisches wissenschaftliches Institut
Institut "Urban Jarnik"
Slowenische Musikschule
Jugendzentrum Rechberg
SODALITAS Tainach
K&K Center St. Johann
Schulzeitschrift Mladi Rod
Slowenische Studentenbibliothek (=slowenischer Kulturverband)
Katholische Aktion
Interkulturelles Zentrum
AG privater und mehrsprachiger KG
Sports (only for the bilingual training of young people and bilingual publications)
SV Bleiburg
Slowenischer Sportverband
DSG Zell-Pfarre
SAK
SC Globasnitz
SK Zadruga Aich/Dob

KOŠ Klagenfurt
Slowenischer Sportklub OBIR
SV St. Johann
Youth organizations
Klub slowenischer Studenten in Wien
Klub slowenischer Studenten in Graz
Jugendzentrum - Pfarre kommende Rechberg
Slowenische Pfadfindergruppe
AG Österreichische Volksgruppen in der SPÖ
Verband der Kärntner Partisanen
Verband ausgesiedelter Slowenen
Verband slowenischer Frauen
Cultural associations
Der Zweisprachige Chor
Gesangsverein Zell
GABRIEL Musiktheater, Film und Medien
Gemischter Chor Bleiburg
Heiligengraber Gemeinschaft
KIGRO Galerie Rosseg
KKD Vogrče/Rinkenbergr
KPD Drava Schwabegg
KPD Planina, Zell-Pfarre
KPD St. Michael
Männergesangsverein Loibach
PD Jakob Petelin Gallus
SKD Globasnitz
SKD Jepa-Baško Jezero
VOX
SPD Bilka Ludmannsdorf
SPD Borovlje, Ferlach
SPD Danica
SPD Edinost
SPD Kočna
SPD Rož, St. Jakob
SPD Šentjan St. Johann
SPD Srece, Eberndorf
SPD Trta
KUMST - Kulturbrücke
SPD Zarja, Eisenkappel
SPD Zila
Artikel VII Kulturverein für Steiermark

The Slovene Music School (Slovenska glasbena šola) is of particular importance to the Slovene minority.

The Hungarian Minority:

The **Burgenland Hungarians** have several associations with the objective to maintain and preserve the language, as well as the folklore and culture of the Hungarian minority. The Burgenland-Hungarian Cultural Association at Oberwart is the central cultural organization. Local cultural associations, as well as other organizations work in various cultural fields.

The Burgenland-Hungarian Cultural Association has set itself the goal of preserving the Hungarian culture and language. Contributions to reach this goal are support to folklore dance groups, training programs for students, language courses for children (including the publication of “Hirhozo” – a newspaper for children), as well as publications and work on contemporary cultural projects. In addition, bilingual teaching and extra-mural coaching of children in Hungarian are promoted by the association. Cultural events and a study tours to Hungary are organized on a regular basis.

The Adult Education Center of the Burgenland Hungarians offers, inter alia, Hungarian courses and organizes cultural events. In addition, the cultural activities of the Theater Group Unterwart, the “Heimathaus Unterwart” and the activities of the church communities deserve mentioning.

The Umbrella Organization of Independent Hungarian Associations was founded in 1983 and unites several non-political Hungarian associations of long standing of the Hungarian population living in Vienna. The organization is regarded as an important factor of Hungarian culture outside Burgenland.

The Hungarian Workers’ Association was founded as early as in 1899. The association undertakes activities to maintain the Hungarian language.

The Hungarian School Association was founded in 1921 and has set itself the objective of offering professional language contacts through high-quality language courses.

Délibáb, the cultural association, (formerly called the “Hungarian Cultural and Sports Association”) was founded in 1949 and promotes the preservation and communication of traditional Hungarian folks dances on a high cultural level.

Ever since its foundation in 1980, the Central Association of Hungarian Associations and Organizations in Austria has made efforts to organize the Hungarian population living outside of Burgenland and to obtain recognition for Vienna as an autochthonous settlement area of the Hungarian minority. It is the umbrella organization of those associations that were founded by Hungarian refugees after 1945.

The UMIZ, Hungarian Media and Information Center, is a future-oriented association that offers services in the field of the electronic media and data-base development, as well as special collections. The UMIZ has the largest Hungarian-language library in Austria and is the site of events and the location for trans-frontier projects.

Hungarian organizations that received promotional funding for national minorities:

Burgenländisch-ungarischer Kulturverein
Zentralverband ungarischer Vereine und Organisationen in Österreich
Dachverband der Unabhängigen Ungarischen Vereine in Österreich

Kulturverein der ungarischen Sprachgruppe in Österreich
Volkshochschule der burgenländischen Ungarn
„EUROPA“ – Club
KALÁKA Club ökonomische Interessensgemeinschaft der Ungarn in Österreich
Ungarischer Arbeiterverein in Wien
Wiener ungarischer Kulturverein VAJDASÁG
Wiener Ungarischer Kulturverein Délibáb
Grazer Ungarischer Verein
Peter Bornemisza Gesellschaft (Bildungswerk)
Verein Siebenbürger-Ungarn in Österreich
Salzburger Ungarischer Verein
Verein „ Unterwarter Heimathaus“
Ungarischer Theaterverein Unterwart
Ungarischer Kulturverein Mittelburgenland
Verband ungarischer Studenten und Akademiker Innsbruck
Verein Ungarisches Studentenheim und Kulturzentrum Innsbruck
Club ungarischer Studenten und Akademiker Graz
Ungarischer Akademiker- und Studentenklub
St. Stefan Verein
Ungarisches Kirchensoziologisches Institut
Ungarischer Seelsorgedienst der evangelischen Kirche A.B. in Österreich
Ungarischer Seelsorgedienst der evangelischen Kirche H.B. in Österreich
Diözese Graz Seckau / Ungarische Katholische Gemeinde Graz
Wiener ungarisches römisch-katholisches Seelsorgeamt
Römisch-katholische Pfarre Siget in der Wart
Evangelische Pfarrgemeinde A.B. Siget in der Wart
Evangelische Pfarrgemeinde H.B. Oberwart
Leseverein der reformierten Jugend Oberwart
Römisch-katholische Pfarre Oberwart
Römisch-katholische Pfarre Mitterpulendorf
Ungarische Römisch-katholische Kirchengemeinde in Linz
Römisch-katholische Pfarre Unterwart
Bewegung Katholisch-Ungarischer Intellektueller – Pax Romana
Oberösterreichische Pfadfinder – ÁRPÁD Ungarische Pfadfinder Linz
Verein Ungarische Pfadfindergruppe Széchenyi István Nr, 72 des Ungarischen Auslands- pfadfinderbundes Wien
Elternvereinigung des zweisprachigen Bundesgymnasiums Oberwart

The Czech Minority:

There are more than 60 Czech associations in Vienna. Some of these associations belong to umbrella organizations, others are operated as chapters.

The following list provides information about the main activities of these associations:

Schulverein Komenský young people	operates a school, newspaper,
Kulturklub der Tschechen und Slowaken	cultural activities, newspaper
Katholische Jugend	church, young people, pastoral services

Jirásek	library
Nová Vlast	cultural and social activities
Kontaktforum	cultural and arts events, exhibitions
Elternverein des Schulvereines	young people
Tschechische Pfadfinder	young people
Akademischer Verein	lectures, cultural events
Arbeiter Turnverein DTJ	sorts
Gesangsverein Lumir	choir group
Klub der tschechoslowakischen Touristen	tourism
Tamburizzagruppe Adria	music group
S.K. Slovan – HAC	sports
Theaterverein Vlastenecká Omladina	theater group
Tschechisches Herz	social and cultural events
Tschechoslowakische soz. Partei in Ö.	politics
Tschechoslowakische Volksvereinigung	politics, newspaper
Turnvereine Orel	
(5 independent associations)	sports, cultural events
Turnvereine Sokol	
(8 independent associations)	sports, young people, cultural events
Verein Narodni Dum	cultural events
Verein Slovanska Beseda	lectures, cultural events
Vereinigung Barak	cultural events
Vereinigung Máj	film showings, library
Vereinigung der Tschechen und Slowaken	cultural events, library, tourism
Wiener St. Method-Verein	church preservation, cultural events
Touristische Vereinigung Máj	tourism

In recent years the following organizations received funding from the budget for the promotion of national minorities:

Schulverein Komenský
Kulturklub der Tschechen und Slowaken in Österreich
Minderheitsrat der tschechischen und slowakischen Volksgruppe in Österreich
Katholische Mission für Tschechen in Wien
Sokol Wien I und V
Verband der österreichischen Sokol-Vereine
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Theater-Dilettantenverein "Vlastenecká Omladina
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Turnverein Sokol Wien X
Turnverein Sokol Wien XII/XV
Turnverein Sokol Wien XVI/XVIII
Vereinigung der Tschechen und Slowaken in Österreich
Vereinigung "Máj"
SOKOL Wien III/XI
Forum Tschechen für Wien

The Slovak Minority:

In 1848/49 the first Slovak associations were established in Vienna – *Vzájomnosť*, *Tatram Jednota* and others.

The Austrian-Slovak Cultural Association, which was founded in 1982, is the link to the tradition of the Slovak associations. Its efforts focus on the cultural and social concerns of the Slovak population in Austria. It organizes children's programs, literature evenings, lectures, exhibitions, film showings and slide projections and has its own Slovak library, partly with material from Slovak associations dating to the 19th century.

The Slovak School Association SOVA also makes efforts to maintain the Slovak popular language, and the Archdiocese of Vienna provides pastoral services to the young Slovak population.

The Roma Minority

Against the background of the Year of Commemoration celebrated in 1988 (50 years of the *Anschluss* in 1938), the Roma minority began to organize itself. Studies on the historical and the current situation of this minority were initiated.

The first association, the "Roma Association", was founded in 1989 at Oberwart. For many years, it had supported a learning assistance project and set up an advisory service for Roma. To this very day, it supports Roma in labor-law issues, as well as in their social and educational policy.

In 1991 the "Cultural Association of Roma in Austria" was founded, and the "Romano Centro", representing several Roma groups, was set up. On account of the joint activities of these associations, the statutory basis for setting up a national minority advisory council for the Roman minority was created, which convened for the first time in 1995.

Moreover, there is the "Association Ketani" in Linz, the association "Verein der Volkshochschule der burgenländischen Roma" (Adult Education Association of Roma in Burgenland) at Oberwart and the association "Romano-Drom" in Vienna. The Association "Roma Service" was started by a split-off from the "Roma Association". It especially takes care of the Burgenland-Roma language, including teaching Romany in a number of schools, and provides mobile services with its "RomBus".

In the most recent past, additional associations (mostly by younger migrants in Vienna) were founded such as, for example, the "Gypsy Information Society for the Maintenance and Promotion of the Roma culture" in Vienna, as well as the "Romania Union" in Vienna.

The department for ethnic groups of the Eisenstadt diocese takes care of Roma adolescents, in particular, and makes special efforts to organize joint activities for Roma and non-Roma.

In this connection, one should also mention the cooperation with scientific institutions. In addition to political and historical projects dealing with the Holocaust, but also with the post-war period, the Romany language is also in the center of scientific interests, especially as part of the activities of the Linguistic Institute of the Karl Franz University in Graz (the so-called Romany project). It deals with the codification, didactic implementation, as well as the

maintenance of the five varieties of the Romany language that are spoken most frequently in Austria.

The “Cultural Association of Austrian Roma” issues a quarterly journal (“Romano Kipo”) and focuses its work on documentation and information, with the Holocaust and its effects being at the center of its activities. A permanent exhibition on the history of the Austrian Roma takes account of this fact. In addition, the association also works in the field of providing information regarding the educational policy.

The association “Romano Centro” holds a special position among the Roma associations in Europe in that it represents several groups of Roma. The work in connection with social and educational policies should be mentioned in the first place. The model learning assistance to Roma children and their families contributed, inter alia, to a rise in the number of Roma children in Vienna who complete their school education. In addition, one must also mention the comprehensive social care and support, as a result of which the association is today not only a contact point for the Roma population but also a partner to contact for the authorities. Furthermore, on account of a large library specializing on the Roma, the association is a service institution for any kind of scientific studies. In addition to the media work (bilingual newspaper, radio programs), one should also mention the international linkages of the association which become manifest, inter alia, in the cooperation with the “European Roma Rights Center” in Budapest and with the OSCE.

The “Association Ketani” in Linz engages both in social and advisory activities, as well as cultural tasks. It handled the compensation payments, due on account of Nazi persecution, took care of refugees and engaged in other social activities, and also conducted information activities on the socio-historical situation of the minority. In this connection one should mention the exhibition “Roads to Ravensbrück. Recollections of Austrian Survivors of the Women Concentration Camp”, as well as readings on this group of subjects.

The “Adult-Education Association of Burgenland Roma” at Oberwart works on communicating the language and culture of the national minority, on the one hand, by offering special courses for Roma and non-Roma students. On the other hand, the documentation of the socio-historical and socio-cultural situation of the Roma population is an important focus of its work. One result of these efforts is the exhibition “Roma 2000” which is also meant to be presented in schools.

I should be noted that the phenomenon “escaping from one’s identity through social emancipation” could especially be noticed with the Roma minority in recent decades. Many Roma left their traditional settlements in order to become “submerged” in the anonymity of large towns. Those who succeeded by their own efforts to embark on a social and occupational career did not want to be recognized as members of a national minority.

Thanks to the activities of the aforementioned associations, as well as of other groups, it has been possible to strengthen the identity of the Roma within the national minority during the past 15 years.

Please refer to Articles 12 and 14 regarding efforts in connection with schools concerning the preservation of the language.

Ad paragraph 2: Protection against assimilation

The Framework Convention tries to prevent practices and objectives among the Contracting Parties that are geared to assimilation. In Austria, it is especially the funding made available to the national minorities that is meant to counteract trends at assimilation. In addition, Austria's laws for the national minorities provide for the setting up of national minority advisory councils which serve to advise the Federal Government and which could also be used by the regional governments.

A major problem faced by most autochthonous minorities in Austria today is the strong pressure exerted on them, with a view to their assimilation. This is due to the fact that they are relatively few in members, that they do not live in closed settlement areas and have to cope with changes in living conditions (marginalization of the agrarian lifestyle, more communication with persons speaking other languages and mobility, as well as mixed marriages). Economic and social problems (e.g. commuting, rural exodus) may result from the geographical location of these settlement areas on the periphery, which basically also affects the local majority population.

Assimilation tendencies are enhanced by a lack of adequate facilities in important social fields such as the media, for example, on the one hand, which are not always sufficiently available in the languages of the national minorities, whereas, on the other hand, mixed marriages have increased considerably, with their special problems of teaching the children the minority language. Moreover, the internationalization of interests among young people is also partly in conflict with the traditional perception which the national minorities have of themselves.

On the other hand, the expansion of the European Union has had considerable positive effects regarding the languages of the national minorities. In terms of commercial exchanges, persons with a good knowledge of the EU languages – and this includes four of the six minority languages – are among the potential winners within the European Union, on account of the expanded possibilities.

Article 6

1. *The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
2. *The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

Ad paragraph 1: Encouraging a spirit of tolerance and mutual respect

An important prerequisite for a spirit of tolerance, for an intercultural dialogue and for mutual respect is a close cooperation between the State, the majority population and the members of national minorities. All educational measure to that effect (civics, school partnerships, etc.) are therefore of particular relevance in this respect.

In order to ensure respect for human rights, a "Human Rights Advisory Council" (*Menschenrechtsbeirat*) was established at the Federal Ministry of the Interior as an independent agency, designed to review and monitor the activities of the security services. Moreover, since 1998 coordinators for human-rights issues have been appointed at the Austrian federal ministries and the regional governments of the nine Austrian federal provinces.

At the Federal Ministry of the Interior various training courses and projects have been carried on human rights issues and tolerance for other ethnic groups. In the course of the initial training courses, seminars were held on the subject of "Strange in this Country" (*Fremd bei uns*) in the period 2000 to 2005. (Although the title does not address the autochthonous national minorities, the substance is also interesting with regard to the national minorities). These seminars focus on the subject of integration, but also on encounters with people of different cultures. The police and the minorities are also among the topics that are addressed and discussed. For example, excursions were made to the Cultural Association of the Roma in Vienna.

It is mentioned as a reminder that in 1998 and 1999, a project week, the so-called "Human Rights Week", with follow-up measures was organized for members of the security and law-enforcement forces. Both in-house lecturers and external experts from non-governmental organizations such as amnesty international or Caritas were recruited. The goal of the project is to enable the participants to act as multipliers and to pass on their experience and knowledge through a "snowball system" to the various organizational units of the security and law-enforcement forces. In the fall of 1999, the International Study Center of the Adult-Education Association in Vienna began a two-semester training course entitled "Police Activities in a Multicultural Society" that is designed to strengthen police competencies in dealing with other ethnic groups.

On the occasion of the United Nations Year for Human Rights in 1998, an amount of ATS five million was made available to support organizations and projects. These were special funds provided by the Federal Government. The sponsored projects were proposed by a board composed of NGO representatives and selected by an inter-ministerial working group.

At the end of 2004 the unit "Consumer Protection" at the Federal Ministry for Social Security, Generations and Consumer Protection published a booklet "Sie haben Recht" (You are right/have a right) which was translated, inter alia, into the Hungarian and Slovak languages. This standard publication informs consumers about their rights and obligations and offers assistance and answers to the most frequently asked questions and problems that occur in everyday life. This publication can also serve as an important tool for the members of the Czech and Slovak minorities.

With a view to preparing young people for a life in a pluralistic democracy, human-rights education plays a special role in the field of education. Informing pupils and students about fundamental and human rights is an essential element of political education. This educational task is meant for teachers of all subjects and at all school levels.

In this connection, the school bodies and educational institutions were requested to contribute towards developing an adequate methodology for education in the human rights. On the occasion of the UN Decade for Human-Rights Education, the Federal Ministry of Education, Science and Culture set up a special service point for human-rights education and political

education, together with the Ludwig-Boltzmann-Institute for Human Rights, in order to actually implement this request.

The Federal Ministry of Education, Science and Culture did not only disperse funding for specific research projects but mainly also to the national minority organizations. In the year 2005 the total amount was EUR 572,374 of which EUR 347,694 went to the Slovene minority, EUR 87,590 to the Croat minority, EUR 59,120 to the Roma minority, EUR 33,585 to the Hungarian minority and EUR 44,385 to the national minorities in general. The expenses for the Slovene minority focus on the publication of text-books. There were no separate items of funding for the Czech and Slovak minority in the years 2002 to 2005.

For the first time, a special human-rights course was offered by the Federal Academy of Public Administration (*Verwaltungsakademie des Bundes*) in its 1999/2000 study year. It offers interested civil servants of the public sector in all areas of the administration the possibility to deal with the different aspects of protecting human rights throughout the world and to systematically examine their implementation in Austria.

The Roma minority is in a special position in many respects. First of all, it is a significant fact that the number of autochthonous Roma was drastically reduced by way of persecution during the National Socialist times. This persecution also led to a major break in the linguistic and cultural tradition. There are occasional reports on disadvantages which are often an interaction of lacunae in education and poor integration into the labor market. Austria is making major efforts in order to promote success at school, as well as the integration into the labor market.

- In this connection, one must also mention the coaching services provided by the Association Roma at Oberwart and by the Romano Centro association.
- In addition, Austria finances a labor-market assistant which is employed by the Roma Association and whose primary task is to advise on issues of occupations and education. The goal of this counseling service is to support integration into the labor market of the national minority, especially of those members living in southern Burgenland.
- The labor market project “Mri buti”, which began as an EU project under the “equal” program is now continued with domestic financing. This project offers jobs on an hourly or daily basis and takes account of the respective performance capabilities and inclinations of a group of the population which frequently faces difficulties on the labor market.
- The “Initiative THARA House” was already discussed in detail in the first part of the present report. This is an organization that helps adolescents of the Roma population to become integrated into the labor market.

The Federal Ministry for the Economy and Labor also promotes international Roma-specific networks. For example, the Roma center at Nagykanisza in Hungary received EUR 30,000 in 2004 and 2005 in order to set up an innovation agency for the further development of instruments of labor-market policy in order to support jobless Roma and to establish national and international networks of successful employment and education projects for the Roma population.

The “EQUAL” program received funding budgeted to amount to EUR 376,451.79 in the years 2002 to 2005, as part of the development partnership with “IdA” (Extended Labor market – Integration through Work).

In line with the mandate to promote equal opportunities also for the national minorities, the Labor Market Service designs and applies integration measures in this respect, with a view to finding the best-possible solutions for the problems of this group of persons.

In addition to funding from the federal budget, the organizations of the national minorities can also receive financial resources from the regional budgets of the federal provinces in which they live, especially Burgenland, Carinthia, Styria and Vienna.

The Office of the Carinthian Regional Government set up a National Minority Office as part of the Directorate of the Regional Government. This administrative unit serves as a service point for citizens, especially to provide better communication between members of the Slovene minority, as well as their organizations and the Carinthian regional administrative authorities. The National Minority Office also organizes and carries out a European congress for the national minorities which is held every year, as well as an annual cultural week of the Slovene population in Carinthia. The National Minority Office has budget funds that are used to promote and support specific projects and initiatives for the national minorities. The two Slovene cultural umbrella organizations (Slovene Cultural Association and Christian Cultural Association) and a great number of cultural, literary, school and trans-frontier projects receive funding every year.

The Carinthian Academy for the Administrative Services included language courses in its programs during the past five years in order to take account of the fact that Slovene is an additional official language, next to German.

Burgenland has expanded the relations to its national minorities. The regional school board published the book “Vorteil Vielfalt – 10 Jahre Minderheitenschulwesen” (Diversity an Advantage – 10 Years of Schools for the Minorities) during the period between 2000 and 2005. At present, the project “Immersion – Rotation” (Immersion – Rotation) is being published by an organization of the national minorities, in cooperation with the regional school board for Burgenland. The other activities by Burgenland are undertaken in close cooperation with the associations of the national minorities, when promoting and implementing the respective projects.

The City of Vienna provides financial support to a range of cultural activities by associations belonging to the Roma, Croat, Czech and Slovene minorities. It also supports educational projects of the Romano Centro association. Within the framework of the “Assisted Learning” scheme, for example, Roma children are given assistance and coaching free of charge. The City of Vienna has also supported the Romano Centro association in the implementation of measures designed to promote the acquisition of language skills (German language courses). The project “Roma-Assistenz”, which pursues the goal of improving communication between Roma children, schools and the families, is now financed by the Ministry of Education. Roma assistants are active in three compulsory schools in Vienna. The above-mentioned projects “Roma-Assistenz” and “Assisted Learning” have also met with considerable international attention.

Ad paragraph 2: Protection against discrimination and violence

The protection of persons belonging to national minorities, as required by Article 6 (2), is first and foremost guaranteed by the general provisions of the Austrian Penal Code (*Strafgesetzbuch*), which – in its first chapter of the special section - covers punishable offences against life and limb, and comprises, inter alia, § 105 (coercion), § 115 (defamation).

With Article 7 item 5 of the State Treaty of Vienna, Austria has committed itself to prohibit the activities of organizations that aim at depriving the Croat or Slovene population of their character and rights as national minorities.

The Associations Act (*Vereinsgesetz*) requires the Security Directorate to prohibit unlawful associations. This would include associations within the meaning of Article 7 item 5 of the State Treaty of Vienna.

A special provision that serves, inter alia, to secure the protection of ethnic minorities is contained in § 283 of the Penal Code (incitement to hostile action). It stipulates that any person who, inter alia, urges or incites others to commit a hostile act against a group defined by its affiliation to a nation or people, or who publicly stirs up hatred against such a group, or insults or seeks to disparage it in a manner that violates human dignity shall be liable to punishment.

Finally, it should also be pointed out that anyone who discriminates persons in an unjustified manner on the sole ground of their national or ethnic origin or prevents them from entering places or from resorting to services intended for general public use, commits an administrative offence under Article IX (1) item 3 of the Introductory Law to the Laws on Administrative Procedure.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

This principle, which is implemented on an international level in Articles 9 to 11 of the European Convention on Human Rights, applies equally to members of national minorities and persons belonging to the majority population. In Austria, these freedoms are also guaranteed by the pertinent provisions of the Basic State Law of 21 December 1867 on the General Rights of Citizens in the Kingdoms and Countries Represented in the Imperial Council (Imperial Gazette 1867/142).

The following individual fundamental rights are guaranteed by the Basic State Law of 1867 (*Staatsgrundgesetz*):

Article of the Basic State Law	Guaranteed right
11	right to petition
12	freedom of association and freedom of assembly
13	freedom of expression, freedom of the press, ban on censorship
14	freedom of conscience and religion

A resolution adopted by the Provisional National Assembly on 30 October 1918, which is of constitutional standing, abolished all forms of censorship.

In addition, Article 66 (2) of the Treaty of St. Germain guarantees all persons living in Austria the right to freely exercise – in private or in public – any form of belief, religion or confession, unless such exercise is incompatible with maintaining public order or violates moral standards.

Article 7 (1) of the State Treaty of Vienna specifically states that the Slovene and Croat minorities shall enjoy the same rights as all other Austrian nationals, including the right to have their own organizations, as well as to hold meetings and publish media in their own language.

Article 8

The Parties undertake to recognize that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organizations and associations.

This right is available to persons belonging to national minorities in the same way as to all other Austrian nationals. As explained in connection with Article 7, freedom of conscience and religion is guaranteed by Article 9 of the European Convention on Human Rights and Article 14 of the Basic State Law, as well as by Article 63 (2) of the Treaty of St. Germain. Moreover, under Article 67 of the State Treaty of St. Germain, Austrian nationals who belong to racial, religious or linguistic minorities have, inter alia, the right to establish, run and control their religious institutions at their own costs, together with the right to use their own language at their discretion and to exercise their religion freely.

Under the Federal Act on the Legal Status of Religious Communities (*Bundesgesetz über die Rechtspersönlichkeit von religiösen Bekenntnisgemeinschaften*), any denomination may acquire legal status when complying with general conditions.

It must be added, however, that national minorities in Austria do not differ significantly from the majority population, in terms of their religious belief (see also Article 5).

Article 9

1. ***The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.***
2. ***Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.***
3. ***The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into***

account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4. *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

In this connection, reference is made once again to the statutory situation in Austria regarding fundamental rights, as described under Article 7 of the Framework Convention. It applies equally to members of national minorities.

Statutory Situation:

Press Promotion Act of 2004

In connection with the promotion of the press, one should refer to § 1 (2) of the Press Promotion Act of 2004, Federal Law Gazette I No. 136/2003, which stipulates that the media of the national minorities have convenient access to promotional funds. Whereas the law requires a minimum circulation of 5,000 copies and the full-time employment of at least two journalists for weekly newspapers, in order to be eligible for receiving promotional funding, there are no such requirements for weekly newspapers published in a minority language.

The Austrian Broadcasting Corporation (ORF) Act

On 1 January 2002 amendments of the federal law regarding the Austrian Broadcasting Corporation (ORF Act) entered into force which related to radio and television broadcasts. § 5 (1) of the ORF Act requires the Austrian Broadcasting Corporation (ORF) to broadcast an adequate proportion of its broadcasts in the languages of the national minorities for which national minority advisory councils have been set up. Every year, the broadcasting periods dedicated to these programs must be determined after hearing the Audiences' Council (*Publikumsrat*). Furthermore, one seat on the Audiences' Council (representing viewers and listeners) is reserved to a representative of the national minorities (§ 28 (4) of the ORF Act). According to § 30 (1) of the ORF Act, the Audiences' Council proposes measures, inter alia, in order to comply with the statutory requirements and comments on the allocation of program shares to the national minorities. With the amendment of the ORF Act, cooperation between the ORF and private radio stations has also become possible, and the programs offered to national minorities have also been modified considerably in their favor. As was stated before, in the first part of the national report, the ORF offers a comprehensive program to Austria's national minorities.

The programs offered by the ORF in detail

Burgenland

The national minorities in Burgenland hold a special position in the programs produced by Radio Burgenland. The cultural and linguistic diversity of Burgenland is thus also taken into account in the production of broadcasts. At the beginning of the year 2003, a broadcasting slot on radio and television was created for the first time for transmitting broadcasts in the mother tongue of the Roma population. Since the year 2002, the programs offered to the national minorities in Burgenland have been clearly expanded.

Radio broadcasts:

Since the beginning of the year 2002, Radio Burgenland broadcasts the daily news in the Hungarian language, and a new radio feature was introduced which provides background reports on specific topics of the national minorities in Burgenland-Croat and Hungarian (an additional 2,900 broadcasting minutes per year). As of January 2003, this magazine-type program for the national minorities was re-designed once again and extended by 15 minutes of broadcasting in Romany per week.

Television broadcasts:

At the beginning of the year 2002, a new multilingual, 45-minute television broadcast on the local level was developed which is offered four times per year. In the program “Servus Szia Zdravo Deltuha” German, Burgenland-Croat and Hungarian and – since 2003 – also Romany is spoken. The broadcast follows an integrative approach and also serves the national minorities as a platform to present themselves to the majority population. The number of television magazines in the Hungarian language was also increased in 2002, namely from previously four to currently six editions per year.

Every Sunday between 13.30 and 14.00 hrs., the Regional Studio Burgenland broadcasts its 30-minute television magazine “Dobar dan Hrvati” in Burgenland-Croat on ORF, locally for Burgenland. The broadcast is run again on Mondays on the night program of the ORF, which can be received throughout Austria. It is also available on the Internet as a real-video for downloading. As a result, Burgenland-Croats who do not live in Burgenland also have the possibility to watch the program or to record it by receiving it via ORF ditigal.

Six times per year, on Sunday at 13.05 hrs., ORF2 broadcasts the Hungarian magazine “Adj’Isten magyarok” locally in Burgenland. On four further dates per year (always on Sunday between 14.20 and 15.05 hrs.) the Regional Studio broadcasts the television magazine “Servus Szia Zdravo Deltuha” in four languages, in the course of which contributions in the German, Burgenland-Croat, Hungarian and Romany languages alternate. Both the Hungarian and the multilingual magazine can also be accessed via the Internet as real-videos.

In addition to supplying the national minorities in their mother tongue, Radio Burgenland also follows an integrative program approach. Topics of relevance to the national minorities are consistently part of all program slots of Radio Burgenland. This makes sure that German-speaking listeners are also informed about topics regarding the national minorities.

This open-minded approach also includes a glance beyond frontiers and the effort to have a better understanding of our neighbors. In 2004, for example, a Euroregio magazine was integrated into the program broadcast by Radio Burgenland throughout the federal province. This magazine is intended to deepen the understanding for the new region around Burgenland by broadcasting stories about everyday life, everyday culture, as well as economic and socio-political interactions. This should also help to remove possible prejudices.

In the off-air area, initiatives in favor of the national minorities are also taken time and again by the Regional Studio Burgenland (CD productions, a range of events, etc.).

Carinthia

Radio broadcasts:

As part of the cooperation with AKO Lokalradio GmbH, the ORF has been producing an information and entertainment program in the Slovene language, broadcast throughout the day and covering a total daily period of eight hours, since 21 March 2004. It is broadcast by “Radio DVA-AGORA” in the time slots 6.00 to 10.00 hrs., 12.00 to 13.00 hrs., and 15.00 to 18.00 hrs. Radio dva and/or Radio AGORA are responsible for the time slots 10.00 to 12.00 hrs. and 13.00 to 15.00 hrs., for which they produce the programs, and during the period between 18.00 and 6.00 hrs. in the morning, “Freies Radio AGORA” produces the program. There is thus a full 24-hour program for the Slovene national minority.

During the ORF program periods, the ORF news broadcast in German is taken over (except at 12.00 hrs.). News in the Slovene language are broadcast at 6.30 hrs., 7.30 hrs., 8.30 hrs., 9.30 hrs., 15.30 hrs. and 16.30 hrs. In addition, the ORF news broadcast at the full hour in German, transmitted by the Regional Studio Carinthia is also broadcast by “Radio DVA-AGORA” during the period 10.00 to 12.00 hrs. As a result, a uniform “news coverage” is ensured throughout the day (6.00 to 18.00 hrs.). The music programs comprise hits, oldies and folklore music, with a focus on Slovenian titles. The information broadcasts of the ORF on “Radio DVA-AGORA” are also available on the Internet for downloading. So far, the response from the Slovenian minority regarding this new and very comprehensive program offered by the ORF on “Radio DVA-AGORA” has been very positive.

In addition to the programs offered by the ORF on “Radio DVA-AGORA” in the Slovene language, Radio Carinthia continues to broadcast a magazine in the Slovene language every Wednesday between 21.03 and 22.00 hrs. Every Sunday and holiday, the very popular morning program in Slovene and German is broadcast, always from 6.06 to 7.00 hrs.

These programs are rounded off by the three-language magazine “Servus – Srečno – Ciao”. Since 22 March 2004, it has been lengthened by one hour per day, and it is now broadcast from Monday to Friday between 16.03 and 19.00 hrs. The magazine lives up to the idea of an Alpine-Adriatic region. The programs deal with topics from Carinthia, Friuli-Venezia Giulia and Slovenia. News programs in the three languages are always broadcast at 18.30 hrs. The weather in the neighboring countries is also dealt with in sufficient detail.

Television broadcast:

“Dober dan, Koroška” is a 30-minute television magazine in the Slovene language by the Regional Studio Carinthia, which celebrated its 15-year anniversary on 2 April 2004. It is broadcast by ORF 2 every Sunday at 13.30 hrs. on the local level in Carinthia. The program is broadcast again on Monday in the night program of the ORF, which can be received throughout Austria and is available on the Internet as real-video for downloading. Thus, members of the Slovene minority who do not live in Carinthia have the possibility – by receiving the program via ORF digital – to watch the program or to record it. In addition, “Dober dan, Koroška” is also repeated on the television programs of RTV Slovenija (Slovenia).

Radio 1476

In early 2003 two new magazines in the Slovak and Czech languages were launched on Radio 1476, the medium-wave program of the ORF. On account of the positive reaction from listeners, this program was clearly enlarged in early 2004 and a regular broadcasting slot for the Slovak and Czech magazine was launched on weekdays (Monday to Friday, 19.05 to 19.30 hrs.). Since early 2004, Radio 1476 has broadcast a weekly magazine in Romany - always on Friday between 20.00 and 20.30 hrs. In addition, programs for the national minorities broadcast by the Regional Radio Burgenland and the Regional Studio Carinthia have been repeated on Radio 1476 since July 2003. Since September 2004, Radio 1476 broadcasts a 30-minute magazine in the Hungarian language for the Hungarian population in Vienna (every Saturday at 20.00 hrs.), which Radio 1476 produces itself. The broadcast "Csipös nyelv" wants to offer a platform for the exchange of information among the members of the national minority. Depending on the subjects of topical interest, the broadcasts with guests at the studio deal mainly with the policy regarding national minorities, with the cultural identity and the mother tongue. Twice per month the focus is put on subjects for adolescents. Since September 2004, Radio 1476 has also repeated the Friday magazine in Romany of the week before, which is broadcast every on Saturday at 20.30 hrs.

From Monday to Saturday, always at 12.38 hrs., two minutes of news are broadcast in Burgenland-Croat. From Monday to Sunday at 18.25 hrs., the Burgenland-Croat evening journal is on the air, followed by a half-hour magazine in Burgenland-Croat, always at 18.25 hrs. For the Hungarian minority a half-hour magazine is offered every Sunday at 19.30 hrs. In addition, five minutes of news in Hungarian are broadcast every day at 18.55 hrs.

The programs offered to the national minorities in Burgenland are supplemented by a weekly magazine in three languages (Monday, 20.04 to 21.00 hrs.), which comprises regular programs in Burgenland-Croat and Hungarian, as well as in Romany.

In June 2003 the radio broadcasts in the Burgenland-Croat language were further developed, both in terms of form and content. The broadcasts were geared even more clearly to the target audience. They now present a new content, a new layout, as well as new moderators and are very well received by the national minority.

Since July 2003 the broadcasts for the national minorities, produced by Radio Burgenland, have been repeated on Radio 1476 (medium-wave radio station). Those members of the national minorities who live outside the area covered by Radio Burgenland can also receive the programs via terrestrial broadcasting, in addition to the possibility of receiving them via Radio digital or via Live-Stream on the Internet.

Radio Vienna

Radio Vienna broadcasts a German-speaking version of "Heimat, fremde Heimat" once every week (Sunday, 19.30 to 20.00 hrs.). However, this program is primarily geared to migrants; nevertheless, specific subjects of the national minorities can be found there on a regular basis.

ORF 2

The German-speaking television broadcast "Heimat, fremde Heimat" (every Sunday, 13.30 to 14.00 hrs.) communicates information on subjects to the minorities living in Austria and pursues an integrative approach with the goal of familiarizing the German-speaking

population with topics relating to the national minorities living in Austria. Occasionally, the programs are broadcast in the languages of the national minorities (with German sub-titles).

On Monday, the television magazines “Dobar dan, Hrvati” of the Regional Studio Burgenland and “Dober dan, Koroška” of the Regional Studio Carinthia are repeated on the night program of ORF 2.

3sat

“Heimat, fremde Heimat” is also broadcast on 3sat every 14 days (3sat, Thursday, 11.45 to 12.10 hrs.). It is broadcast alternatively with a Slovene magazine (supplied by RTV Slovenija) under the editorial management of the ORF).

The programs offered by the ORF to the national minorities in the year 2005:

- In Burgenland: 30 radio and television broadcasts every week, supplemented by ten special time slots per year on television in Burgenland-Croat, Romany and Hungarian.
- In Carinthia: eight radio and television broadcasts per week (including “Servus – Srečno – Ciao”), supplemented by ten special time slots per year on Radio Carinthia, plus eight hours of programs every day in the Slovene language, as part of “Radio DVA-AGORA”.
- Radio 1476: 19 radio broadcasts per week in all six languages of the national minorities. The magazines in Romany, Slovak and Czech, as well as the magazine in the Hungarian language for the Hungarian population in Vienna on Saturday are new productions of Radio 1476. In addition, the broadcasts for the national minorities are taken over from the Regional Studio Burgenland and the Regional Studio Carinthia.
- ORF 2: Three television broadcasts per week, which can be received throughout Austria, “Heimat, fremde Heimat”, the German-speaking magazine for and about migrants and national minorities, which pursues an integrative approach and also wants to familiarize the German-speaking majority with subjects relating to the ethnic minorities. “Dobar dan, Hrvati”, the Burgenland-Croat television magazine of the Regional Studio Burgenland, and “Dober dan, Koroška”, the television broadcast in the Slovene language of the Regional Studio Carinthia.
- Radio Vienna: once per week (Sunday, 19.30 to 20.00 hrs.) a radio version of the television broadcast “Heimat, fremde Heimat”.
- 3sat: one television broadcast per week (Thursday, 11.15 to 12.15 hrs, 3sat version of “Heimat, fremde Heimat” every 14 days, alternating with the magazine in the Slovene language from RTV Slovenija).
- Internet: Every day topical information from society, politics, culture, with a special focus on “national minorities, minorities, human rights” in German, Burgenland-Croat, Slovene, Hungarian and occasionally Slovak, Czech, Romany. All broadcasts on Radio 1476 in Romany, Slovak, Czech and Hungarian, and by the Regional Studio Burgenland in Burgenland-Croat, Romany and Hungarian, as well as the Slovene television broadcast of the Regional Studio Carinthia and the information programs of ORF Carinthia on “Radio DVA-AGORA”, as real-audio and/or real-video for

downloading. Live-stream from Radio Burgenland, Radio Carinthia, Radio Vienna and Radio 1476.

- Teletext: Daily program information about all radio and television programs of the ORF of relevance to the national minorities, as well as daily topical information about events of relevance to the national minorities on page 639 (“Ethno Tips”).
- All aforementioned programs broadcast by Radio Burgenland, Radio Carinthia, Radio Vienna, as well as by ORF 2 (including the local program slots in Burgenland and Carinthia, as well as Teletext) can be received throughout Austria via ORF digital, which ensures that the members of the national minorities who live outside the respective settlement areas can receive these programs.

Internet

The on-line platform of the ORF <http://volksgruppen.ORF.at> underwent a complete re-launch in May 2004. In consequence, the platform was adapted to the growing requirements of a comprehensive multilingual Internet portal; its content was expanded, and it was made even more user-friendly, on account of its modern on-line design and simpler navigation. A new Content Management System (CMS) clearly improved and made the technical structure easier (entering and processing texts, pictures and charts). This also facilitated an increase in the number of available reports and also a correct presentation for the so-called diacritic characters, which is of great importance for a multilingual portal.

The most up-to-date and important information from all the six autochthonous national groups have now been integrated into the access page <http://volksgruppen.ORF.at>, which are produced, coordinated and serviced by the Central Minorities Editorial Desk, in cooperation with the regional editorial desks for the national minorities of the Regional Studios Burgenland, as well as the Slovenian editorial desk of the Regional Studio Carinthia. In addition, the new construction of the pages makes it possible for members of the national minorities to access directly the languages in their respective mother tongues, as well as the area “integration”. Moreover, the newly designed platform also offers more comprehensive services such as, for example, a calendar of events that is oriented towards the target groups.

With the new structure, which was prepared by the one-line department, ORF.at., and the Regional Studios Burgenland and Carinthia and which coincides with the four years of existence of the web site, the platform “volksgruppen.ORF.at” meets the requirements of an attractive multilingual Internet portal.

Already since May 2000 “volksgruppen.ORF.at” has offered services in German and in the mother tongues of the national minorities. It offers relevant information such as news, detailed background reports and commentaries, program announcements, information about events, as well as audio and video services. The new design, together with the user-friendly navigation and structure, ensure a swift, clear and simple use of the platform, in spite of the great volume of content. On the start page of <http://volksgruppen.ORF.at> all news of importance to the autochthonous national minorities can be accessed in German. When using the navigation, one can quickly access the information in the mother tongue of the respective national minority (Burgenland-Croat, Slovene and Hungarian), as well as access the services offered by the portal. In some cases, the content is also provided in Romany, Slovak and Czech.

The goal of “volksgruppen.ORF.at” is to contribute towards maintaining and stimulating the language and culture of the autochthonous national minorities in Austria, as well as to provide topical information about events and their background that are of relevance to these groups. The site continues to be produced by the on-line editorial desk with its specifically established functional unit “Ethnic Projects”, as well as the Regional Studios Burgenland (national minority editorial desk Burgenland) and Carinthia (Slovene minority editorial desk).

Teletext

The ORF TELETEXT offers program information about all radio and television programs of relevance to the national minorities on a daily basis, as well as – since 2003 – information about events of interest to the national minorities on its page 639 (“Ethno Tips”), which is updated on a daily basis.

Private Radio Stations

Radio Agora/Radio dva

For the period 1 April 1998 to 31 March 2005, the Private Broadcasting Authority granted the license to “Agora Korotan Lokalradio GmbH”, a group of operators, in order to organize a local radio program that provides the settlement area of the Slovenian minority in Carinthia. In keeping with the decree by the authority, 50% of the spoken programs offered must be broadcast in the Slovene language.

When the Private Broadcasting Authority granted the broadcasting frequency to the group of operators comprising Radio Agora and Radio Korotan, both had to provide evidence that they had the commercial means to run the radio operations. In this connection, Radio Korotan emphasized that it obtained its economic basis with revenues from advertising spots, and Radio Agora stated that its philosophy was to work with volunteers and to rely on revenues from donations. In spite of their initial statements regarding their commercial viability, the Federal Chancellery supported the two radio operators with considerable financial resources during the initial phase 1998 to 2000 from the budget earmarked to promote the national minorities, especially in order to create the infrastructure for the new radio operations and thus to ensure the provision of minority programs to the national minority. The promotional funding was meant as start-up support. In 2001, an agreement was then reached between the private radio stations and the ORF, which gave financial support to the radio operators. As this agreement expired at the end of 2002, and as the ORF was unable to continue the support, on account of its own savings measures, the Coordination Committee of the Slovene minority in Carinthia supported the Slovenian private radio station with EUR 35,538.00 and Slovenia with EUR 11,000.00, which reflected about 7% of the financial support previously granted by the ORF.

In 2003 further negotiations took place with the ORF, which resulted in a coordination agreement, on the basis of which the ORF has broadcast 8 hours per day on the frequency of the private radio operators since 21 March 2004 and again reached an agreement on funding with the radio operators. As a result of the agreement with the ORF, the ORF now broadcasts and finances an all-day Slovenian radio program on the frequency of the private radio station, but discontinued its previous news slots in the Slovene language at Radio Carinthia. It is pointed out expressly that the ORF is an independent corporation and that it is in its sole discretion whether it wishes, and is in a position to enter into a cooperation with a private radio operator, in keeping with § 5 of the ORF Act.

The editorial desk for the Slovene program of ORF Carinthia now broadcasts eight hours of radio programs per day in the Slovene language on the frequency of “Radio DVA-Agora”. Freies Radio / Svobodni radio “Radio AGORA” broadcasts a Slovene-language and multilingual program which is designed mainly by free-lance staff. A new feature is the information and magazine broadcasting slot from Monday to Sunday between 19.00 and 20.00 hrs,

In early October 2005, the ORF general manager presented the results of a survey to the Audiences’ Council regarding the Slovene-language broadcasts of the ORF and Radio dva – Agora. The study was conducted by the Institut Fessler-GfK which had sent out bilingual questionnaires for this purpose (they were also enclosed, inter alia, with the journal NOVICE). More than 10,000 questionnaires were distributed; about 6% were completed and returned. Half of the interviewees indicated that they used both Slovene and German as their everyday language, 29% indicated to use Slovene and 20% said they used German as their everyday language. 60% of the interviewees said they heard Radio DVA – Agora every day, and 24% said they did so at least once per week. Fessler-GfK stated that the listeners identified very positively with the radio station. 69% stated that the radio station is extraordinarily important for the Slovene minority. 85% would miss it “very much” or “quite much”, if the radio station did not exist.

Radio MORA – A multilingual, open radio station

In Burgenland a private radio company was also granted a license to operate a local radio station for the same period of time. The organization “Radio MOTA – Mehrsprachiges offenes Radio”, an organization of the national minority was involved, and it designed the broadcasts in the three languages spoken by the national minorities in Burgenland (Burgenland-Croat, Hungarian and Romany). Here, too, difficulties emerged in connection with the transitions of ownership to other private companies that did not belong to a national minority and now produced programs in the languages of the majority. Consequently, the application for re-orientation of the license of the radio operator, to operate an almost exclusively German-language format and only a minimum of minority programs during the night, was not approved by the authorities, and because of the financial difficulties the program providers discontinued their program almost completely (only music programs).

The Print Media

As a matter of principle, all national minorities have the possibility to publish various print media. However, it is often a lack of personal resources that prevents the implementation and regular editing of publications. In spite of support from the funds of the Federal Chancellery earmarked for the national minorities, it is often not possible to finance a newspaper or magazine that is published regularly. This is probably also the decisive reason why no daily newspapers are published in the minority languages. As a matter of principle, funds are available from the budget of the Federal Chancellery promoting the national minorities for periodicals and other printed publications. The specter ranges from newspapers and information bulletins, scientific works and literature, monographs, a variety of books on specific subjects to publications for children and juveniles.

The Burgenland-Croat minority

The Burgenland-Croats have the following periodicals in the area of the print media:

- Hrvatske Novine / Croat weekly newspaper: published by the Croat Press Association. The newspaper is published in the Burgenland-Croat language to a large extent (there are also articles, published regularly, in the standard Croat language). It comes out every Friday and covers 16 to 28 pages. The reports focus on the situation and problems of the Burgenland-Croats, they also deal regularly with other national minorities in Austria and in other countries.
- Crikveni Glasnik / Croat Church Newspaper: The “Glasnik” (messenger) is published by the Eisenstadt diocese on a weekly basis and has 8 pages. Sometimes two issues are published together. The publication is in color. The editor in chief is the head of the Croat section of the pastoral service of the Eisenstadt diocese. The “Glasnik” is the communication and information instrument in the Croat language of the Eisenstadt diocese.
- Glasilo: The publication of the association Hrvatsko Kulturno Društvo / Croatian Cultural Association in Burgenland. It is published regularly every quarter on 12 to 20 pages in color. The paper is written and revised by the board members of the Croatian Cultural Association in Burgenland. The paper reports about events in the Croat and mixed-language villages, about concerns and problems of the national minorities in Austria and Europe, as well as about the various activities of the cultural association and other organizations of the national minority.
- Novi Glas (The new voice): The publication of the association HAK / Croatian Club of University Graduates. It is published quarterly and in a variable volume (appr. 40 pages). The editors are board members of the Club. The subjects relate to the general minority policy and especially to the policy relating to the Burgenland Croats, Croatian literature, and topics for students and adolescents, as well as topics relating to the social policy and with a cultural background. The Burgenland-Croat and the Croatian language, as well as German and English (occasionally) are used as languages. Novi Glas is defined as a discussion forum of the Burgenland Croats. It tries to present problems of topical interest from the fields of minority policy, culture, science and language in a controversial fashion.
- Put (The path): The publication of the Croat Cultural Association in Vienna. It is published twice per month and covers approximately 40 pages. The editors are the board members of the cultural association. The topics range from minority policies and culture to reports about the Burgenland-Croat community in Vienna, as well as poetry.
- Gradišće Kalendar (Burgenland calendar): It is published by the Croat Press Association. The publication comes out once every year, always at the beginning of the year. The publication covers about 300 pages in A-5 format. The content includes the calendar, literature and poetry, history, biographies, articles on the language and about social science.
- Panonska ljetna knjiga (Pannonian yearbook): It is published by the Pannonian Institute on an annual basis and has about 500 pages. The editor is the chairman of the Pannonian Institute. The content comprises articles about important historical events and anniversaries, texts on exhibitions and articles about the peoples and national minorities in the Pannonian region.

The Slovene minority

The publication of the weekly newspaper “Slovenski vestnik” of the Central Association of Slovenian Organizations and the weekly newspaper “Nas tednik” of the Council of the Carinthian Slovenes was discontinued. Instead, the two organizations jointly publish a new weekly newspaper “Novice” by way of a joint limited-liability company. The paper is published in a printed version and also on-line. Yearbooks and numerous information bulletins for members are also published by the associations of the Slovenian minority.

In addition, the following publishing houses in Carinthia are of special importance for publications in the Slovene language: Drava Druck und Verlags-GesmbH, Hermagoras/Mohorjeva and the Wieser Verlag.

For the Slovene minority in Styria, the “Article VII Cultural Association for Styria” publishes “Signal”, a comprehensive information bulletin.

The Hungarian minority

“Bécsi Napló” is published every second month in the Hungarian language by the Central Association of Hungarian Associations and Organizations in Austria. The Burgenland-Hungarian Cultural Association (Burgenlandi Magyar Kultúregyesület) regularly publishes, inter alia, its information bulletin “Örvidéki Hírek” in two languages. Many Hungarian organizations publish yearbooks and other information bulletins. The “Hungarian Media and Information Center”, which was founded as an Interreg project, publishes the first on-line newspaper for the Hungarian minority.

The Czech minority

The minority council is the publisher of “Videnske Svobodne Listy” (Vienna Free Papers), which are published every second week. The culture club publishes the journal “Klub” every other month. The School Association Komensky is the publisher of the monthly journal “Ceska a Slovenska Viden Dnes” (Czech and Slovak Vienna Today). The Catholic Mission regularly publishes its newspaper “Rozhledy” (Outlooks). In addition, the various organizations of the Czech minority publish information bulletins. The School Association Komensky publishes annually its “Rocenka” (Yearbook) and a calendar.

The Slovak minority

The Slovak minority publishes a quarterly journal “Pohlády” (Insights) which is gaining in diversity, regarding content, ever since its foundation in the year 1985. It is the media voice of the Slovak population in Austria and is published four times per year. The information bulletin covers topics from the life, culture and social activities of the Slovak minority. The bulletin “Pohlády” is politically independent and focuses on culture and a diversity of opinions. For example, Slovak artists and their works are presented. The Austrian-Slovak Culture Association has published several books about Slovaks living in Austria. In 2005, the first German-Slovak calendar was published.

The Roma minority

The “Roma Service” publishes a children’s newspaper “MRI TIKNI MINI MULTI” in Romany with funding from the budget for the promotion of the national minorities. It is published six times per year and is used in the “optional exercise in Romany” and also sent to interested persons and Roma organizations, as well as distributed in Roma settlements. In addition, the “Roma Service” also publishes a bilingual newspaper (“dRom”) four times per year which is used in adult education (Romany course at the Karl Franz University in Graz) and the lower-level secondary school at Oberwart in the “optional exercise in Romany”.

In this connection, one should also mention the bilingual association newspaper “Romani Patrin” (“Roma Papers”) of the Roma association at Oberwart and the bilingual journal “Romano Centro”, which is internationally renowned, of the Romano Centro association – the association for the Roma population in Vienna. The German association paper “Romano Kipo” (“Roma Picture”) is published by the Cultural Association of Roma in Austria.

Article 10

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavor to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*
3. *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Ad paragraph 1: Free use of one’s language

According to Article 8 of the Federal Constitution Act, "German is the official language of the Republic without prejudice to the rights granted by federal law to the linguistic minorities." However, this regulation only applies to the use of German when dealing with public authorities. However, Article 8 of the Federal Constitution Act does not govern the use of a specific language among persons living in Austria, irrespective of whether in private or business conversations, so that it is up to each and every individual to use a language of his/her choice. Just like all other persons, the members of a national minority thus have the right to choose the language in which they want to communicate. A restriction of this right would interfere with the right contained in Article 8 of the European Convention on Human Rights, which is guaranteed by Austrian constitutional law, and would also be in conflict with the general principle of equality laid down in the constitution, since a differentiation between legally "admissible" and "inadmissible" languages would require a - highly questionable - objective justification.

In addition, reference is made to Article 66 (3) of the State Treaty of St. Germain, according to which no restriction shall be imposed upon any Austrian national regarding the free use of any language in private or business communications, nor in matters of religion, the press or other publications of any kind, or at public meetings.

Ad paragraph 2: Official language

In connection with paragraph 2, it should first be mentioned that the use of minority languages is not confined to relations with the administrative authorities but this right also exists before Austrian courts. Under Article 7 (3) of the State Treaty regarding the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna), which is of constitutional standing, the Slovene and Croat languages shall be admitted as official languages in administrative and court districts with a mixed population, in addition to German.

The Constitutional Court stated in its decision of 12 December 1987, file number G 55/87, VfSlg. No. 11.585/1987, that this right shall be applied directly and that a member of the Slovene or Croat minority may assert this right directly when dealing with an authority. The Constitutional Court argued that the absence of an implementing ordinance for the Burgenland-Croat minority at the time of the decision did not prevent a member of the Croat minority to assert this right. A text section in the law on the national minorities, which restricted this right, was therefore revoked by the Constitutional Court as being unconstitutional.

The Constitutional Court's arguments in this decision are therefore of particular importance. They state that while it is admissible to issue implementing provisions, in order to clarify, for example, before which public authorities and agencies the respective minority language may be used as an official language, this does, however, not prevent persons belonging to national minorities from also using their minority language in relations to a public authority not mentioned in the ordinance, if that authority is situated in an administrative and court district with a Slovene, Croat or mixed population. This right does not derive from the implementing provisions but directly from Article 7 (3) of the State Treaty of Vienna.

§ 2 (1) item 3 of the National Minorities Act requires the designation by ordinance of the public authorities and agencies before which the use of a minority language – in addition to German – as an official language is permitted. Persons belonging to national minorities have the right to use the language of their national minority, orally and in writing, before such public authorities. The decisions issued by these authorities shall be served on the members of a national minority in German **and** in their minority language. The Constitutional Court has held repeatedly (decision of the Constitutional Court of 1 July 1983, file number B 457/82; decision of the Constitutional Court of 28 June 1983, file number B 499/82; decision of the Constitutional Court of 26 September 1994, file number VfSlg. No. 13.850/1994) that in such cases a decree shall only be deemed to have been served and become legally effective when communicated **in both** official languages.

The records on the civil status of persons shall be kept in the German language (§ 18 of the National Minorities Act). Whenever documents are presented in one of the languages of the national minorities for an entry in the records on civil status, the authority shall have them translated. By the same token, excerpts from the records on civil status shall be issued in the respective minority language upon request (§ 20 of the National Minorities Act). According to the case law of the Constitutional Court (for example file no. VfSlg. 14.452/1996), this shall

also apply to cases in which the act resulting in an entry (e.g. a marriage) was not conducted in the language of the national minority, in the absence of a request to this effect by the member of the national minority.

The following ordinances on official languages are currently in force:

“Ordinance of the Federal Government designating the courts, administrative authorities and other agencies before which the Slovene language is admitted as an official language, in addition to the German language” (Federal Law Gazette No. 307/1977 in the version of Federal Law Gazette II No. 428/2000)

“Ordinance of the Federal Government designating the courts, administrative authorities and other agencies before which the Croat language is admitted as an official language, in addition to the German language” (Federal Law Gazette No. 231/1991 in the version of Federal Law Gazette No. 6/1991)

“Ordinance of the Federal Government designating the courts, administrative authorities and other agencies before which the Hungarian language is admitted as an official language, in addition to the German language” (Federal Law Gazette II No. 229/2000 in the version of Federal Law Gazette II No. 335/2000)

a) the Croat minority:

For the Croat minority, the ordinance on official languages has been in force since 9 May 1990. On the basis of this ordinance, the Croat language has been admitted as an official language before the municipal authorities and municipal agencies of the municipalities listed by name, as well as before the district administrative authorities of almost all political districts of Burgenland (except for the district of Jennersdorf, as well as the two towns of Eisenstadt and Rust). Moreover, the Croat language is also held to be an official language before the Office of the Burgenland Regional Government, as well as before a number of regional federal authorities such as tax offices, as well as the local courts of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart, and the regional court at Eisenstadt.

b) the Slovene minority:

For the Slovene minority, the ordinance on official languages has been in force since 1 July 1977. The Slovene language is thus an official language before the district administrative authorities of Klagenfurt-environs, Villach-environs and Völkermarkt, as well as before the municipal authorities or certain municipalities in these political districts, especially before the Office of the Carinthian Regional Government, as well as before regional federal authorities such as tax offices. Moreover, the Slovene language is an official language before the local courts of Ferlach, Eisenkappel and Bleiburg, as well as before the regional court at Klagenfurt.

c) the Hungarian minority:

For the Hungarian minority the ordinance on official languages has been in force since 1 October 2000. On the basis of this ordinance, the Hungarian language has been admitted as an official language before the principal district authorities and local courts of Oberpullendorf and Oberwart, as well as before the authorities of the municipalities of Oberpullendorf,

Oberwart, Rotenturm an der Pinka and Unterwart. Moreover, the Hungarian language is an official language before the Office of the Burgenland Regional Government, the regional court at Eisenstadt and other regional federal authorities such as tax offices.

d) the Roma minority:

On account of the linguistic situation of the Roma it is not conceivable – in the opinion of the persons concerned – that the language of this national minority is used as an official language. This is the result of a scientific survey among the Roma on their attitude towards language and on the use of language, conducted in the year 1994. The use of the Romany language for public purposes is gradually but continuously being expanded, as part of the codification and preparation of teaching materials – facilitated by promotional funding for the national minority – as well as by the use of the written language in association newspapers of the organizations of this national minority.

The languages at court

The Federal Ministry of Justice provided the following statistical material on the number of persons working at courts who also are fluent in the languages of the national minorities, as well as on the number of proceedings conducted in the Slovene language before the courts in Carinthia (the data relate to the year 2004):

Number of public servants with Slovene language skills:

Local Court Bleiburg: 3 persons, including the head of the local court and the head of the court office.

Local Court Eisenkappel: 4 persons, including the head of the local court and the head of the court office.

Local Court Ferlach: 5 persons, including the head of the local court, another judge and the head of the court office.

Number of public servants with Hungarian language skills:

Local Court Oberwart: 7 persons, including 3 judges of the local court.

Number of public servants with Croat language skills:

Local Court Oberwart: 1 Rechtspfleger (higher-level court official)

Regional Court Eisenstadt: 4 persons, including 2 judges of the regional court.

Statistics from the year 2004 on the handling of the provisions of the National Minorities Act and the ordinance on official languages shows the following picture, by way of example, for the Slovene language:

During the period under review, no proceedings before the Regional Court Klagenfurt were conducted in the Slovene language. This correlates with the figures for the previous years. It was only in the year 2002 that one case (criminal media law) was conducted in the Slovene language.

Before the local courts of Bleiburg, Eisenkappel and Ferlach, a total of 100 proceedings were conducted, in the course of which – partly completely – hearings and examinations were conducted in the Slovene language and/or actions and submissions were filed in the Slovene language. Moreover, advice on legal matters was given in the Slovene language – especially at the court days of the local courts at Eisenkappel and Ferlach.

A comparison with the figures for the year 2003 shows an increase in the number of cases before the Local Court Bleiburg (+4), as well as the Local Court Ferlach (+10) and a slight decrease before the Local Court Eisenkappel (-3). The total number of cases continued to increase, as compared to the year before. The strong downward trend of earlier years therefore appears to have been stopped (total number of cases in the years 2000: 158; 2001: 83; 2002:69; 2003: 89; 2004: 100).

A submission for being granted the fee according to § 22 (4) of the National Minorities Act was filed in three cases (Local Court Eisenkappel 2; Local Court Ferlach – 1). For the sake of comparison: 2003 – Eisenkappel – 1; 2002 – Eisenkappel – 2; 2001 – Eisenkappel – 1).

§ 22 (4) of the National Minorities Act reads as follows:

“If a party (a person involved) in court proceedings is represented or defended by a lawyer, a counsel in criminal matters or a notary public, the fee for that lawyer, counsel in criminal matters or notary public for the last third of such proceedings (hearings) that are also conducted in the language of a national minority shall be borne by the federal authorities. Payment of this contribution to the fees shall be claimed before the end of a hearing by submitting a list of expenses, with the claim being forfeited otherwise; the judge shall determine the amount of the fee immediately and instruct the court accountant to pay this amount to the lawyer, counsel in criminal matters or notary public. This extra expense for the fee shall be calculated as if the opponent of the person entitled to this claim were obliged by law to refund these costs.

Constitutional - court case law

Decision of the Constitutional Court of 4 October 2000, file number V 91/99-11

In this decision on official languages, the Constitutional Court stated that an administrative district, as defined by Article 7 item 3 of the State Treaty of Vienna, which has constitutional standing, also includes municipalities. In the reasons given to explain this decision, the Constitutional Court stated that the concept of an administrative district with “a mixed population” also includes a municipality – such as the municipality of Eberndorf, as in the case in hand – in which the share of the Slovene-speaking population in the total population amounted to 10.4% at the last census. The results of earlier censuses were included in these considerations.

Ad paragraph 3

This right already can be derived by everybody – thus also by members of a national minority – from Article 5 (2) and Article 6 (3) letters a) and e) of the Human Rights Convention which has constitutional standing in Austria. The first half sentence is also guaranteed by Article 4 (6) of the federal constitutional law on the protection of personal freedom.

Article 11

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*
2. *The Parties undertake to recognize that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*
3. *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavor, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Ad paragraph 1: Use of one's name in the language of the national minority

According to § 21 of the Civil Status Act, in conjunction with § 154 of the Austrian Civil Law Code, the child is generally given his or her first name by the parents. There is no requirement under Austrian law that the name must be in German, nor does the surname have to be in German. This also derives from § 5 (3) of the Civil Status Ordinance, according to which a person's names, which are to be registered on the basis of a document presented in Latin letters, must be recorded in the original letters and characters. This means that diacritic characters not used in the German language must also be used.

An amendment of the Names Modification Act (Federal Law Gazette No. 25/1995) resulted in a large measure of liberalization concerning the possibility to modify one's name. The members of a national minority, who already have a name, converted into German, have the possibility to assume once again their original name in the language of the national minority. An important reason need no longer be indicated.

However, an important reason is required if this change of name is to be carried out free of charge. In certain cases a member of a national minority may have an important reason stating that the intended change of name is necessary in order to avoid unreasonable disadvantages in his/her social relations and that these drawbacks cannot be avoided in any other way. According to § 2 (2) of the Names Modification Act, this reason also applies to a change of the first name.

Ad paragraph 2: Private information visible to the public in the language of the national minority

Just like the right according to Article 10 (1) of the Framework Convention, this right is also protected by Article 8 of the Human Rights Convention. Austria's legal system does not have any stipulation according to which signs, inscriptions, indications and communications of a private nature may only be affixed in one specific language. Everybody therefore has the right to announce communications in whatever language. Signs and indications may only be prohibited for general reasons, such as that their content would be contrary to law – for example in the case of violations of the law prohibiting National Socialism – or because the

affixing of signs in certain places – for example on account of building regulations – is prohibited. However, the ban can certainly not be pronounced on account of the fact that a certain language was chosen to disseminate the information. A restriction of the languages admitted in private use – although visible for the public – would be in conflict with the principle of general equality, as laid down under constitutional law, as a statutory distinction between “admissible” and “inadmissible” languages would require a factual justification, which as such would be highly questionable.

Ad paragraph 3: Bilingual topography

According to Article 7 (3) of the State Treaty of Vienna signs and indications of a topographical nature shall be affixed both in the language of the national minority and in German in the administrative and court districts with a mixed population of Carinthia, Burgenland and Styria. For the sake of implementing this constitutional provision, § 2 (1) of the National Minorities Act stipulates that those parts of the regions shall be designated by ordinance in which topographical indications shall be affixed in two languages. This provision also applies to certain parts of regions and accrues to the benefit of the Hungarian minority in Burgenland.

So-called topographical ordinances therefore exist for the Croat, the Slovene and the Hungarian minorities. These ordinances list the sections of regions with municipalities for which signs and indications of a topographical nature shall be affixed, and they stipulate the names of those parts of the regions in the respective language of the national minority.

The Topographical Ordinance Burgenland (Federal Law Gazette II No. 170/2000) went into force on 22 June 2000. The scope of application of the ordinance covers a total of 28 municipalities with Croat as a language, as well as with mixed languages (and there 47 places) and four municipalities and/or places with Hungarian as a language, as well as with mixed languages. On 31 July 2000 the last of the altogether 260 municipal signs was put up in Burgenland. In the course of placing the signs, there was not a single negative act or act of vandalism by anyone. All political forces in Burgenland cooperated in connection with the municipal signs – not only the regional government of Burgenland but also all persons concerned, the principal district authorities and the police officers, as well as mayors and the population at large. They were all informed in advance and contributed to the success of the campaign.

The Topographical Ordinance for Carinthia, Federal Law Gazette II No. 245/2006 has been in force of 30 June 2006.

Case law of the Constitutional Court

Decision of the Constitutional Court of 13 December 2001, file number G 213/01-18, V 62, 63/01-18 “Municipal Signs Decision”:

In the reasoning of its decision, the Constitutional Court stated that in connection with topographical signs a place is also held to be an “administrative district with a mixed population”, as defined by Article 7 item 3 of the State Treaty of Vienna. In the reasons explaining the decision, the Constitutional Court stated that this is the case whenever the place – as in the case at issue St. Kanzian am Klopeiner See in Carinthia has a Slovene-speaking population share of more than 10%, compared to the total population, in censuses, when observed over a longer period of time.

This model is thus based on the share of the Slovene-speaking population in a place, indicating in censuses over a longer period of time that the language of a national minority is the everyday language. However, this model is only one of the models that can be used to find a solution for topographical issues in conformity with the State Treaty.

The consequences of the court decision

It has not been possible for the legislator, as yet, to find new regulations as a follow-up to the so-called “Municipal Signs Decisions”.

The Federal Chancellor regards a lasting solution for the municipal-signs issue in Carinthia as an important matter. He therefore repeatedly asked representatives of the federal and regional political bodies, as well as of the Slovene population in Carinthia and of the Carinthian homeland associations to sit down at the negotiating table to seek a consensus in a conference in order to work out a solution that will find the broadest possible acceptance. In addition, the Federal Chancellor invited the mayors involved in the issue of the municipal signs to the Federal Chancellery in order to discuss the matter with them.

In June of this year, it was then possible to find a compromise, as a result of intensive deliberations and negotiations which – quite rightly – was regarded as a historic event. The solution obtained on that occasion consists of two elements:

1. A new Topographical Ordinance for Carinthia which provides that, in line with the stages of a timetable (until the end of 2009), bilingual topographical indications will be placed in a total of 141 places in Carinthia.
2. A constitutional provision that confirms the compromise reached. The 15/10 model, a guarantee on legal continuity, a time schedule in stages, and the much-discussed opening clause are the essential core elements of this provision.

A solution was thus presented that takes account of the justified concerns of the Slovene minority in Carinthia and complies with the State Treaty of Vienna, but also does not overstress the German-speaking majority population in the municipalities concerned.

Subsequently, this new topographical ordinance for Carinthia was adopted by the Federal Government on 17 July 2006 (Federal law Gazette II 2006/263). However, according to its § 6 (1) it will only enter into force “at a point in time to be determined by federal constitutional law”.

Further case law of the Constitutional Court

Decision of the Constitutional Court of 9 October 2004, file number B 9/03

When giving the reasons for this decision, the Constitutional Court stated that the immediate applicability of the State Treaty of Vienna – namely also as a yardstick for checking procedures based on laws or ordinances – can only be invoked if there are no simple-law provisions on implementation.

Decision of the Constitutional Court of 14 December 2004, file number V 131/03

With this decision, the Constitutional Court dismissed the application by individual members of the Slovene minority in Carinthia for lack of a subjective law of the petitioning members of the national minority to bilingual municipal signs.

According to Article 7 item 3, second sentence, of the State Treaty of Vienna, which has constitutional standing, it is merely an international obligation on the part of the Republic of Austria and/or an “order” directed at one of its bodies “to draw up” topographical signs and indications in the thus required manner, i.e. in two languages. However, no subjective right of an individual person can be derived from Article 7 item 3, second sentence, of the State Treaty of Vienna, for lack of a sufficiently individualized interest of the parties when complying with this objective constitutional standard. (See also a similar decision of the Constitutional Court of 10 October 1984, file number B 629/78 and the decision of the Constitutional Court of 9 October 2004, file number B 9/03.)

Decision of the Constitutional Court of 12 December 2005, file number V 64/05.

Decision of the Constitutional Court of 26 June 2006, file number V 20/06

In these decisions, the Constitutional Court confirmed its case law, as expressed in its decision of 13 December 2001. In the latter decision the Court specified that the character of a place as an “administrative district with a mixed population” may also be lost if – as in the case giving rise to the action in question – the Slovene-speaking share of the population living in that place was below 10% at two last censuses and if the trend is in the downward direction.

Article 12

1. *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
2. *In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
3. *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Article 14

1. *The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.*
2. *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavor to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*

3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

General Comments:

As part of the present national report, Austria wishes to give a comprehensive overview of the legal, political and practical situation of its minority school system. It therefore appears to be meaningful to address Articles 12 and 14 jointly.

Education is essential for any community. This, of course, is particularly true for those groups that are concerned about maintaining their language, identity and culture. Education is thus a specifically sensitive area for all national minorities in Austria and a very important cornerstone for their future.

The right to education is one of the fundamental human rights, and it is guaranteed in Austria by Article 2 of the 1st Protocol to the European Convention on Human Rights, which has constitutional standing in Austria.

The principle of equal access to education is laid down in Article 14 (6) of the Federal Constitution Act: "Access to public schools is generally open to all, without distinction of birth, sex, race, status, class, language and religion, and – in addition – within the limits of the statutory requirements. The same applies, in analogy, to nursery schools, day-care centers and dormitories for pupils." This specific interpretation of the principle of equality ensures that access to public schools cannot be made subject to non-objective criteria.

The minority school system is integrated into the general system of Austrian public education. Separate curricula exist for the respective minority languages, which deviate from those of the other schools mainly only with regard to the language.

The concept of integration is not only a fundamental principle of Austria's general education policy but also the basis of the bilingual education and training in Austria's bilingual schools. Primary schools in Austria – not only those within the scope of application of the minority school laws, offer intercultural learning as a general educational goal. The primary school curriculum reads as follows:

"A special social and educational task accrues to primary schools whenever they can facilitate intercultural learning because children with German and non-German mother tongues are taught together. The aspects of intercultural learning, with special emphasis on the cultural heritage of the respective national minority, are most likely to be developed in those federal provinces of Austria where children belonging to a minority and/or Austrian and foreign children are taught together. In the course of dealing with the respectively other cultural heritage such aspects as lifestyle habits, language, customs, texts (for example stories, tales and legends), traditions, songs, etc., must be dealt with, in particular. Intercultural learning is not restricted to learning about other cultures. Rather, the issue is to learn and to understand together, to experience and help shape cultural values. What is also required is to arouse interest in and curiosity for the cultural differences, so that not only cultural unity but also cultural diversity can be experienced as something valuable. In this connection, intercultural learning is meant to

contribute towards a better mutual understanding and/or to better mutual appreciation, to help pupils realize what they have in common, so that they can overcome prejudices. One must ensure the linkages to the didactic principle of social learning and the educational principle of political education, including education to peace.”

Various models of language learning exist for the respective languages of the national minorities, as part of the Austrian laws on minority schools.

The rights of the minorities in the field of school education are laid down in the State Treaty of St. Germain and the State Treaty of Vienna.

With the State Treaty of St. Germain, Austria accepted the obligation contained in Article 68 to provide for adequate support in those towns and districts in which a relatively large number of non-German-speaking Austrian nationals live, in order to ensure that the children of these Austrian nationals can be taught classes in primary school in their own language.

According to Article 7 item 2 of the State Treaty of Vienna, Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria have the right to obtain elementary schooling in the Slovene and Croat languages, as well as to have a proportionate number of secondary schools. The provision also stipulates that the curricula should be reviewed from this angle, and that a department of the school inspectorate be set up for Slovene and Croat schools.

While the State Treaty of St. Germain only called for adequate support for education at primary schools, the State Treaty of Vienna – to the extent that it can be applied directly – contains the right to elementary education in the Slovene and Croat languages, which is ensured under constitutional law. Implementing laws governing bilingual education at school must not contradict the provision of Article 7 item 2 of the State Treaty of Vienna, which has constitutional ranking, in order to ensure equally and effectively the minority rights contained in the State Treaty.

Bilingual education in Carinthia and Burgenland is governed by the minority school laws. The number of pupils attending the bilingual classes is stable and actually rising, relatively speaking. However, a closer look shows that the language competencies of the children beginning to attend school are on the decrease. The reason for that is not only that the use of the minority languages in the families is on the decrease, but also that monolingual parents decide to sign up their children for a bilingual education. The latter development is to be welcomed for the sake of integration and the acceptance of the languages of the national minorities by society.

The minority school system in Burgenland

The statistics below shows the number of children who learn Burgenland-Croat, Hungarian and Romany.

School year	2000/2001	2001/2002	2002/2003	2003/2004	2004/2005
<i>Croat:</i>					
APS:	1,764	1,772	1,734	1,687	1,701
AHS:	310	329	317	357	287
BAKI:	36	26	35	27	39
BMHS:	88	101	97	106	123
total	2,198	2,228	2,183	2,177	2,150
<i>Hungarian:</i>					
APS:	385	446	562	922	1,408
AHS:	197	199	184	209	224
BMHS:	628	40	79	161	237
total	2,840	685	825	1,292	1,869
<i>Romany:</i>					
	14	9	8	-	24

List of abbreviations:

APS = general compulsory school

AHS = general upper-level secondary school

BAKI = federal training institute for nursery-school teachers

BMHS = vocational secondary and upper-level secondary schools

Teacher training:

The Minority School Act for Burgenland, Federal Law Gazette No. 64/1994 in the version of Federal Law Gazette I No. 136/1998 also ensures the training of pedagogical staff for bilingual classes. Teachers who teach Croat are trained at the Pedagogical Academy in Eisenstadt, and students actually enroll in these courses. Similar courses are available for students training to become teachers of Hungarian. However, it has not been possible to date to organize a course for Hungarian teachers at the academy.

Croat-language students at the Pedagogical Academy were offered the possibility to spend a semester abroad in Croatia (2000 – 5 persons, 2001 – 3 persons). In addition, teachers at general upper-level secondary schools and vocational secondary and upper-level secondary schools are offered the possibility by the Republic of Croatia to attend further training courses in Croatia during the summer recess. Every year, 2 to 3 persons take part in these programs.

Every year, 1 to 2 persons from Croatia are available as native speakers for one school year to teach at general upper-level secondary schools in Burgenland. During the 2003/2004 school year (11 participants) and the 2004/2005 school year (23 persons), language courses for teachers of Burgenland-Croat were held in Croatia. Bilingual teachers work in Croatia by giving bilingual lectures.

One should also mention the EU Comenius project 2.1 “Promoting minority languages in multilingual areas in the course of teacher training programs.”

Access to textbooks:

Textbooks are available both for teaching Croat and Hungarian. They are also available during the text book campaign, as they are indicated on the list of text books. Additional teaching materials are developed and produced on an ongoing basis by the Burgenland-Croat associations, with the regional school council for Burgenland coordinating these activities which are financed with promotional funding available for the national minorities. Teaching materials in Romany were also produced and are being used.

The Croat school systems and its educational success were accompanied and evaluated by academics in the past few years. The further improvement of instruction in the classes, as well as measures to cope more easily when transferring from one level to the next, were at the center of these activities. In 1998 a new curriculum entered into force which facilitates a more flexible design of classroom teaching. A Croat association – the Croat Cultural and Documentation Center – is working on new text books, based on modern methodological and didactic principles, in working groups of teachers.

Studies have shown that the national minority of the Burgenland Croats is overwhelmingly of the opinion that Burgenland-Croat should be taught at school. At the same time, the teachers are confronted with the problem that increasingly fewer children have a sufficient basic knowledge of the language of their national minority when entering school.

In keeping with § 15 of the Minority School Act for Burgenland a department was set up in the regional school council for the minority schools. Special inspectors were appointed for the inspection of the bilingual schools, who are licensed to teach in German and Croat and/or Hungarian, whenever the district or regional school inspectors do not have the respective language competencies (see § 16 of the Minority School Act for Burgenland). In this specific case, the regional school inspector for minority schools also supervises the Croat school system.

Time and again, school supervisory officials provide information and are available for interviews to various project sponsors and institutions, whenever topics relating to the national minorities are dealt with.

A special service offered by the regional school inspectorate for Burgenland is the electronic platform “Education Server Burgenland”. At the address www.bildungsserver.com news on pedagogical subjects and about the national minorities can be found under “Hrvatski” (= Croat) or “Magyarul” (= Hungarian), and one may also obtain the list of bilingual schools, as well as teaching aids for Croat and Hungarian classes. “ARGE Bildungsserver Kroatisch” also uses the possibility of the web organizer for communication purposes.

Several research projects are being implemented by the regional school inspectorate for Burgenland and the ministry of education:

1. (Bilingual schools in Burgenland) “Das zweisprachige Schulwesen in Burgenland - Dvojezično školstvo u Gradišću” – an evaluation of the bilingual (German-Croat) primary schools; publication by the same name;
2. (Flexible Joints – A Project on the Interface Problems) “Scharniergelenke – Projekt zur Nahtstellenproblematik”, publication of the folder “Mehr als eine Sprache – Već nego jedan jezik” (More than one language), as a guide for bilingual teachers;

3. “Bildungschance Zweisprachigkeit” (Bilingualism – An Educational Opportunity) – evaluation of a school project (Hungarian-German) at the bilingual schools at Siget an der Wart and Unterwart, a publication by the same name;

4. In the fall of 2004, the occasion of “10 Years of the Minority School Act for Burgenland” was used to publish “Vorteil Vielfalt” (Diversity – An Advantage), in cooperation with the Croat Cultural and Documentation Center, which examines the practical implementation of the law;

5. During the 2004/2005 school year, the teaching project “Immersion und Rotation” (Immersion and Rotation) was started at five primary schools with German-Croat as the language used in classes. The project is continued during the 2005/2006 school year. The results will be published in cooperation with the Croat Cultural and Documentation Center.

Time and again, schools organize exhibitions on the relevant topics in the course of trans-frontier projects, as part of school partnerships with Hungary.

Language weeks, exchange programs

Groups of pupils of the higher school grades often go on language trips to Croatia or Hungary or have groups of pupils from these countries as their guests. In connection with primary schools, there are also numerous trans-frontier partnerships, in the course of which a minimum of one common activity and/or mutual visit is organized.

Nursery schools:

On the basis of the Burgenland Nursery School Act of 1998, bilingual nursery schools were set up in about 30 Croat bilingual municipalities, as well as in Hungarian bilingual municipalities. The regional government makes available assistant nursery school teachers to nursery schools that do not employ a bilingually trained nursery-school teacher.

With the amendment of the Burgenland Nursery School Act of 8 July 2005, the use of the Burgenland-Croat and/or the Hungarian language in bilingual nursery schools was extended from a minimum of nine to twelve hours per week. Parents who do not want their children to take part in the bilingual program can sign their children off from these activities.

The Training Institute for Nursery School Teachers runs training courses in Croat and Hungarian, as well as in bilingual didactics.

The school situation of the Croat minority in Burgenland

The right of the Burgenland Croats to receive a school education in their native language, which is guaranteed by international and constitutional laws, is specifically laid down in the Minority Schools Act for Burgenland (*Minderheiten-Schulgesetz für Burgenland*).

Already before the integration of Burgenland into Austria, the Croat population had the right to be given tuition at the primary-school level in their minority language. First, the Hungarian school laws were used as a basis. It was only in 1936, when the federal law on the principles of education at primary schools was enacted, that § 5 stated specifically and exclusively for Burgenland: "German is the language used at schools, notwithstanding the rights in favor of the linguistic minorities in this federal province, as they derive from the Constitution. It is for

the implementing laws to define additional rights of greater scope for the benefit of these minorities. In any case, the German language must be taught as a mandatory subject." In the Regional Schooling Act of 1937, which was issued to implement the aforementioned federal law, additional rights were stipulated. Both the Croat and the Hungarian minorities agreed to that law which contained provisions that served as a model at that time.

In 1994, this law was replaced by the new Minority Schools Act for Burgenland, which guarantees class-room teaching in the minority language up to the university level. In particular, the compulsory provision of bilingual classes in elementary schools was stipulated.

§ 1 (1) stipulates the following constitutional provision:

"The right to use the Croat or Hungarian languages for class-room teaching or to learn these languages as a compulsory subject in Burgenland shall be granted to Austrian nationals of the Croat and Hungarian minorities in such schools as are defined in § 6, § 10 and § 12 (1) of the present federal law."

The law provides that in the primary schools of the autochthonous settlement area, Croat may be used as the only language of instruction; a minimum of six hours per week of German classes is required, though. In practice, however, the minority does not make use of this option available to minority schools. Primary schools in the autochthonous settlement area are, as a rule, run as bilingual schools on a mandatory basis. As the children entering school have a highly inconsistent level of language proficiency, the degree of bilingualism is rather variable, but becomes roughly balanced in the fourth school year. Parents who do not wish to have their children taught in two languages have the right to sign off their children from enrollment in a particular course, although they continue to be part of the same class.

In case of a sustained demand outside the autochthonous settlement area it is also possible to establish bilingual schools or to offer classes in Croatian to classes or groups of pupils, provided that a minimum of seven students registers for such a class. To facilitate bilingual teaching, the maximum number of pupils per class is 20, while the minimum number is seven pupils per class. Upon request, school certificates must also be issued in the minority language.

The Croat language at compulsory schools in Burgenland during the 2005/2006 school year:

School	Pupils per school	Children per district
Neudorf	29	
Pama	45	
Parndorf	173	
<i>District Neusiedl</i>		247
Hornstein	73	
Klingenbach	37	
Oslip	50	
Siegendorf	141	
Steinbrunn	111	
Trausdorf	53	

Wulkaprodersdorf	71	
Donnerskirchen (1 Kl.)	11	
<i>District Eisenstadt and environs</i>		547
Eisenstadt (1 class)	10	
<i>District Eisenstadt city</i>		10
Antau	15	
Draßburg	65	
Hirm (2 classes)	29	
<i>District Mattersburg</i>		109
Frankenau	17	
Großwarasdorf	14+3 ASO	
Kaisersdorf	27	
Kleinmutschen	5	
Kleinwarasdorf	13	
Kroatisch Geresdorf	14	
Kroatisch Minihof	12	
Nebersdorf	12	
Nikitsch	20	
Unterpullendorf	14	
Weingraben	15	
<i>District Oberpullendorf</i>		163+3
Dürnbach	40	
Spitzzicken	8	
Weiden b. R.	28	
<i>District Oberwart</i>		76
Güttenbach	20	
Neuberg	33	
Stinatz	60	
<i>District Güssing</i>		113
Total		1265

The following table shows the number of pupils who are taught the Croat language in the form of an optional exercise (Unverbindliche Übung = UÜ) at German-language primary schools:

School	Pupils	
Eisenstadt	16	UÜ
Großhöflein	15	UÜ
Donnerskirchen	9	UÜ
Oggau	9	UÜ
Hirm	16	UÜ
Mattersburg	5	UÜ
Neudörfl	20	UÜ
Pötsching	18	UÜ
Sigleß	12	UÜ

Großpetersdorf	5	UÜ
Miedlingsdorf	13	UÜ
Oberwart	12	UÜ
Hackerberg	12	UÜ
Total	162	

Total for primary schools: 1265 + 162 = 1427

The following table shows the number of pupils who are taught Croat at lower-level secondary schools (Hauptschule = HS):

School	Pupils	Subject
HS Oberpullendorf	22	Optional compulsory subject
	8	UÜ
HS Stegersbach	17	Optional compulsory subject
HS Rechnitz	7	Optional compulsory subject
HS Theresianum	23	Optional subject
R.K. HS Neusiedl/See	5	UÜ
HS Neufeld	11	UÜ
HS Siegendorf	10	UÜ
HS Schattendorf	6	UÜ
HS Stoob	9	UÜ
HS Kohfidisch	9	UÜ
HS Güssing	30	UÜ
Total	157	

The lower-level secondary schools at Großwarasdorf and at St. Michael hold a special position:

The lower-level secondary school at Großwarasdorf taught 49 pupils in two languages in all classes.

At the lower-level secondary school (= HS) at St. Michael individual subjects were taught in two languages. For details, please refer to the table below.

HS St. Michael	44 pupils	Taught in two languages
	10 pupils	Optional compulsory subject
	9 pupils	Optional compulsory subject / optional exercise
Total	63 pupils	

Total for lower-level secondary schools: 147 + 49 + 63 = 269

Total for primary schools	1427
Total for lower-level secondary schools	269
TOTAL FOR ALL COMPUSLORY SCHOOLS	1696

The Minorities School Act provides for bilingual lower-level secondary schools, as well as lower-level secondary schools at which Croat is required as a compulsory subject. Whenever there is demand, departments are to be run in the two languages. In contrast to primary schools, it is the principle for lower-level secondary schools to sign up for Croat, which means that pupils wishing to attend Croat classes must sign on for these classes.

The course of international business relations at the University for Applied Sciences in Eisenstadt requires that one Eastern European language is attended on a compulsory basis. Next to Hungarian, Czech, Russian and Slovak, Croat is another one of the languages offered.

As a matter of principle, there are no differences regarding the level of education of the Croat population and the other population groups. However, on account of the age structure, there are statistical differences. The Croat minority has an above-average share of persons beyond the age of 60, though.

The school situation of the Hungarian minority in Burgenland

The table below shows the number of pupils who attended bilingual primary schools (German, Hungarian) in Burgenland during the 2005/2006 school year:

School	Pupils	
Siget/Wart	11	Bilingual classes
Unterwart	20	Bilingual classes
Summe	31	

The table below indicates the number of those pupils who attended bilingual classes at primary schools and/or classes in which Hungarian was taught as a compulsory subject (*Pflichtgegenstand* = PFG) during the 2005/2006 school year:

Horitschon	10	Bilingual classes
Markt Neuhodis	12	Bilingual classes
Neusiedl/See	39	Compulsory subject
Nickelsdorf	13	Compulsory subject
Oberpullendorf	37	Bilingual classes
	23	Compulsory subject
Oberwart	69	Bilingual classes
Total	203	

Primary schools with Hungarian as an option subject (*Freigegegenstand* = FG), a compulsory (*Verbindliche Übung* = VÜ) and/or an optional exercise (*Unverbindliche Übung* = UÜ):

Andau	21	UÜ
Buchschachen	23	UÜ
Deutschkreutz	34	UÜ
Dt. Schützen	24	UÜ
Dürnbach	14	UÜ
Eberau	27	UÜ
Eisenstadt	23	UÜ
Goberling	13	UÜ
Gols	52	UÜ
Großpetersdorf	11	UÜ
Großwarasdorf	5	UÜ
Halbturn	23	UÜ
Hannersdorf	19	UÜ
Horitschon	25	UÜ
Illmitz	18	UÜ
Jois	15	UÜ
Kemetten	19	UÜ
Kobersdorf	25	VÜ
Kohfidisch	27	UÜ
Lockenhaus	34	UÜ
Loipersdorf/Kitzladen	15	UÜ
Lutzmannsburg	32	UÜ
Markt Allhau	38	UÜ
Markt Neuhodis	12	UÜ
Marz	8	UÜ
Mischendorf	15	UÜ
Mörbisch	14	UÜ
Neumarkt i.T.	10	UÜ
Neusiedl/See	21	UÜ
Neusiedl/See r.k.	26	UÜ
Neutal	9	UÜ
Nickelsdorf	12	UÜ
Oberloisdorf	11	UÜ
Oberpetersdorf	12	VÜ

Oberschützen	12	UÜ
Oberwart	31	UÜ
Podersdorf	17	UÜ
Pötsching	22	UÜ
Podersdorf	17	UÜ
Pöttching	22	UÜ
Rechnitz	22	UÜ
Riedlingsdorf	24	UÜ
Rohrbach/Teich	6	UÜ
Rust	17	UÜ
Schattendorf	27	UÜ
Sigleß	12	UÜ
Stadtschlaining	8	UÜ
St. Andrä	12	UÜ
Steinberg-Dörfl	18	UÜ
St. Georgen	25	UÜ
St. Margarethen	17	UÜ
Tadten	26	FG
Trausdorf	6	UÜ
Unterloisdorf	13	UÜ
Unterrabnitz	33	UÜ
Unterschützen	14	UÜ
Wallern	45	UÜ
Weppersdorf	20	UÜ
Wiesen	16	UÜ
Wolfau	19	UÜ
Zemendorf	18	UÜ
Total	1167	

Total figure for primary schools: $31 + 203 + 1167 = 1401$

Lower-level secondary schools and/or departments with Hungarian as an optional compulsory subject (*Wahlpflichtfach*):

School	Pupils	
Güssing	14	Optional compulsory subject
Markt Allhau	31	Optional compulsory subject
Oberpullendorf	35	Optional compulsory subject
Oberwart	47	Optional compulsory subject
Rechnitz	41	Optional compulsory subject
Total	168	

Lower-level secondary schools with Hungarian as an optional subject (*Freigegegenstand* = FG), as a compulsory exercise (*Verbindliche Übung* = VÜ), and/or as an optional exercise (*Unverbindliche Übung* = UÜ):

Andau	37	UÜ
Bernstein	11	UÜ
Deutschkreutz	33	UÜ
Eberau	29	FG
Frauenkirchen	28	UÜ
Großwarasdorf	8	UÜ
Güssing	73	UÜ
Horitschon	30	UÜ
Illmitz	34	FG
Kobersdorf	61	VÜ
Kohfidisch	13	UÜ
Lockenhaus	19	UÜ
Oberpullendorf	19	UÜ
Pamhagen	10	UÜ
Schattendorf	11	UÜ
Stadtschlaining	35	UÜ
Steinberg r.k.	30	UÜ
Stoob	17	UÜ
Total	498	

Total figure for lower-level secondary schools: $168 + 489 = 666$

Total for primary schools	1401
Total for lower-level secondary schools	666
TOTAL FOR COMPULSORY SCHOOLS	2067

Austrian school laws ensure that education in the Hungarian language is ensured by the public school system from the pre-school stage up to the secondary school-leaving examination.

The Minorities School Act for Burgenland, as well as the relevant implementing laws provide that in municipalities with a Hungarian-speaking population, classes at primary schools must be taught in the Hungarian language or in two languages. The proportion of the two languages in bilingual education must be kept more or less on the same level. Parents who do not wish that their children are taught in the Hungarian language have the possibility of signing them off. These children will, however, remain with their classes. In case of a sustainable demand, there is a title to obtain in the language of the national minority also at schools outside the autochthonous settlement area.

Lower-level secondary schools outside the schools covered by bilingual primary schools must also offer their classes in the Hungarian language, in which case the pupils must sign up for the classes in the language of the national minority. The classes must be run as of the first pupil that signs up for it.

The bilingual upper-level secondary school (*Gymnasium*) at Oberwart offers classes in Hungarian/German and/or Croat/German up to the level of admission to university. At several upper-level general secondary schools, Hungarian is also offered in various forms as additional education. This may range from Hungarian as an optional compulsory subject to Hungarian as an optional exercise. Similar options are also available at higher-level vocational schools.

In keeping with the Minorities School Act for Burgenland, the regional school council has set up a separate department for issues relating to the national minorities. A special inspector is responsible for inspecting the Hungarian classes in compulsory schools. For the other school types, a school inspector with the respective language competencies has been appointed with the inspection responsibilities.

Education in Croat and Hungarian at higher-level secondary schools during the 2005/2006 school year:

Optional subject Croat		Optional subject Hungarian	
ORG Theresianum	4 KK	BG Eisenstadt	55 KK
G Diözese Eisenstadt	19 KK	BG Mattersburg	32 KK
BG Mattersburg	21 KK		
Total	44 KK	Total	87 KK

Optional exercise Croat		Optional exercise Hungarian	
		BG Oberschützen	19 KK
		Total	19 KK

Optional compulsory subject Croat		Optional compulsory subject Hungarian	
G Diözese Eisenstadt	6 KK	BG Oberpullendorf	6 KK
		BORG Güssing	14 KK
Total	6 KK	Total	20 KK

School project	Croat	Hungarian
BG Eisenstadt	67 KK	-
G Diözese	26 KK	-
BG Oberpullendorf	45 KK	27 KK
Total	138 KK	27 KK

	Croat	Hungarian
Bilingual BG Oberwart	113 KK	157 KK

	CROAT	HUNGARIAN
Optional subject:	44	87
Optional exercise:	-	19
Optional compulsory subject:	6	20
School project:	138	27
bilingual BG OW:	113	157
Total	for	upper-level
secondary schools:	301	310

Optional subject Croat	Optional compulsory subject Hungarian
Federal Institute for Nursery-School Teachers (<i>Bundesanstalt für Kindergartenpädagogik Oberwart</i>) 52 KK	Federal Institute for Nursery-School Teachers (<i>Bundesanstalt für Kindergartenpädagogik Oberwart</i>) 0

Teaching the Croat and Hungarian language at lower-level and higher-level vocational schools during the 2005/2006 school year:

Optional subject Croat	Optional subject Hungarian
BHAK Oberpullendorf 11 KK HLW Theresianum 9 KK	BHAK Neusiedl/See 3 KK BHAK Oberpullendorf 10 KK LFS Stoob 10 KK
Total 20 KK	Total 23 KK

Optional compulsory subject Croat	Optional compulsory subject Hungarian
BHAK Stegersbach 92 KK	BHAK Frauenkirchen 93 KK BHAK Mattersburg 47 KK BHAK Oberwart 66 KK HBLW Oberwart 58 KK
Total 92 KK	Total 264 KK

CROAT 112 KK	HUNGARIAN 287 KK
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KK = pupils/students

The school situation of the Roma minority in Burgenland

It was decided in October 2005 to put EUR 1.1 million (spread out over ten years) from the Reconciliation Fund to use for the Roma minority and to earmark these funds for educational activities and working with juveniles of the Roma population.

The Minorities School Act for Burgenland of 1994 (Federal Law Gazette No. 641/1994), as well as the relevant implementing laws in Burgenland provide that there is a legal title to Romany classes if there is demand for them.

As the Romany language became a written language only very late, this right can only be implemented in steps. The language of the Burgenland Roma is a language with an oral tradition which thus had not been recorded in writing. It was only a few years ago that as part of a scientific project of the University of Graz, in cooperation with the Roma Association at Oberwart, work was begun to establish a written language and to codify it. In the course of the Romany project of the University of Graz, the varieties of the Romany language spoken in Austria were compiled and processed on a scientific basis and laid down in writing for the first time. As a result of this work, newspapers of Roma associations can be published in two languages, and bilingual collections of Roma stories and teaching games were produced, and classes taught in Romany were set up at Oberwart and Unterwart, for which curricula and teaching materials had to be produced. Ongoing scientific support is required for the production and publication of bilingual association newspapers and for the preparation of the Romany classes.

On account of the very difficult and comprehensive work regarding the codification of the language and the production of the necessary teaching materials, this is therefore a major achievement, which the public authorities support with the necessary emphasis.

In the meantime, first teaching materials have been completed and put to use. However, there is still not a sufficient volume of materials available which would allow teaching the Romany language. As a result, no courses can be offered to train teachers at a teachers-training institute. "Native speakers" are therefore used on a substitute basis for the Romany classes who are given a basic pedagogical training.

The bilingual children's bible "O Del use per fatschuvtscha vakerel/Gott spricht zu seinen Kindern" (God speaks to his children) was produced by the Roma Service, in cooperation with the desk for the ethnic groups of the Eisenstadt diocese, which was funded from the budget for the promotion of the national minorities. This children's bible was published in the years 2004 and 2005 in 5 volumes/booklets each. This material is used for teaching (both for religion classes and in the optional exercise Romany), as well as in adult education.

The desk for the ethnic groups of the Eisenstadt diocese is doing outstanding work in taking care of Roma juveniles during their spare time.

The "RomBus" of the association Roma Service is responsible for supporting educational activities for Roma children on a mobile basis. It also serves to provide public relations work.

Roma	2004/2005	2005/2006	
Primary school Oberwart	10	5	Optional exercise
Primary school Unterwart	5	4	Optional exercise
Lower-level secondary school Oberwart	9	9	Optional exercise
Total	24	18	

The school situation of the autochthonous national minorities in Vienna

Although Vienna is the autochthonous settlement area for the Czech, Slovak and Hungarian minorities, there is no school legislation for the national minorities in Vienna. It should be pointed out that the minorities' school acts for Carinthia and Burgenland are laws implementing the State Treaty of Vienna.

Teacher training

As part of the teacher training course at the University of Vienna, future teachers can enroll for the languages Croat/Serbian, Czech, Slovak and Slovene at the Institute for Slavic Studies. Hungarian is also taught at the University. There are no courses to train teachers in Romany.

It should particularly be mentioned that teachers and/or educational experts in the broader sense can resort to the facilities offered at the CERNET language center of the Federal Teacher Training Institute in Vienna. In cooperation with the Municipal School Council for Vienna the CERNET project has promoted trans-frontier cooperation with the neighboring regions of Brno, Bratislava and Győr. As a result, since 1996 more than 120 school partnerships and a multitude of seminars, meetings and conferences could be organized.

A special focus in this connection is on intensifying the communicative competences of the future EU citizens in the region of CENTROPE. One should mention the development of the joint Central European language portfolio in this context, which is made available to students so that they can document their language skills.

The school situation of the Burgenland-Croat minority in Vienna

2 bilingual teachers, who run a bilingual class, are available at one primary school. Several attempts to introduce Burgenland-Croat/German have failed in the past, as the national minority did not succeed in activating a sufficient number of children with Burgenland-Croat as a mother tongue.

The school situation of the Hungarian minority in Vienna

In connection with the educational situation of the Hungarian population living in Vienna one should mention that the Municipal School Council for Vienna developed the project "Hungaricum", together with the Central Association of Hungarian associations in Austria.

The project is an additional offer, to be used on a voluntary basis (as part of an optional exercise) by four primary schools, two middle-level schools and one upper-level secondary school in Vienna.

In line with the curriculum provisions on additional, mother-tongue educational courses, the pupils with Hungarian as a first or second language can deepen and expand their language skills. The German-speaking pupils acquire elementary language skills for oral communication, in line with the curriculum provisions for the compulsory/optional exercise “living foreign language Hungarian”. The project “Hungaricum” takes mainly account of the aspect of intercultural learning.

The school situation of the Czech and Slovak minorities in Vienna

The private bilingual educational facility under public law of the Komensky School Association is the only school in Vienna that offers bilingual classes and an education in Czech/Slovak and German beginning with nursery school and ending with an upper-level secondary-school diploma. The teachers are paid from public funds and are a “living subsidy”. In addition, the school association receives support from the funding available at the Federal Chancellery for promoting the national minorities.

In the 2005/2006 school year 380 juveniles attended this educational facility. Nursery school starts at the age of 2 in a total of three groups; there are classes of primary school (the first and the second grade are run in parallel), four classes of secondary school and four classes of the upper section of the upper-level secondary school. In 2004, pupils entered for the upper-level secondary-school leaving examination at the Komensky School for the first time in 50 years.

The “European Middle School” in Vienna offers courses in German and English, as well as in Slovak, Czech and Hungarian as a third language. In the course of stays abroad and project week, acquiring language skills and experience the respective cultures are in the foreground. Special attention is paid to intercultural learning, to educating pupils to tolerance and openness to the world, as well as acquiring social and integrative skills. School partnerships have been established with upper-level secondary schools in Bratislava, Brno and Győr. The “European Middle School” is a member of “CERNET” (Central European European Regional Network for Education Transfer).

Hungarian, Croat, Slovak and Czech are taught as living foreign languages in courses for several schools (usually optional compulsory subjects or optional subjects). These language courses available at upper-level general secondary schools in Vienna are mainly directed at migrant children and/or meant to be foreign-language courses that are not explicitly offered to national minorities. Upper-level general secondary schools in Vienna have entered into school partnerships with Czech, Slovak and Hungarian schools.

The Hungarian and Czech languages are taught at the Federal Commercial College in the tenth district of Vienna, and Hungarian is taught at the Higher Institute for Business Occupations in the third district of Vienna. The courses are run as optional exercises. At present, about 40 pupils are enrolled in these courses. For the next school year it is also planned to expand the foreign-language courses available at the Commercial College in the first district of Vienna, at the Vienna Business School and at the Commercial College in the tenth district of Vienna.

The school situation of the Roma population in Vienna

With the 2004/2005 school year, two teachers for Romany have taught mother-tongue Romany at primary schools.

The City of Vienna provides financial support to a range of cultural activities by associations belonging to the Roma, Croat, Czech and Slovene minorities. It also supports educational projects of the Romano Centro association. Within the framework of the “Assisted Learning” scheme, for example, Roma children are given assistance and coaching free of charge. The City of Vienna has also supported the Romano Centro association in the implementation of measures designed to promote the acquisition of language skills (German language courses). The project “Roma-Assistenz”, which pursues the goal of improving communication between Roma children, schools and the families, is now financed by the Ministry of Education. Roma assistants are active in three compulsory schools in Vienna. The above-mentioned projects “Roma-Assistenz” and “Assisted Learning” have also met with considerable international attention.

The minority school system in Carinthia

The title under international and constitutional law to school instruction of the Slovene population in their mother tongue is implemented in Carinthia by the Minorities School Act for Carinthia of 1959.

With regard to the schools (classes, departments) within the scope of application of the Minorities School Act for Carinthia, the provisions applicable to Austrian primary and lower-level secondary schools are also applied in general, together with a few additional provisions. The latter includes the stipulation contained in § 16 (1) of the Minorities School Act for Carinthia.

Bilingual education in Carinthia, the basis of which is the Minorities School Act, is essentially supported by three pillars:

- In general, the demand of the national minorities in Austria for education is met by the state-run, public schools.
- A major basic philosophy is the concept of integration which provides for the joint teaching of different groups of pupils.
- In Carinthia bilingual education is organized as provided by § 12 letter b of the Minorities School Act for Carinthia, which reads as follows:

“Primary schools with German and Slovene as languages of instruction (bilingual primary schools) also include – for the purposes of the present federal law – primary schools with German as a language of instruction that have classes taught in German and Slovene as languages of instruction (bilingual primary-school classes) and primary-school classes with German and Slovene as languages of instruction (bilingual primary-school departments).”

§ 7 of the Minorities School Act defines the principle of registration, namely registration for participation in the bilingual classes, as the expression of the parental right:

“The right to use the Slovene language as a language of instruction or to learn it as a compulsory subject shall be granted to every pupil in the territories defined in accordance with § 10 (1) of the present federal law in the schools to be determined in keeping with § 10 (1) of the present federal law, if this is the will of the legal representative. A pupil may only be required to use the Slovene language as a language

of instruction or to learn it as compulsory subject if this is the will of his/her legal representative.”

With the registration of their children, the persons entitled to provide for a child's education state that they accept for their children the special education offered by the Austrian school system. It is prohibited to check on whether the child belongs to the Slovene minority or to urge a child to express its affiliation to an ethnic group.

On account of various initiatives which initially were geared to intensify the German-language teaching (section) at bilingual primary schools (e.g. by using assistant teachers), there was eventually a major reform discussion, and several commissions were set up. The main problem that was identified was that children who had been registered for bilingual education and monolingual children were taught together in classes and departments of bilingual primary schools. It was feared that the monolingual pupils would be disadvantaged during the periods in which the teacher was addressing the bilingual pupils in the Slovene language. Another problem was that the children who are registered for bilingual education increasingly have no prior knowledge of the Slovene language because they come from German-speaking families or are members of the Slovene minority, whose parents leave the teaching of the Slovene language – for whatever reasons – to the schools.

The comprehensive preparatory work of these commissions was taken into account when ultimately amended the Minorities School Act for Carinthia in 1988. This amendment improved the organizational framework conditions for bilingual primary schools. It contains essentially the following novel features:

- smaller numbers of pupils per class,
- setting up parallel classes,
- a system of having two teachers in classes with a monolingual and a bilingual department.

Both groups of pupils, i.e. the monolingual and the bilingual one, are taught together and encounter good conditions for their education. There are certainly pedagogical challenges. Efforts are undertaken to cope with them by applying new forms of teaching and by giving adequate thought to the methodology and didactics of instruction, by teaching the language in a communicative form, as well as by designing the teaching with comprehensive differentiation and/or individualization.

The smaller classroom units and the fact that a second teacher is assigned to classes in which registered and non-registered pupils are taught together, ensures good learning and teaching conditions, as well as the possibility of looking pupils individually. For a time, the two-teacher system was unique in the Austrian school system. Now it is also applied to other areas of practical pedagogical work, especially to heterogeneous groups, as well as to situations where integration is an important motif.

The locations of primary and lower-level secondary schools especially for the Slovene population were determined for those municipalities in which there was bilingual instruction at the beginning of the 1958/1959 school year.

Decision of the Constitutional Court of 9 March 2000, file number G 2-4/00-7

In this decision the Constitutional Court stated that “elementary education” in the meaning of Article 7 item 2 of the State Treaty of Vienna, which has constitutional standing, refers to the

first four years of school education. In these grades, instruction must therefore be given in two languages in the schools under consideration. In its decision the Constitutional Court explained that elementary education in the Slovene language will not be ensured whenever Slovene – as well as other foreign languages – is only taught as a compulsory subject, whereas all other subjects are taught only in German. As this was the case to date in the fourth grade of primary school, the limitation of the bilingual education to the first three grades was lifted.

This decision has been fully implemented. Elementary education is now in the first four grades of primary school.

Decision of the Constitutional Court of 27 June 2002, file number B 1230/01:

One should first point to the decision of the Constitutional Court of 27 June 2002, file number B 1230/01, in which the Constitutional Court dealt with the constitutionality of the closing down of a primary school within the scope of application of the Minorities School Act for Carinthia. In the aforementioned decision the Constitutional Court stated, *inter alia*, that on account of Article 7 item 2 of the State Treaty of Vienna there are no reservations under constitutional law concerning the provisions of the Carinthian school law with regard to setting up and continuing the operation of primary schools, their closing down or the setting up of classes as school branches (*Expositurklasse*), because these arrangements did not affect § 1 (3) of the Carinthian regional law enacted to implement the basic principles of the Minorities School Act for Carinthia. According to the relevant implementing provisions for Carinthia, every pupil living on the territory of municipalities at which instruction at primary and lower-level secondary schools was given in two languages at the beginning of the 1958/1959 school year was entitled to being taught at a bilingual primary and lower-level secondary school. However, with these arrangements Article 7 item 2 of the State Treaty of Vienna has been implemented. The provision of the State Treaty requires that – in line with the objective of Article 7 of the State Treaty of Vienna – elementary schools for the national minority must be designated for every municipality in the autochthonous settlement area of the Slovene minority in Carinthia, as it derives from the Article 7 item 3 of the State Treaty of Vienna (see file number CfSlg. 12.345/1989). There is also compliance with Article 7 item 2 of the State Treaty of Vienna and § 1 (3) of the aforementioned Carinthian regional law if in a municipality (that of Zell in the case of this court decision) there is (any) one bilingual primary school for the pupils of that school district. The further existence of an (additional) primary school in a designated municipality (namely the primary school at Zell-Pfarre) is therefore not required. There is even less reason for reservations whenever a class is set up as a school branch (*Expositurklasse*) at the location of the former primary school, at which elementary instruction is offered in the Slovene language. After all, the organization of the instruction under school law does not matter in this context.

This decision has made it clear that Article 7 item 2 of the State Treaty of Vienna there are no obstacles to closing down a bilingual primary school, at least not in those cases in which the bilingual classes are continued at the respective school site in a school branch. In the meantime, the small number of pupils (less than 10 pupils per school location) has led to the closing down of the primary schools at Ebriach, Windisch Bleiberg and Zell-Winkel.

Primary schools within the scope of application of the Minorities School Act for Carinthia:

District Hermagor

Egg bei Hermagor
St. Stefan im Gailtal
Görtschach-Förolach (Expositur der VS Egg)

District Klagenfurt (environs)

Feistritz i.R.
Ferlach 1
Ferlach 2
Ferlach 3
Grafenstein
Gurnitz
Keutschach
Köttmannsdorf
Ludmannsdorf
Maria Rain
Mieger
Radsberg (Expositur d. VS Gurnitz)
St. Margareten im Rosental
Schiefling
Wabelsdorf
Zell Pfarre

District Villach (environs)

Arnoldstein
Damtschach
Finkenstein
Fürnitz
Goritschach
Gödersdorf
Hohenthurn
Köstenberg
Latschach
Ledenitzen
Lind ob Velden
Maria Elend
Nötsch im Gailtal
Rosegg
Rosenbach
St. Egyden
St. Georgen im Gailtal
St. Jakob im Rosental
St. Leonhard bei Siebenbrunn
Thörl Maglern
Velden 1

District Villach (City)

VS 11 Villach - Maria Gail

District Völkermarkt

Bleiburg

Okraj Šmohor

Brdo pri Šmohorju
Štefan na Zilji
Goriče-Borlje

Okraj Celovec-deže

Bistrica v Rožu
Borovlje 1
Borovlje 2
Borovlje 3
Grabštanj
Podkrnos
Hodiše
Kotmara vas
Bilčovs
Žihpolje
Medgorje
Radiše
Šmarjeta v Rožu
Škofiče
Vabnja vas
Sele Fara

Okraj Beljak-dežela

Podklošter
Domačale
Bekštanj
Brnca
Goriče
Vodiča vas
Straja vas
Kostanje
Loče
Ledince
Lipa pri Vrbi
Podgorje
Čajna v Ziljski dolini
Rožek
Področca
Šentilj
Šentjurij v Ziljski dolini
Šentjakob v Rožu
Šentlenart pri Sedmih studencih
Vrata
Vrba 1

Okraj Beljak-mesto

LŠ 11 Beljak - Marija na Zilji

Okraj Velikovec

Pliberk

Diex	Djekše
Eberndorf	Dobrla vas
Ebriach (Expositur der VS Bad Eisenkappel)	Obirsko
Edling	Kazaze
Bad Eisenkappel	Železna Kapla
Gallizien	Galicija
Globasnitz	Globasnica
Greutschach (Expositur der VS Griffen)	Krčanje
Griffen	Grebinj
Haimburg (Völkermarkt 3)	Vovbre (Velikovec 3)
Heiligengrab	Božji grob
Klein St. Veit (Völkermarkt 4)	Mali Šentvid (Velikovec 4)
Kühnsdorf	Sinča vas
Leppen (Expositur der VS Bad Eisenkappel)	Lepena
Loibach	Libuče
Mittertrixen (Völkermarkt 5)	Srednje Trušnje (Velikovec 5)
Möchling	Mohliče
Neuhaus	Suha
Rinkenberg	Vogrče
Ruden	Ruda
St. Kanzian	Škocjan
St. Margarethen o. T. (Völkermarkt 6) (Velikovec 6)	Šmarjeta pri Velikovcu
St. Michael ob Bleiburg	Šmihel pri Pliberku
St. Peter am Wallersberg (Völkermarkt 7) 7)	Šentpeter na Vašinjah (Velikovec
St. Philippen ob Sonnegg	Šentlipš pri Ženeku
St. Primus	Šentprimož
Schwabegg (Expositur der VS Neuhaus)	Žvabek
Sittersdorf	Žitara vas
Tainach (Völkermarkt 8)	Tinje (Velikovec 8)
Untermitteldorf (Expositur der VS Ruden)	Srednja vas
Völkermarkt 1	Velikovec 1
Völkermarkt 2	Velikovec 2

District Klagenfurt (City)

VS 24 Klagenfurt

VS Hermagoras

Okraj Celovec-mesto

LŠ 24 Celovec

LŠ Mohorjeva

Evolution of the enrollment for bilingual instruction /
Slovene-language instruction since the 1958/59 school year

<i>School year</i>	<i>Total number</i>	<i>pupil</i>	<i>bilingual</i>	<i>percentage</i>	<i>Pre-school</i>	<i>Klagenfurt</i>
1959/60	10325	1994	19.31%	0	0	
1960/61	10533	1820	17.27%	0	0	
1961/62	10570	1689	15.97%	0	0	
1962/63	10950	1610	14.70%	0	0	
1963/64	11188	1673	14.95%	0	0	
1964/65	11070	1602	14.47%	0	0	
1965/66	11082	1602	14.46%	0	0	

1966/67	11193	1569	14.01%	0	0
1967/68	10791	1538	14.25%	0	0
1968/69	10288	1487	14.45%	0	0
1969/70	10544	1485	14.08%	0	0
1970/71	10290	1485	14.43%	0	0
1971/72	10019	1481	14.78%	0	0
1972/73	9748	1441	14.78%	0	0
1973/74	9427	1372	14.55%	0	0
1974/75	8978	1292	14.39%	0	0
1975/76	8768	1224	13.96%	0	0
1976/77	8461	1138	13.45%	0	0
1977/78	8113	1111	13.69%	0	0
1978/79	7819	1100	14.07%	0	0
1979/80	7435	1065	14.32%	0	0
1980/81	7020	1115	15.88%	0	0
1981/82	6690	1096	16.38%	0	0
1982/83	6364	1088	17.10%	0	0
1983/84	6068	1063	17.52%	12	0
1984/85	5821	1070	18.38%	19	0
1985/86	5707	1098	19.24%	34	0
1986/87	5682	1130	19.89%	31	0
1987/88	5683	1107	19.48%	32	0
1988/89	5638	1092	19.37%	63	0
1989/90	5664	1134	20.02%	44	41
1990/91	5650	1163	20.58%	54	71
1991/92	5639	1242	22.03%	69	100
1992/93	5757	1302	22.61%	67	118
1993/94	5881	1338	22.75%	81	113
1994/95	5780	1368	23.67%	71	110
1995/96	5798	1375	23.71%	100	101
1996/97	5707	1427	25.00%	109	102
1997/98	5811	1494	25.71%	113	110
1998/99	6108	1620	26.52%	SchE	103
1999/2000	6133	1619	26.40%	SchE+10	105
2000/01	5876	1657	28.20%	SchE+4	113
2001/02	5735	1722	30.03%	SchE+8	116
2002/03	5456	1670	30.61%	SchE+3	127
2003/04	5328	1720	32.28%	SchE+3	143
2004/05	5150	1720	33.39	SchE	146
2005/06	5018	1819	36.25	SchE	165

Within the **scope of application of the Minorities School Act for Carinthia** (and if there is a sustainable demand also beyond it), the persons responsible for their children's education have the possibility of registering them for **bilingual instruction (primary school) and Slovene education (as of secondary school grade I)**.

General compulsory secondary schools:

Within the territorial scope of application of the Minorities School Act for Carinthia there are **74** (77) primary schools, of which **6** (7) are classes at school branches (*Expositur*) and **2** (2) bilingual primary schools in Klagenfurt which were attended by a total of **5183** (5296) pupils during the 2005/2006 school year. (The figure in brackets indicates the comparable figure for the 2004/2005 school year).

1819 (1720) pupils, which corresponds to **36.25%** (33.39%), have been registered for bilingual instruction at **64** (66) primary schools, of which **5** (7) are classes at school branches (*Expositur*). In Klagenfurt, **165** (146) pupils are taught in two languages at another **2** (2) primary schools. Altogether, **1984** (1866) pupils obtain a bilingual education at primary schools.

The optional exercise in Slovene is attended by **37** (55) pupils in Carinthia. At **10** (11) primary schools within the scope of application of the Minorities School Act for Carinthia there were no registration for bilingual instruction.

The Slovene language is taught on the secondary-school level I at **13** (14) lower-level secondary schools and attended by **339** (337) pupils. **53** (42) attend Slovene courses as a living foreign language, **164** (163) pupils chose Slovene as an optional subject.

General and vocational upper-level secondary schools:

541 (542) pupils attended the federal upper-level secondary school (*Bundesgymnasium* and *Bundesrealgymnasium*) for Slovenes in Klagenfurt during the 2005/2006 school year. At the bilingual Federal Commercial College in Klagenfurt, **141** (139) students are enrolled, at the private bilingual upper-level teaching institute for commercial occupations and the one-year course in economics a total of **134** (140) pupils are enrolled.

558 (494) students at the other general and vocational upper-level secondary schools have registered for Slovene as an optional subject or attend Slovene as an optional compulsory subject.

Bilingual education during the 2005/2006 school year:

Altogether **3734** (3573) pupils/students attended Slovene classes and/or obtained bilingual instruction during the 2005/2006 school year:

The number of pupils/students in Slovene classes is on the increase; yet, at the same time, most pupils/students of the first grade do not have any or only very limited language skills.

Altogether, there are 22 lower-level secondary schools within the scope of application of the Minorities School Act for Carinthia.

Slovene classes at lower-level secondary schools within the scope of application of the Minorities School Act for Carinthia during the 2005/2006 school year:

School	Total pupil number	Enrolment options			Total
		A	B	C	
Arnoldstein	253	0	0	5	5
Bleiburg	194	38	0	8	46
Eberndorf	174	31	0	0	31
Bad Eisenkappel	159	27	33	8	68
Ferlach	369	11	0	37	48
Finkenstein	175	0	0	9	9
Kühnsdorf	160	0	0	11	11
St. Jakob i.R.	193	8	0	25	33
Griffen	142	0	0	0	0
Nötsch	107	4	0	4	8
Velden	285	1	20	6	27
Völkermarkt	403	0	0	12	12
Hermagor 1	210	0	0	0	0
Hermagor 2	257	0	0	0	0
HS 3 Klagenfurt	419	0	0	0	0
HS 6 Klagenfurt	227	2	0	7	9
HS 13 Viktring	207	0	0	32	32
HS 1 Villach	369	0	0	0	0
PL Völkermarkt	76	0	0	0	0
Total	4379	122	53	164	339

A= enrolment under the Minorities School Act for Carinthia

B = Slovene as an alternative to English

C = Slovene as an optional subject

As a matter of principle, Slovene can be offered as an optional/compulsory exercise (*unverbindliche/verbindliche Übung*), as an optional subject (*Freigegegenstand*) or also as a compulsory subject (*Pflichtgegenstand*) at every primary and lower-level secondary school, as well as at general and vocational middle-level and higher-level schools, whenever there is demand for it and the respectively qualified teaching staff is available, as well as the necessary number of lessons are available. The same applies to schools outside the scope of application of the Minorities School Act.

The knowledge of the Slovene language obtained while attending compulsory school can be deepened and extended by continuing to attend general or vocational middle-level or higher-level schools.

Article 7 item 2 of the State Treaty of Vienna provides for a “proportionate number of own higher-level secondary schools” for the Slovene minority. As a result, the federal upper-level grammar school (*Bundesgymnasium*) (now also an upper-level secondary school = *Bundesrealgymnasium*) for the Slovene population was founded in Klagenfurt in 1957, where classes are taught in the Slovene language. With the establishment of the so-called Slovene Upper-Level Secondary School, significant educational dynamism set in for the Slovene minority. This was further reinforced when the University of Klagenfurt was founded in the seventies.

Since the 1999/2000 school year the so-called “Kugy Class” was introduced at the Slovene upper-level secondary school, which is a unique pedagogical innovation. This is an autonomous school project in the course of which new methods are used for multilingual education so that pupils and students from Carinthia, Slovenia and Friuli-Venezia can attend classes. The main languages of the project are Slovene (the common language of all children), German and Italian, as well as English.

According to the amendment of the Minorities School Act,

“a bilingual commercial college shall be set up in Carinthia, especially for Austrian nationals of the Slovene minority. (...) At the bilingual commercial college, instruction in all classes shall be given equally in the Slovene and German languages. As to the languages taught, German, Slovene, English and another living foreign language shall be the compulsory subjects.”

Since the 1990/1991 school year a bilingual commercial college has been operated in Klagenfurt. In addition, the bilingual teaching institute for business occupations of the Convent of the School Sisters (denominational private school) at St. Peter near St. Jakob im Rosental has been established.

According to Article 7 item 2 of the State Treaty of Vienna, a department of the school inspectorate shall be set up for the Slovene schools. According to § 31 of the Minorities School Act for Carinthia, a department for matters a) of the primary and lower-level secondary schools with Slovene as the language of instruction, b) relating to instruction in the Slovene language at the bilingual primary schools and the Slovene-language departments of lower-level secondary schools, and c) of the federal middle-level school with Slovene as the language of instruction and the bilingual commercial college is to be set up with the Regional School Council for Carinthia. The latter complied with this provision by setting up a separate department for the minority school system which is responsible for supervising the schools and for publishing an annual, comprehensive report on the situation of the minorities school system in Carinthia.

Teacher training:

A high-quality initial and continuing training of the teachers is an important requirement for the smooth functioning of the bilingual school system and for communicating the Slovene culture and history. In addition to the specific qualification of the teachers, a good pedagogical training is very important. Today, team work, conflict management, inter-cultural learning and knowledge and skills regarding the new communication technologies are more important than ever before.

The **Federal Pedagogical Academy in Carinthia** offers additional study courses, in addition to the general professional qualification for teachers at compulsory schools. With these courses, the future teachers can obtain qualifications for teaching in two languages at primary schools, as well as for teaching Slovene at lower-level secondary schools. In addition, a special training is offered for team teachers as part of the university teacher training. This qualification can be used when cooperating with the classroom teacher in determining the teaching material, in accordance with the Minorities School Act. (The relevant curricula and examination regulations are published on the Internet.)

Pedagogical Academy:

Study year	2001/2002	2002/2003	2003/2004	2004/2005
VSL *	50	49	20	34
WZL **	13	28	44	49

* Training as a bilingual teacher for primary schools with German and Slovene as languages of instruction.

** Training as a team teacher

Every semester a total of four teachers are employed.

In addition, language courses were offered that were attended by the students.

In its continuing and further training program the Pedagogical Institute in Klagenfurt offers a large number of activities for bilingual teachers and Slovene teachers. In addition, there are many activities on intercultural education, as well as integration and promotion of the national minorities and migrants.

Access to teaching materials:

A considerable number of approved **textbooks** are available for bilingual instruction, for teaching in the Slovene language and for teaching Slovene. These can be obtained by the respective pupils as part of the campaign “free textbooks” outside the limits. Working groups at the Center for School Development of the Federal Ministry of Education, Science and Culture work on **developing new didactic materials and teaching aids** on an ongoing basis.

Scientific publications are produced mainly as part of the research and instruction on the university level. Contributions, for example to the minorities school system, on bilingualism and multilingualism as a basis for a regional educational concept, on trans-frontier cooperation and on intercultural encounters are published in many different publication in Austria (e.g. “Erziehung und Unterricht”) and in Slovenia (e.g. “Pedagoška obzorja”).

The annual reports of Department VII of the Regional School Council for Carinthia are a form of internal **evaluation** in keeping with Article 8 (1,i) of the European Charter on Regional and Minority Languages. They are a basis for quality assurance and school development.

The three-language publication “1 + 1 = 2” of the Federal Ministry of Education, Science and Culture and the Regional School Council for Carinthia is available to **inform parents and interested persons**. Replies to numerous detailed questions on the pedagogical principles used for the national minorities can be found on the homepage of the Regional School Council for Carinthia.

Nursery schools:

The Carinthian Nursery-School Fund Act of 12 July 2001 provided the possibility to grant financial support to bilingual or multilingual private nursery schools in the settlement area of the Slovene minority in Carinthia. In addition, it also stipulates quality-assurance measures for the bilingual education. In addition to private nursery schools, there are also bilingual groups in public nursery schools in Carinthia.

Numerous studies and, primarily, statistical facts and practical experience with the Carinthian educational system show very clearly that pre-school bilingual education is becoming increasingly important. A large number of children of members of the Slovene minority has only few to none language skills when entering school. As a result, bilingual nursery schools play a particular role in Carinthia.

The statutory basis in Carinthia for setting up and operating nursery schools is the Nursery School Act of 1992. This law does not distinguish between public and private nursery schools; it only distinguishes between functions, namely general nursery schools and special nursery schools. Everybody opening a nursery school in Carinthia (private individuals, associations, denominational institutions or municipalities) is treated and evaluated equally under this law.

There is no positive legal title in Carinthia requiring the public sector to set up a bilingual nursery school. It is up to the entity operating the nursery school to set up a bilingual nursery school. The law of 12 July 2001, which created a fund for the promotion of bilingual or multilingual nursery schools (Carinthian Nursery-School Fund Act, Regional Law Gazette No. 74/2001), resulted in an improvement of the situation regarding private nursery schools, as the private nursery schools in question need no longer cover their deficits from the funds available for the promotion of the national minorities but receive that money from the federal province of Carinthia.

There are altogether 17 bilingual nursery schools in Carinthia, 8 nursery schools are municipal nursery schools and 9 are private nursery schools. The multilingual nursery school Kekec at Völkermarkt went into operation in September 2004; all other nursery schools have existed for a longer time already.

The responsible special department of the regional government of Carinthia organizes continuing-training activities in the form of workshops in order to ensure the best-possible continuing education of bilingual nursery-school teachers.

Slovene Music School:

The Slovene Music School, which has existed for 27 years, currently teaches approximately 540 children and juveniles at 21 locations in the traditional settlement area of the Slovene population in Carinthia. The Slovene Music School is a private operation, because

- it communicates the traditional songs of the Slovene population in Carinthia,
- the music education is held mainly in the Slovene language, if necessary also in two languages and thus promotes the language skills of children and juveniles,
- the independent appointment of the teachers by the national minority is maintained,
- the cultural level of the young people can be raised, and the necessary music teachers, choir leaders and future cultural workers can be trained from among the young pupil generation.

The school situation of the Slovene minority in Styria

There is not separate school law for the national minorities in Styria. At present, Slovene is taught as a foreign language in Styria at the general compulsory schools of the three school districts in southern Styria, i.e. the districts of Deutschlandsberg, Leibnitz and Bad Radkersburg.

For many years the school district of Deutschlandsberg has successfully offered Slovene classes as an optional exercise at the primary school of Eibiswald. During the 2005/2006 school year, 14 pupils attended these courses.

In the Leibnitz school district the primary school at Arnfels (6) and the primary school at Ratsch (13) offer Slovene classes as an optional exercise. 19 pupils attended the courses during the 2005/2006 school year. At the lower-level secondary school (*Hauptschule/Realschule*) Arnfels, Slovene is taught as an optional compulsory subject, and 77 pupils enrolled in that class during the 2005/2006 school year.

In the school district of Bad Radkersburg, Slovene classes were offered as an optional exercise during the 2005/2006 school year. 14 participants attended them at the primary school of Bad Radkersburg, as well as 26 students at the lower-level secondary school of Bad Radkersburg. 31 pupils went to these courses at the primary school of Mureck, and 9 pupils attended such classes at the lower-level secondary school of Mureck. The lower-level secondary school at Straden had 9 participants. As compared to the 2004/2005 school year, the pupil numbers have clearly gone up.

Mother-tongue instruction in the Slovene language is not offered at any of the general compulsory schools in Styria, nor is it possible to organize a multi-school course including the Slovene language for general or vocational upper-level schools in the Graz area.

Nursery schools:

According to the language census taken in the fall of 2004, only 4 children with a bilingual background (German/Slovene) attended the nursery schools in the district of Bad Radkersburg, and only 8 children in the Leibnitz district during the nursery-school year 2004/2005.

Languages are not “taught” at nursery schools, and/or there is no bilingual “instruction”, as any type of instruction is inadmissible according to the provisions of the Styrian Nursery-School Act (Regional Law Gazette No. 22/2000 in the version of Regional Law Gazette No. 58/2004). Rather, the acquisition of language skills is promoted in keeping with the age of the children and in the context of situations from everyday life.

There are no nursery schools and/or groups that are run explicitly in two languages and to which a German-speaking nursery-school teacher would be assigned to work with a nursery-school teacher with Slovene as a mother tongue.

There is a partnership between the municipal nursery school at Bad Radkersburg and the nursery school at Gornja Radgona (Slovenia). As part of this partnership, joint projects are realized, and/or small groups of the nursery schools spend some time at the respectively other nursery school on a regular basis. Of course, the children and the staff (nursery-school teachers) of the respective institutions take part in these exchanges. The municipal nursery school of Bad Radkersberg is a facility with two groups and authorized for a total of 50 authorized nursery-school attendants.

The other federal provinces

Mother-tongue instruction is offered to pupils having command of another first language than German, as well as to pupils growing up bilingually in their families. On the basis of a

special curriculum, the courses are currently run as optional exercises or optional subjects in 18 languages. During the 2004/2005 school year, a total of 309 teachers taught 26,208 pupils in the course of 5,749 hours/week in the course of instruction given in the mother tongue of the pupils. 89.3% were classes in the Bosnian/Croat/Serbian language and Turkish, and more than half of all pupils attending classes in their mother tongue lived in Vienna.

Languages of the neighboring countries as living foreign languages:

In Lower Austria, pupils at more than 250 schools made use of the possibility to acquire basic language skills in Slovak, Czech or Hungarian during the 2005/2006 school year. The courses were offered as optional exercises, optional compulsory subjects or optional subjects. In Upper Austria, the upper-level secondary school (BORG) at Bad Leonsfelden and the upper-level secondary school (BG/BRG) at Rohrbach offered Czech classes and organized cooperation and exchange programs with schools in the Czech Republic. In addition, the boarding school at the vocational school at Rohrbach also offers a course in Czech. These courses are available as optional exercises, optional subjects or optional compulsory subjects.

Research and university education

The languages of the national minorities in Austria are taught at numerous universities, Below is an overview of the universities and institutes at which **classes** were held **in the languages of the national minorities** during the winter semester 2005/2006.

Croat (including “Serbo-Croat”, etc.)

University of Vienna, Institute for Slavic Studies
 University of Vienna, Institute for Translator and Interpreter Training
 Vienna University of Economics and Business Administration, Institute for Slavic Studies
 University of Graz, Institute for Slavic Studies
 University of Graz, Institute for Theoretical and Applied Translatology
 University of Salzburg, Institute for Slavic Studies
 University of Innsbruck, Institute for Slavic Studies
 University of Klagenfurt, Institute for Slavic Studies

Slovene

University of Vienna, Institute for Slavic Studies
 University of Graz, Institute for Slavic Studies
 University of Graz, Institute for Theoretical and Applied Translatology
 University of Innsbruck, Institute for Slavic Studies
 University of Klagenfurt, Institute for Slavic Studies

Hungarian

University of Vienna, Institute for Finno-Ugric Studies
 University of Vienna, Institute for Translator and Interpreter Training
 Vienna University of Economics and Business Administration, Institute for Slavic Studies
 University of Graz, Institute for Theoretical and Applied Translatology

Czech

University of Vienna, Institute for Slavic Studies
University of Vienna, Institute for Translator and Interpreter Training
Vienna University of Economics and Business Administration, Institute for Slavic Studies
University of Graz, Institute for Slavic Studies
University of Salzburg, Institute for Slavic Studies
University of Innsbruck, Institute for Slavic Studies

Slovak

University of Vienna, Institute for Slavic Studies

Romany

University of Graz, Institute for Linguistics
University of Innsbruck, Institute for Linguistics

At the University of Salzburg, Czech courses for a total of 7 hours per semester were offered during the 2004/2005 study year. In the 2005/2006 study year, this will be increased to 8 hours per semester. During the 2004/2005 study year, approximately 20 students attended the Czech courses per semester.

At the University for Natural Sciences and Applied Life Sciences, foreign-language courses in Hungarian, Czech and Slovak are being offered.

At the Vienna University of Economics and Business Administration, Czech is taught as a compulsory course; Croat, Hungarian, Slovene and Slovak are taught as optional courses. Since the 2002/2003 winter semester Slovene has no longer been taught, and since the 2003 summer semester Slovak has no longer been offered.

At the University of Vienna the Croat, Slovene, Hungarian, Czech and Slovak languages are taught, namely as a diploma study course for Slavic studies, a bachelor study course for translation and interpreting (2005 summer semester: 270 students), a teacher-training course (Croat, Czech, Hungarian: 2205 summer semester: 78 students), as well as in the framework of the languages taught by the Language Center of the University of Vienna (348 participants). There is also a wide range of studies offered by the University of Vienna in connection with the languages of the national minorities.

At the University for Applied Science / Business Relations in Eisenstadt it is compulsory to study an Eastern-European language. Students can choose among Hungarian, Croat, Czech or Slovak. The University for Applied Science at Pinkafeld offers Hungarian as a second living language.

In 1958 the Austrian Institute for Eastern and Southeastern Europe was founded, which the Science Ministry has been funding ever since. In 1990 the locations of the Institute at Ljubljana, Bratislava, Brno, Budapest and Sofia were set up. The Austrian Institute for Eastern and Southeastern Europe (OSI) was the responsible umbrella organization for the Austrian Science and Research Liaison Offices (AOSs) until 31 December 2003. The objectives of the ASOs have been re-defined, and since 2004 the science offices in Bulgaria,

Slovakia, Slovenia, the Czech Republic and Hungary are run by a new umbrella organization. As part of their activities, the ASOs in Sofia (Bulgaria) and Ljubljana (Slovenia) deal and support issues relating to national minorities, in cooperation with the responsible units in southeastern Europe.

The University of Innsbruck offers the following activities:

* Croat (language, linguistics, literature, civilization) as part of the course in Slavic Studies: Study course Bosnian-Croat-Serbian”

* Czech language courses (basic principles) (2 semesters each – 2 hours/week/semester) until 2003 at the Institute and 2 hours/week/semester on the language and culture; since 2004 language courses at the International Language Center of the University of Innsbruck (ISI)

“EuroCom courses in Czech (developing receptive skills by teaching basic grammar and establishing links to already known other Slavic languages) since 2002

* 4 hours/week/semester – introduction (every year) “The Slavic languages and cultures in Europe”

* 1998 inter-disciplinary series of lectures at the Liberal Arts Faculty “Languages in Europe” regarding the respective languages

* In the 2005/2006 winter semester courses in Romany, Czech and Hungarian were offered.

Possible studies at the Alpen-Adria University at Klagenfurt:

* diploma course in Slavic studies (transition to BA/MA beginning in the 2005/2006 winter semester) for the study courses Slovene and Bosnian/Croat/Serbian

* teacher-training course for teaching the Slovene language as a subject

* Slovene can be chosen as a foreign language for the diploma study course in applied business administration (transition to BA/MA beginning in the 2005/2006 winter semester)

* Slovene is also offered to students of all study courses.

The Alpen-Adria University at Klagenfurt is putting much emphasis on research activities and publications that are specific of the national minorities.

Selected examples of research projects and publications regarding the national minorities

Burgenland-Croat minority:

* Andrea Zorka Kinda-Berlaković: “Das zweisprachige Pflichtschulwesen der burgenländischen Kroaten in der Vor- und Nachkriegszeit. Eine Dokumentation mit Kurzbiografien und Zeitzeugenberichten (Dvojezično školstvo gradišćanskih Hrvatov u pred- i pobjnom vrimenu)”, Eisenstadt (Narodna Visoka Škola Gradišćanskih Hrvatov) (The bilingual compulsory school system of the Burgenland Croats during pre-war and post-war times. A

documentation with short biographies and reports by contemporaries) (Summary in the Croat language), University of Vienna, 2001.

* Andrea Zorka Kinda-Berlakovich: “Die kroatische Unterrichtssprache und das zweisprachige Pflichtschulwesen der burgenländischen KroatInnen. Eine sprachpolitisch-historische Untersuchung des zweisprachigen Schulwesens sowie eine soziolinguistische Untersuchung zum Stellenwert der kroatischen Unterrichtssprache von 1921 bis 2001”, (Croat as a language of instruction and the bilingual compulsory school system of the Burgenland Croats. An examination from the language policy and historical perspective of the bilingual school system, as well as a socio-linguistic examination of the position of Croat as a language of instruction), doctoral thesis, University of Vienna, 2002.

* Herbert Van Uffelen / Matthias Hüning / Ulrike Vogl (editors): “Musik – Sprache – Identität. Texte zum Dritten Österreichisch-Niederländisch-Flämischem Sommerkolleg zum Thema ‘Musik, Sprache und Tradition’ in Stadtschlaining (17. - 31. Juli 1999)” (Music – language – identity. Texts from the third Austrian-Netherlands-Flemish summer course on the topic of “Music, Language and Tradition” at Stadtschlaining, 17 to 31 July 1999), Vienna (published by the author), 2000 (volume 9 of “Wiener Broschüren“).
The contribution by Gerhard Baumgartner „Sprachgruppen und Mehrsprachigkeit im Burgenland“(Language groups and multilingualism in Burgenland) deserves special mentioning.

* "Klepi, der kleine Storch mit der großen Klappe - Klepi mali strok s velikom trubom" (Klepi, the little stork with the big mouth) (bilingual CD production Burgenland-Croat / German for children). Multimedia project during the Year of the Languages, directed by Petra Herczeg (Institute for Publishing and Communication at the University of Vienna), 2001. The objective of the production is to let children “notice” that the everyday environment consists of language and that they can use the language of the national minority in everyday-life situations. The “position” of the language and the associated language image is to be transported for the target group with the CD. It is – specifically – an “attractive” language that is suited for everyday applications. Klepi clatters, Klepi sings, Klepi makes fun – in Burgenland-Croat, of course, and so he shows children that bilingualism can be lived and experienced. Web site: <http://hrvatskicentar.at/klepi/>

* Institute for Folklore Music Research and Ethno Music at the University for Music and the Performing Arts Vienna
Hemetek, Ursula/ Winkler, Gerhard (publishers): “Musik der Kroaten im Burgenland” (Croat Music in Burgenland). Muzika Gradišćanskih Hrvatov. (= WAB 110), Eisenstadt, 2004.

* Diploma paper by Wild Nicole (2001): “Rechte der ethnischen Minderheiten im Burgenland” (Rights of the ethnic minorities in Burgenland). Institute for Austrian, European and Comparative Law, Political Science and Administration, Karl Franz University Graz.

*Gombocz Wolfgang L.: “Das allgemeine Menschenrecht auf Mehrsprachigkeit: Thesen zur ‘Theorie’ des Elementarunterrichts im Minderheitenschulwesen” (The general human right to multilingualism. Theses on the ‘theory’ of elementary instruction in the minority school system), in: Pannonisches Jahrbuch/Panonski ljetopis (2001), Vienna, Literas; Güttenbach/Pinkovac, pp. 273 – 282.

Slovene minority:University Vienna:

* Dieter Kolonovits: “Einige Überlegungen zum aktuellen Erkenntnis des Verfassungsgerichtshofes zur Amtssprache” (Some considerations on the current decision of the Constitutional Court on the official language). In: Juristische Blätter 2001, pp. 356-361.

* Dieter Kolonovits: “Ortstafelerkenntnis – Umsetzung möglich? “ (Decision on municipal signs – Implementation possible?) (Constitutional Court, 13 December 2001, file numbers G 213/01, V 62, 63/01) In: Juristische Ausbildung und Praxisvorbereitung 2001/2002, pp. 187 – 192.

Karl Franz University Graz:

* Diploma paper by Bauer Veronika (2003): “Die Erfüllung der völkerrechtlichen Verpflichtungen der Republik Österreich gegenüber der slowenischen Volksgruppe aus dem Staatsvertrag von Wien von 1955” (Implementation of Austria’s obligations under international law vis-à-vis the Slovene minority under the State Treaty of Vienna of 1955) Reviewed by Dr. Wolfgang Benedek, Institute for International Law and International Relations, Karl Franz University Graz

* Valentin Hellwig: “Die Rolle der Volksgruppen im Rahmen der grenzüberschreitenden Zusammenarbeit” (The role of the national minorities as part of the trans-frontier cooperation), in: “Minderheiten und grenzüberschreitende Zusammenarbeit im Alpen-Adria-Raum”, published by “Arbeitsgruppe Minderheiten der Arbeitsgemeinschaft Alpen-Adria”, Klagenfurt 2000, p. 29 and following, Institute for History, Karl Franz University Graz

* Valentin Hellwig: “Von der Konfrontation zum Dialog. Die Entwicklung der Volksgruppenfrage in Kärnten - historisch betrachtet” (From confrontation to dialogue: The development of the national-minorities issue in Carinthia – a historical perspective), in: “Kärntner Jahrbuch für Politik 2001”, published by K. Anderwald, P. Karpf and H. Valentin, editor: S.Haiden, Klagenfurt 2001, p. 277 and following. Institute for History Karl Franz University Graz

* Hermanik Klaus-Jürgen: “Versteckte Minderheiten im Kontaktraum zwischen Österreich und Slowenien sowie in der Kleinregion Gottschee/Kočevje” (Hidden minorities between Austria and Slovenia as well as in the micro-region of Gottschee/Kočevje). Institute for History, Karl Franz University Graz

As was mentioned before, setting up the University of Klagenfurt had and has a positive impact on the educational situation of the Slovene minority. The research activities on issues of the national minorities in general and/or the Slovene population in particular has become successfully established both at the University of Klagenfurt and at several research institutes outside the university.

The activities at Klagenfurt in education science, for example, began already 15 years ago to deal with the subject of “ethnic minorities” and “intercultural learning”. In addition, research into the national minorities has become established at several institutes of the University of Klagenfurt such as the Institute for Education Science and Education Research, Department for InterCultural Education, or at the Institute for Psychology, the Institute for Slavic Studies, the Institute for the Media and Communications Science, as well as at the Institute for History. The University of Klagenfurt is known and internationally renowned both for its basic research and its applied, practice-oriented research in the area of the linguistic and

ethnic minorities. At the Institute for Psychology, the association “Apsis” developed a special method for the psychological treatment of refugees from the war zones who find refuge in Austria. This research focus of the University of Klagenfurt has received much national and international acclaim.

The Working Unit for InterCultural Studies of the Council of Europe is located at the University of Klagenfurt and conducts, inter alia, minority research. This research unit is financed with funding from the Council of Europe and the Federal Ministry for Education, Science and Culture. This unit cooperates closely with the program “Confidence-Building Measures” that promotes intercultural projects in Europe in which minorities and majorities are involved. A focus of the work of this agency for intercultural studies is in Southeastern Europe (media, education, social issues, and trans-frontier cooperation).

The Slovene Ethnographic Institute “Urban Jarnik” focuses its research activities on studies on the life of the Carinthian Slovenes in the bilingual region, both in the past and in the present days.

The Slovene Study Library is a public library. It has more than 74,000 books, as well as about 700 non-inventorized newspapers and journals. Moreover, the Slovene Study Library looks after a mobile library and supports the local member associations in setting up their respective libraries.

Slovenes in Styria:

Research Promotion Fund: project FWF P15080, Christian Promitzer, Institute for History, Department for the History of Southeastern Europe, University of Graz

* “Versteckte Minderheiten zwischen Zentral- und Südosteuropa” (Hidden minorities between Central and Southeastern Europe)

Research focus: Some minorities became hidden minorities only on account of a long process of assimilation or on the basis of persecution and liquidation. For this project, five ethnic groups were selected: the Bulgarian gardeners in Austria, the Styrian Slovenes in the Soboth region (south-western Styria), several villages, formerly with a German majority, in the Abstaller Feld region (north-east of slovenia), several Serbian villages in the Bela krajina region (southern Slovenia), as well as the Catholic Serbs in Dubrovnik.

* Dr. Peter Cede and Mag. Dieter Fleck: “Der steirisch-slowenische Grenzraum im Spiegel der administrativen Einteilung und sprachlichen Minderheiten” (The Styrian-Slovene border region as reflected by the administrative division and the linguistic minorities)

Published in: “Grazer Schriften der Geographie und Raumforschung”, volume 38, Graz, October 2002. Institute for Geography and Regional Research, Karl Franz University Graz.

Summary: The development of the linguistic minorities on both sides of the Styrian-Slovene border reflects the eventful history of this border region with a history of less than 100 years. Beginning with the creation of the administrative borders and their impact on the region, the basic issue of language-statistical surveys is discussed within the framework of the censuses. Since the year 1880, a census has been held at regular intervals, inquiring about the everyday language. The census results, however, may not be regarded as a correct image of the actual language situation; rather, they show a public commitment to one’s nationality. In addition, the censuses held before World War I already exerted pressure on the linguistic minority, namely on the Slovene population. The figures for the national minorities were clearly on the

decrease during the period between the wars on either side of the national boundary that was created in 1919, and especially after World War II. The official results of the censuses indicate much lower quotas than in reality, both in Styria and in Slovenia. At present, the Slovene-speaking population on the Styrian side of the border is concentrated on five closed settlements in the area of Radkersburg/Radgonski kot, to the south of Leutschach, as well as in the south-west of the Deutschlandsberg district.

* Klaus-Jürgen Hermanik: “Die (versteckte) slowenischsprachige Minderheit in der Steiermark. Beispiele aus der Region soboth an der Österreichisch-Slowenischen Grenze” (The hidden Slovene-speaking minority in Styria. Examples from the Soboth region along the Austrian-Slovene border), Vienna, 2004, Institute for History, Karl Franz University Graz; http://.inst.at/trans/15Nr/04_01/hermanik.htm

At the Institute for Folklore Music Research and Ethno Music of the University for Music and the Performing Arts in Vienna there has been a “focus on minorities” since 1990, and scientific research work has been conducted in this connection, the results of which are published. By ongoing field research a remarkable collection of audio and video documents regarding the music of the national minorities has been compiled and is now available for scientific and pedagogical purposes.

Research projects / Field research

- * Field research southern Styria (Styrian Slovenes), 1999 – 2001
- * Field research: Music of the Croat population in Burgenland, November 2003
- * Field research: Music of the Hungarian population in Burgenland, November 2004

The results of the field research in southern Styria are of particular importance. Here, the focus was on the Slovene population in Styria. In a cooperation project with the Styrian Folklore Songs Office, the Institute for Musicology of the University of Graz and the Pavel House, it was possible to conduct this project which was subsidized from EU funds. Although the Slovene population in Styria was mentioned expressly in the State Treaty of Vienna, there was no active policy for this national minority in Styria for a long time. As most of the Slovenes in Styria did not live in a closed settlement area, there was big pressure to assimilate on the members of the national minority. In the course of the field research, no one-dimensional questions were asked deliberately with regard to ethnicity; rather, this form of folklore music expression was perceived without any value judgment and nobody was pushed into any role. It was discovered that people felt much less exposed to threats when singing songs in Slovene than when speaking the Slovene language. Often, any knowledge of the Slovene language was denied initially, but then songs were sung in Slovene.

The results of this ethno-music research were also presented in music form. In November 2000, the Styrian Folklore Songs Office organized an evening of songs performed by the singers Haßmann, Šopinger and Kure at a wine tavern at Schlossberg, and on the occasion of the bilingual celebrations of the 75th birthday of Pepika Prelog at the Pavel House both parts of the collected songs were presented/performed and the autobiography of Pepika Prelog was presented. Both events proved to have a very positive impact on the field research work. The bilingual celebration for Pepika Prelog was a great success, and the subsequent positive media reports of the ORF in “Styria today”, “Ö1” and “Heimat Fremde Heimat” led to positive results and had a certain mass effect so that, on the occasion of the 3rd field research project in 2000 reliable persons, who still had openly denied all Slovene roots during the first research

project in 1999, now spoke quite openly about the fact that they had only sung in the Slovene language when they were young.

Publications on the results of this field research:

* Hemetek, Ursula: "Gremo na Stajersko..." The surprising results of ethno music field research in Styria. In: *Signal*, fall 1999, pp. 3 – 7.

* Hemetek, Ursula: "Mosaik der Klänge. Musik der ethnischen und religiösen Minderheiten in Österreich (= Schriften zur Volksmusik Bd. 20)" (Mosaic of sounds. Music of the ethnic and religious minorities in Austria (= publications on Folklore Music, volume 20), Vienna 2001.

* Hemetek, Ursula/Anja Kapun: "Gremo na Stajersko/Gehen wir in die Steiermark" (Let's go to Styria). Songs from field research work done in southern Styria.

* 2nd Slovene and German songs from the Bad Radkersburger region (= meine Lieder, deine Lieder / My songs, Your songs), published by *Steirisches Volksliederwerk* (Styrian Folklore Songs Office), Graz 2001.

* Hois, Eva Maria/Engelbert Logar: From field research work done in southern Styria 1, German and Slovene songs from Schlossberg (= meine Lieder, deine Lieder / My songs, Your songs), 4th year, Sheet 2, published by *Steirisches Volksliederwerk* (Styrian Folklore Songs Office), Graz 2000.

One should particularly mention the Pavel House for the Slovene population in Styria, which is maintained by the "Article VII Cultural Association".

The **Pavel House** defines itself as an intercultural center for encounters between Austria and Slovenia and as a cultural cluster for the Slovene minority domiciled in Styria.

The Pavel House stands for cultural work away from the big towns, for intercultural cultural work and – merely on account of its existence – for an expanded concept of art.

The House is geared to minority systems and addresses such minorities. There are no hesitations to form links to established systems, or to explore unknown terrain. There is therefore room enough for a micro cosmos in the mainstream of minorities and majorities.

The federal province of Styria dispersed promotional funding to the "Article VII Cultural Association" with a total volume of more than EUR 140,000.00 during the period 2001 to 2005.

Generous financial support also came from the budget of the Federal Chancellery for the promotion of national minorities.

Hungarian minority:

* Project: "Sprachwissenschaftliche Pilotforschung zu den Burgenländer Ungarn" (Scientific linguistic pilot research regarding Hungarians in Burgenland), as part of the Austria-Hungary campaign. Directed by Ágnes Dávid (ELTE Budapest). 2004 – 2005.

* Puszta, Edina: "ZWEITSPRACHENERWERB IM KINDERGARTEN, Sukzessiver, ungesteuerter L2-Erwerb im Vorschulalter am Beispiel dreier Migrantenkinder Ungarisch-Deutsch" (ACQUIRING A SECOND LANGUAGE AT NURSERY SCHOOL. Gradual, uncontrolled acquisition of a second language at the pre-school age by way of the example of three Hungarian/German migrant children), doctoral thesis, 17 October 2002, University of Innsbruck.

* Dragaschnig, Edina/Zserdin, Marianne/Hutterer-Pogany, Irene: "Sprache Ungarischer Minderheiten in den Nachbarländern – Slowenien" (The language of the Hungarian minorities in the neighboring countries – Slovenia), Institute for Theoretical and Applied Translatology, Karl Franz University Graz.

Czech minority:

* Compilation of a multilingual dictionary on Eurojargon (English, French, German, Polish, Czech, Slovak, Slovene) – it is the drawback of the word lists available on the EU homepage in all languages of the member states that these lists are not inter-active so that, for example, one cannot find a term in the respective other language, including the Slavic languages, when starting with an English or German concept (I. Ohnheiser, University of Innsbruck).

Lecture on the project: "Vielfalt in der Einheit: Eurojargon im Vergleich" (Diversity in Unity: A comparison of Eurojargon), held at the Austrian Linguists Conference in October 2005 in Graz (Workshop: The Slavic languages and cultures in an enlarged EU)

* "Die entzauberte Idylle. 160 Jahre Wien in der tschechischen Literatur" (The disenchanted idyll. 160 years of Vienna in Czech literature) ROTHMEIER Christa (publisher), Academy of Sciences, which presents texts from recent Czech literature of the first half of the 19th century to the nineties of the 20th century (largely translated by the editor) that deal with Vienna. The Fund for the Promotion of Scientific Research promoted the publication of this work.

The task of the project was to reconstruct the image of Vienna among Czechs from the works of the most important authors of Czech literature, as it has changed in the course of history and to supplement and question it – within the available space – by way of significant texts by unknown authors and authentic reports on personal lives.

The anthology is a contribution to the image that has been created by inquiring about the Vienna topos from the Czech perspective. It sheds light on the educational processes and the withdrawal of stereotypes and provides valuable insights into the socio-historical problems of foreign people coming to Vienna in search of work, as well as on the problems of integration from a historical perspective. By processing a chapter in history and literature, which is largely unknown to and undigested by the Czech population itself, this can be seen as a contribution to bilateral understanding. From the viewpoint of comparison it permits insights into topics that are specific of Vienna, which were largely not covered by Austrian literature, although the Czech population made up a large part of the population of Vienna.

* Project: "Multietnické Brno" as part of the campaign Austrian-Czech Republic. Directed by Jana Pospíšilová (Czech Academy of Sciences in Brno). Co-organized with Gero Fischer (Institute for Slavic Studies at the University of Vienna), 2002 – 2003.

* Research project: "Die Rolle der Nachbar- und Minderheitensprachen in einem mehrsprachigen Europa" (The role of the languages of the neighboring countries and of the national minorities in a multilingual Europe), directed by Hans-Jürgen Krumm, Rosita Schjerve-Rindler, Juliane Besters-Dilger, Rudolf de Cillia (all: University of Vienna), 2001 – 2002. Survey on the role of the languages of the accession countries in Austria and in selected accession states. Preparation of country studies on Austria, Romania, Slovakia, Slovenia, the

Czech Republic, as part of the project of an international conference on "Die Zukunft der europäischen Mehrsprachigkeit in einer erweiterten Europäischen Union" (The future of European multilingualism in an enlarged European Union), Vienna, 22 – 24 November 2001.

Slovak minority:

* Emilia Hrabovec, Walter Reichel: „Die unbekannte Minderheit, Slowaken in Wien und NÖ im 19. und 20. Jahrhundert. Westslavische Beiträge“ (The unknown minority – Slovaks in Vienna and Lower Austria in the 19th and 20th century. West-Slavic contributions“, edited by Walter Schamschula, volume 4. Peter Lang, Europäischer Verlag der Wissenschaften, Frankfurt am Main, 2005, printed with the support of the Federal Ministry of Education, Science and Culture in Vienna.

* Compilation of a multilingual dictionary on Eurojargon (English, French, German, Polish, Czech, Slovak, Slovene) – it is the drawback of the word lists available on the EU homepage in all languages of the member states that these lists are not inter-active so that, for example, one cannot find a term in the respective other language, including the Slavic languages, when starting with an English or German concept (I. Ohnheiser, University of Innsbruck).

Lecture on the project: “Vielfalt in der Einheit: Eurojargon im Vergleich“ (Diversity in Unity: A comparison of Eurojargon), held at the Austrian Linguists Conference in October 2005 in Graz (Workshop: The Slavic languages and cultures in an enlarged EU)

* Upper Hungary (Slovakia) in Viennese newspapers of the *Vormärz* period (first half of 19th century).

Publication by Marinelli-König Gertraud, Austrian Academy of Sciences. The present work opens up new sources on the history of the culture and liberal arts in Slovakia and Hungary, the Czech, German/Austrian and neo-Latin writings on literary history and the history of books, as well as the history of theater and music in Vienna; last but not least, new insights are obtained that explain political conflicts of the past and still existing ill feelings. This research project was supported with funds from the Fund for the Promotion of Scientific Research (FWF).

The Roma minority:

The starting point for the currently large number of **Roma research projects** in Austria was the music-ethnological studies that were part of the ethno-musicological research at the Institute for Music Science at the University of Vienna. They have contributed considerably to an emancipation of the Roma minority.

With the Heinschink collection at the phonographical archives of the Austrian Academy of Sciences, Austria has the most comprehensive audio archives on the music, language and culture of the Roma, which is also an important source for anyone interested in “oral history”.

Department for Comparative Literary Science, University of Innsbruck:

* Beate Eder-Jordan: “Die Frau war Mann und Frau. Zur Stellung der Frau bei Sinti und Roma. Gespräch über ein tabuisiertes Thema” (‘The woman was man and woman.’ On the position of women among Sinti and Roma. Discussion of a taboo subject). In: “Stimme von und für Minderheiten” (The voice of and for minorities), No. 28 / III 1998, pp. 12-15.

* Beate Eder-Jordan; "Die Morgendämmerung der Worte - Themen und Bilder in der Lyrik der Roma" (The daybreak of the words – Themes and images in Roma poetry.). In: "Die Sprache der Roma. Perspektiven der Romani-Forschung in Österreich im interdisziplinären und internationalen Kontext" (The language of the Roma. Perspectives of Romany research in Austria in an interdisciplinary and international context"). Published by Dieter W. Halwachs and Florian Menz, in cooperation with Oswald Panagl and Horst Stürmer. Klagenfurt, Drava, 1999, pp. 35 - 60.

* Beate Eder-Jordan: "Camelamos naquerar - Wir wollen sprechen. Eine Konstante in der Theaterarbeit und im literarischen Schaffen von Roma und Sinti" (We want to speak. A constant factor in the theater work and literary work of the Roma and Sinti). In: Max Peter Baumann (publisher): Music, Language and Literature of the Roma and Sinti. Berlin, VWB, 2000, pp. 35 - 51.

* Beate Eder-Jordan: "Ausbruch aus der Anonymität. Roma-Literatur im historischen und kulturellen Kontext" (Breaking out of anonymity. Roma literature in historical and cultural contexts). In: Ceija Stojka: "Gedichte (Romanes, deutsch) und Bilder. Meine Wahl zu schreiben – Ich kann es nicht. O fallo de isgiri – me tschischanaf les" (Poems / Romany, German / and images. My choice for writing – I cannot do it). Landeck, EYE-Verlag, 2003, pp. 65 - 75.

* Beate Eder-Jordan: "Literaturen am Rand. Ein zentrales Aufgabengebiet der Komparatistik" (Literature on the fringe. A central task for comparisons). In: "I.Uluslararası Karşılaştırmalı Edebiyat Kongresi. 15-17 Ekim 2003". (Proceedings of the congress "Ist International Conference on Comparative Literature, 15 – 17 October 2003). Eskişehir: Ozmangazi University 2005, pp. 107 - 116.

* Beate Eder-Jordan: "Mensch sein. Identitätskonstruktionen in der Literatur der Roma und Sinti" (To be a human being. Constructing identities in the literature of the Roma and Sinti), doctoral thesis, University of Innsbruck. 2005, 235 pages.

* "Die Literatur der Roma und Sinti. Von der Entstehung zur Rezeption." (The literature of the Roma and Sinti. From its creation to its reception) Project headed by Prof. Dr. Fridrun Rinner (P 11268-G01), with project cooperation from Beate Eder-Jordan. Work on the project was pursued (half days) at the Institute of Comparative Literary Science / Institute for Languages and Literatures at the University of Innsbruck over a period of four years. The work on the project was completed in Decembe 2002. A FWF project (Fund for the Promotion of Scientific Research).

Institute for Folklore Music and Ethno Music at the University of Music and the Performing Arts Vienna (selection of examples in connection with the national minorities for the period 2000 to 2005):

* Hemetek, Ursula: "Zwischen Hass, Ausgrenzung und Romantisierung. Roma in Mittel- und Osteuropa" (Between hatred, marginalization and romanticizing. The Roma in Central and Eastern Europe). In: "Roma in Mittel- und Osteuropa" (= Der Donauraum 40) (The Roma in Central and Eastern Europe = The Danube Region 40). Vienna 1-2/001, pp. 18 - 26.

* Hemetek, Ursula: "Roma in Österreich" (The Roma in Austria). In: "Minderheiten- und Flüchtlingsrecht in Mitteleuropa" (= Der Donauraum 40) (Minorities and refugees rights in Central and Eastern Europe = The Danube Region 40). Vienna 3/2001, pp. 93 - 1001.

* Hemetek, Ursula: “Amare gila – Unser Lieder. Romamusik in Österreich am Beispiel der Lovara” (Our songs. Roma music in Austria – Examples taken from the Lovara). In: “Musik der Roma im Burgenland” (The music of the Roma in Burgenland) (published by Gerhard J. Winkler), Eisenstadt 2003, pp. 1 - 33.

* Baumgartner, Gerhard/Freund, Florian (publishers): “Zwischen ‘Zigeunerromantik’ und Widerstand: Musik der Roma im Burgenland” (Between ‘gypsy romanticism’ and resistance: The music of the Roma in Burgenland). In: “Die Burgenland Roma 1945-2000 (= Burgenländische Feldforschungen Bd. 88) (The Burgenland Roma 1945 – 2000 / = Burgenland field research, volume 88). Eisenstadt 2004 (2004), pp. 280 - 295.

*Hemetek, Ursula: Article for the encyclopaedia “Österreichisches Musiklexikon” (Austrian Music Encyclopaedia): Jüdische traditionelle Musik. Klezmer. Kroaten, burgenländische Roma und Sinti. (Slowenen, Kärntner. Tamburizza) (Jewish traditional music. Klezmer, Croats, Burgenland Roma and Sinti / Slovenes, Carinthians, Tamburizza) 2003 - 2005.

“Romany – Project – Cluster“

- Project leader: Dr. Dieter Halwachs

The Romany activities at the Linguistic Institute of the Karl Franzens University in Graz relate to a project cluster with strong international networking. The following sub-projects can be mentioned:

- AT Romany project: Codification and – if so wished by those “concerned” – development of didactics for the Romany varieties spoken in Austria, as well as cultural and scientific services for the Roma association. [sponsored with funding from the budget of the Federal chancelkery for the promotion of national minorities] URL: <http://romani.kfunigraz.ac.at/romani>
- RomLex: Compiling a multi-dialect and multilingual Romany on-line dictionary in close cooperation with the Department of Linguistics of the University of Manchester. [sponsored by OSI / Soros-Foundation] URL: <http://romani.kfunigraz.ac.at/romlex>
- RomBase: Compiling a multilingual, web-supported data base documenting the culture, including pedagogical-didactic applications. [EU Socrates project: 87757-CP-1-2000-1-AT-Comenius-C2 and sponsored with funds from the budget of the Federal Chancellery for the promotion of national minorities]. URL: <http://romani.kfunigraz.ac.at/rombase>

On account of the assimilation pressure, the Romany represented in Austria by several varieties was exposed to becoming an extinct language. The Romany project pursued since the fall of 1993 conducts work on a scientific basis upon the request of the national minority in order to counteract the extinction of the language and thus to contribute to maintaining the culture and identity of the national minority.

Working areas: codification and development of didactics for the Austrian Romany varieties (completed), assisting in teaching activities and language courses, editing the bilingual newspaper, etc.

Web offers: On-line editions of “Romani Patrin” and the journal of the Romano Centro. Broadcasts by Radio Romano Centro (expired in the meantime), bibliographical data base “Romane Lila”, information and downloads regarding Romany linguistics, as well as an on-line dictionary for Austrian Romany varieties.

RomLex is a comprehensive documentation of the Romany encyclopaedia with translations into English, German and – depending of the respective Romany variety – another European language such as, for example, Bulgarian, Czech and Hungarian. Users can access the RomLex via a web page (see link above). A search tool, developed especially for this purpose, facilitates the search not only for lexemes and morphemes but also for similar expressions and takes account of the various dialects of the Roma, as well as of the needs of the users of individual Romany varieties. RomLex is a work in progress and currently still in an early stage of construction. At present, RomLex has about 22,000 encyclopaedical Romany entries from four different Romany varieties (Kalderash Romany, Lovara Romany, Burgenland Romany, and Sepechides Romany) with translations into English and German. In the course of the project year 2003, RomLex was enlarged by another 13 Romany varieties with translations into altogether 12 languages.

RomBase is a “work in progress”. The primary goal of this project – currently planned for three years – is to contribute towards overcoming the socio-economic marginalization of the Roma by improving the information available about the Roma, while at the same processing the material for pedagogical-didactic purposes. RomBase has four segments:

- RB-Data is the web-based data base documenting the culture. It is the core area of RomBase. RB-Data offers an overview of the history and culture of the Roma in the form of an illustrated encyclopaedia.
- RB-Ped guarantees a meaningful pedagogical-didactic use of the materials, on account of a manual and its implementation as training modules for teachers and Roma mediators.
- RB-Game offers computer games, on the one hand, in different Romany varieties, and a quiz, on the other hand, that implements the material contained in RB-Data.
- RB-Media is a media package with films, CDs, books, etc., which can be used as additional materials in classroom teaching.

Article in the university bulletin: “Roma are moving into the spotlight – At the University of Graz one of the biggest projects worldwide is conducted regarding the codification of the language and culture of this national minority”.

Language Meeting Point at the Karl Franz University Graz

Conversation course in Burgenland Romany in 2005

Content: Romany is the language of the Roma; the Romany dialect of the Burgenland Roma, the so-called Roman, has been encoded as a written language in 1990s after centuries of an exclusively oral tradition. Ever since, it is also used in public contexts. The Roma dialect is assigned to the south-central varieties of Romany and has been influenced by the Hungarian and German languages in more recent times.

- Course leaders: Emmerich Gärtner-Horvath, Mag. Michael Wogg
- Gärtner-Horvath: staff member of the association Roma Service, member of the Roman Minority Advisory Council, has conducted Romany language courses for many years.
- Wogg: linguist, staff member of the association Roma Service, Collaborator of the Austrian Romany project.

Publications:

* Halwachs, Dieter W. (together with G. Ambrosch and D. Schicker): "Roman, seine Verwendung und sein Status innerhalb der Volksgruppe. Ergebnisse einer Befragung zu Sprachverwendung und Spracheinstellung der Burgenland-Roma, Arbeitsbericht 1 des Projekts Kodifizierung und Didaktisierung des Roman, Graz/Oberwart" (Roman – its use and status within the national minority. Results of a survey on the use of the language and the approach to the language of the Burgenland Roma. Working report 1 of the project for the codification and the creation of didactics for the Roman language. Graz/Oberwart)

* Halwachs, Dieter W.: "Die Österreichischen Roma" (Austria's Roma), in: "Plurilingua XXVI. Der Beitrag Österreichs zu einer europäischen Kultur der Differenz. Sprachliche Minderheiten und Migranten unter die Lupe genommen" (The contribution of Austria to a European culture of diversity. A closer look at language minorities and migrants), edited by R. Rindler-Schjerve / P. H. Nelde, St. Augustin: Asgard: pp. 231 – 258.

* Halwachs, Dieter W.; "Anspruch und Wirklichkeit in der Romani-Sprachplanung" (Claim and reality in Romany language planning), Plurilingua XXII: Minorities and Language Policy – Minderheiten und Sprachpolitik – Minorités et l'aménagement linguistique, edited by Peter H. Nelde / Rosita Rindler-Schjerve, St. Augustin: Asgard: pp. 201 – 208.

* Doctoral thesis of Mag. Walter Schrittwieser (2002): Zigeuner und ‚Gadsche‘. Über die Beziehungen zwischen Minderheit und Mehrheit in Oberwart (Gypsies and ‚Gadsche‘. About the relations between minority and majority population at Oberwart).

Reviewed by Dr. Fleck Christian, Dr. Gasser-Steiner Peter, Institute for Sociology, Karl Franz University Graz.

Summary: This study, committed to qualitative social research, describes the relations between the majority population and the Roma minority in the Oberwart region. The source of the data stems from interviews conducted mainly during the year 2000. A questionnaire completed by 113 students at vocational schools in Burgenland in the years 1999 and 2000, also offers some quantitative aspects on the dissemination of common prejudices. This work is dedicated to a group of the population that was the preferred victim of marginalization and persecution until only a few decades ago. The gypsies living in Burgenland remained much in the background in recent decades. It seems now that they wish to exchange this "life in obscurity", as Ceija Stojka, one of the most prominent representatives, calls it against another life. Especially in connection with the assassinations in the year 1995, in the course of which four Roma from Oberwart died, there have been repeated reports in the media that this national minority is being discriminated against and marginalized by the so-called "majority population". There was even mentioning that racism is springing up again. The study described what strategies the national minority uses in order to become established in social life, how the majority reacts to the changed situation, but also what the "social cohesion" is made of that keeps the ethnically heterogeneous mix of the majority population together in their contacts with the Romany minority.

* Gombocz Wolfgang L.: "Sterben in Raten, Leben auf Raten: Von der Zigeunerkartothek [1926/1928] zum Attentat von 1995, von der Errichtung des Volksgruppenbeirates zur Verschriftlichung der Roma-Sprache ("Romani"-Projekt) des Burgenlandes" (Death in instalments, life in instalments: From the gypsy card index /1926/198/ to the assassinations in 1995, from the creation of the National Minority Advisory Council to the codification of the Roma language / "Romany Project"/), in: "Pannonisches Jahrbuch/ Panonski ljetopis (2002)"

(Pannonian Year Book), Vienna: Literas; Güttenbach/Pinkovac, pp. 233 - 236 (ISBN 3854291876), Institute for Philosophy, Karl Franz University Graz.

* Stiehler H.: “Dieter W. Halwachs, Florian Menz (publishers): “Die Sprache der Roma. Perspektiven der Romani-Forschung in Österreich im interdisziplinären und internationalen Kontext” (The language of the Roma. Perspectives of Romny research in Austria in an interdisciplinary and international context). Klagenfurt-Celovec 1999. In: “Europa Ethnica (2000)”, no. 3-4, pp. 180-183. Alpen-Adria University Klagenfurt

* Stiehler H., Dieter W. Halwachs, Florian Menz (publishers): “Die Sprache der Roma. Perspektiven der Romani-Forschung in Österreich im interdisziplinären und internationalen Kontext” (The language of the Roma. Perspectives of Romny research in Austria in an interdisciplinary and international context). Klagenfurt-Celovec 1999. In: “Quo vadis, Romania? Zeitschrift für eine aktuelle Romanistik (2000)”, no. 15-16, pp. 140–144. Alpen-Adria University Klagenfurt

* “Das Fremde am Beispiel der Sinti und Roma” (Strangeness – Sinti and Roma as an example), Stocker Juliane, diploma paper, 11 June 2001.

* EUROCOMSLAV “Tschechisch via Russisch lernen. Die slawischen Sprachen auf dem Weg nach Europa” (Learning Czech via Russian. The Slavic languages on the road to Europe), Auer Christa, diploma paper, 25 June 2002. University of Innsbruck.

* “Der Schutz der Minderheit der Sinti und Roma im Völkerrecht” (Protection of the Sinti and Roma as a minority in Austria and Germany), Ganthaler Iris Erna Margarethe, diploma paper, 01 October 2003. University of Innsbruck.

* “Stellung der Roma als Minderheit in Österreich und Deutschland” (The position of the Roma as a minority in Austria and Germany), Rauch Ursula Sofia, doctoral thesis, 24 May 2004. University of Innsbruck.

Research projects and publications by the national minorities in general:

List of examples of relevant publications at the University of Vienna:

* Rudolf De Cillia: “Die Bedeutung von Sprache und Kultur für die diskursive Konstruktion österreichischer Identitäten” (The importance of language and culture for the discursive construction of Austrian identities) . In: Stubkjaer, F.T. (publisher): Proceedings of the symposium “Kultur und Identität - heute und vor 100 Jahren. Eine österreichische Bilanz” (Culture and identity – today and 100 years ago. An Austrian statement), Odense 2000, pp. 63 - 83.

* Ruth Wodak / Rudolf De Cillia: “Sprachliche Identitäten – multikulturelles und multilinguales Erbe. Und welche Zukunft?” (Linguistic identities – multicultural and multilingual heritage. And what future?) In: Moritz Csáky / Peter Stachel (publishers): Mehrdeutigkeit. Die Ambivalenz von Gedächtnis und Erinnerung (Ambiguity. The ambivalence of memories and recollections), Vienna (Passagen) 2003, pp. 153 - 177.

- Rosita Rindler-Schjerve / Peter Nelde (publishers): “Der Beitrag Österreichs zu einer europäischen Kultur der Differenz. Sprachliche Minderheiten und Migration unter die Lupe genommen” (Austria’s contribution to a European culture of diversity. A closer look at linguistic minorities and migration). St. Augustin (Asgard), 2003 (volume 26

of the series “Plurilingua“).

This book, printed with the support of the Federal Ministry of Education, Science and Culture is the revised version of the final report of the research project by the same name, which was carried out in 1998/1999, as commissioned by the Federal Ministry of Education, Science and Culture.

Brigitta Busch / Rudolf De Cillia (publishers): “Sprachenpolitik in Österreich - eine Bestandsaufnahme” (Taking stock of Austria’s language policy). Frankfurt/Main (Peter Lang) 2003.

* Günther Winkler: “Zweisprachige Ortstafeln und Volksgruppenrechte” (Bilingual municipal signs and the rights of the national minorities), Berlin / Vienna / New York (Springer Verlag) 2002.

* Dieter Kolonovits: “Sprachenrecht in Österreich” (Language rights in Austria), Vienna, (Mann) 2000.

* Dieter Kolonovits: “Ortstafelerkenntnis (Decision on municipal signs) (Constitutional Court decision of 13 December 2001, file numbers G 213/01, V 62, 63/01) – Umsetzung möglich? (Possible to implement?)” In: “Juristische Ausbildung und Praxisvorbereitung” (Legal training and preparation for practical work), 2001/2002, pp. 187 – 192.

* Petra Herczeg: “Sprache als Erbe – Mehrsprachigkeit als kulturelles Prinzip. Wie Kinder in mehreren Sprachen aufwachsen können” (Language as an inheritance – Multilingualism as a cultural principle. How children can grow up in several languages), doctoral thesis at the University of Vienna (Publishing/Communications Science), 2004 (printed by Wieser, Klagenfurt/Celovec, in the spring of 2006).

Institute for Folklore Music Research and Ethno Music at the University for Music and the Performing Arts in Vienna:

* Hemetek, Ursula: “Mosaik der Klänge. Musik der ethnischen und religiösen Minderheiten in Österreich (Mosaic of sounds. Music of the ethnic and religious minorities in Austria) (= “Schriften zur Volksmusik”, volume 20 / Texts on folklore music, volume 20), post-doctoral thesis, Böhlau Vienna/Cologne/Weimar, 2001.

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Article 13

1. ***Within the framework of their educational systems, the Parties shall recognize that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.***
2. ***The exercise of this right shall not entail any financial obligation for the Parties.***

It must also be mentioned in this connection that this right has been granted to members of the national minorities to same extent as all Austrian nationals. According to Article 17 of the Basic State Law, every national who has given proof of his/her abilities in the statutorily required manner has the right to set up educational and teaching institutes and to teach at these facilities.

In addition, according to Article 67 of the State Treaty of St. Germain, Austrian nationals who belong to a racial, religious or linguistic minority have the right, inter alia, to set up schools and other educational facilities at their own expense, as well as to manage and supervise them, and to use their own languages according to their discretion at these facilities.

The detailed regulations on the prerequisites for setting up a private school are governed by the Private School Act.

In the federal province of Carinthia there is a private bilingual primary school, namely the primary school "Mohorjeva – Hermagoras" in Klagenfurt. The "Higher Teaching Institute for Business Occupations of the Convent of the School Sisters" at St. Peter near St. Jakob im Rosental is a (denominational) private school. A one-year specialized commercial school is associated to it.

The Komensky School Association operates the only bilingual Czech private school under public law in Austria. At the Komensky School bilingual instruction and Czech/Slovak and German are offered from the nursery-school level to the secondary school-leaving examination. Maintaining this private school is a major concern of the national minority. Although the Komensky School Association is supported by the public sector, it is struggling with financing problems. Securing the financing of refurbishing works on a second school building is currently the topic of – basically positive – discussions between representatives of the Federal Ministry of Education, Science and Culture, as well as the City of Vienna and the Komensky School Association. It is expected that a contractual guarantee will be obtained in the next few months. The financing of the overhead costs of the Komensky School has not been ultimately solved. These costs have gone up on account of the growing number of pupils and the need to run parallel classes, as well as the development from a bilingual secondary school to a higher-level secondary school. Possibilities for a solution are currently being examined with potential financing partners for their eventual implementation.

The right to set up private educational and teaching institutions was used in Burgenland as part of the adult education program of the “Burgenland-Hungarian Adult Education Center”. In Vienna, the Hungarian School Association, set up in 1921, regards it as its main task to communicate the national language of the Hungarian minority by way of language courses.

The right to set up private educational and teaching facilities is exercised by the Roma association at Oberwart and by the Association Roma Service in the form of extra-mural assistance in teaching school children. This assistance is meant to ensure that pupils become emancipated in their learning achievements and, if possible, do not slide down to the level of the special schools. The success of these measures is confirmed by the fact that since the beginning of the extra-mural assistance in connection with teaching Roma children, Roma children no longer attend special schools in any above-average numbers, but that they instead succeed in delivering the same achievements at school as all other children. The project “RomBus” of the Roma Service association has by now come to be described under the concept of the “rolling classroom”. An adapted mini bus serves to give mobile coaching to Roma children and juveniles, to teaching Roma and – in cooperation with school principals and teachers – to provide intensive assistance to pupils of the Roma minority. The extra-mural assistance in learning is funded from the budget earmarked to support the national minorities. In connection with adult education, the Adult Education Center of the Burgenland Roma is offering a program of courses.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Article 7 item 4 of the State Treaty of Vienna ensures the participation of Austrian nationals of the Slovene and Croat national minorities in the cultural, administrative and court institutions in these areas, on account of equal conditions, as they apply to all other citizens.

According to § 3 of the National Minorities Act, National Minorities Advisory Councils shall be set up with the Federal Chancellery. These advisory councils shall maintain and represent the cultural, social and economic overall interests of the national minorities, and they shall especially be heard before any legal provisions are enacted and general plans regarding the area of promotion are adopted, which affect the interests of the national minorities. They may also submit proposals for improving the situation of the national minority and their members. Upon request by the governments of the federal provinces, the national minority advisory councils may also provide advice to the former.

The national minorities for which advisory councils are set up, and the number of members of an advisory council shall be determined by way of ordinances. At present, an ordinance of the Federal government on national minority advisory councils set up six advisory councils for the national minorities:

<i>National minority.:</i>	<i>Number of council members</i>
Croat:	24
Roma:	8
Slovak:	6
Slovene:	16
Czech:	10
Hungarian:	16

One half of the members of a national minority advisory council is nominated on the basis of suggestions by associations that represent the interests of the national minority, according to the purpose of the association, as laid down in the bylaws, and that are representative of the respective national minority. The other members shall be selected from members of general representative organs who were elected on account of their affiliation with the respective national minority or who belong to that national minority, on the one hand, and from members of the national minority who were proposed by a church or religious denomination, on the other hand. One may expect from all members that they will advocate the interests of the national minority and the objectives of the National Minorities Act, and they must all be eligible for election to the National Council (*Nationalrat*).

The members of advisory councils are appointed by way of decree, issued by the Federal Government, for a period of four years. In this connection, representative associations of the national minorities have the right to make proposals, and they may also contest the composition of their national minority advisory council before the Administrative Court.

In its decision, file number VwSlgNF 14.878/A/1998, the Administrative Court stated its views on this right of complaint of the representative organizations of national minorities and said that the “right to be heard” did not only refer – as it is customary otherwise – to giving the representative associations of the national minorities an opportunity to state their opinion, but that they also had the right to address legal concerns, arising in connection with the National Minorities Act, about members of a national minority advisory council, whose appointment is being considered. In this respect, a representative organization of a national minority has “full” party standing in the appointment procedure according to § 4 (1) of the National Minorities Act. This means that they shall not only be served the decrees regarding the appointment of members of the national council, but that in connection with an appointment, any reservations in an appointment procedure shall be formally settled.

In connection with the composition of a national minority advisory council, the Federal Government shall see to it that the main political and ideological opinions are adequately represented.

The Council of Slovenes in Carinthia filed a complaint with the Administrative Court regarding a decree of the Federal Government dated 16 December 2003, file number GZ 600 963/020-V/2003, relating to the appointment of members of the national minority advisory council for the Slovene minority. In its decision dated 15 December 2004, file number Zl. 2004/18/0011, the Administrative Court revoked parts of the appointment decree in connection with the appointment of a member from the so-called “association fraction” (*Vereinskurie*) and two members of the so-called “party fraction” (*Parteienkurie*).

One main task of a national minority advisory council is to set up a plan on the desirable promotional measures for its national minority for the respectively following year. Giving due

consideration to the respective plan, the advisory council shall make proposals regarding the use of the promotional funding available from the budget for its national minority.

It must be stated with respect to the representation of political interests of the Burgenland Croats that attempts to set up their own party failed already in the period between the two wars, which accelerated their integration into parties in general. The regional parliament and the regional government for Burgenland has, in fact, members belonging to this national minority. On account of the aforementioned factual activity of members of the national minority in all bodies of party politics, it became possible on the regional level to successfully defend and implement the interests of the national minority. It can be stated, by way of summary, that the Burgenland-Croat minority is represented and has influence to a very satisfactory extent on the regional and municipal level. Both in politics and in the administration, all positions are open to Croats and were filled in the past – and are filled at present – with members of this national minority (e.g. regional governor, members of the regional government, president of the regional parliament, presidents of the chamber of labor, the chamber of commerce, head of department in the office of the regional government, etc.). As was mentioned before, these positions were, however, always obtained through the general parties and organizational structures and not because of the affiliation to an ethnic group and/or by being a candidate of a party of that national minority.

During the period between the wars, the Carinthian Slovenes were represented in the Carinthian regional parliament by two members. However, during the Second Republic all attempts have failed to date to put up an autonomous political party being represented in the regional parliament. Since the Constitutional Court stated in a decision that the regional territory is to be divided into four electoral districts and that, in conjunction with this arrangement, residual seats can only be obtained by parties that already won a seat in one of the electoral districts, the threshold of about ten per cent of the votes must also be mastered.

The “Democratic Front”, which was the predecessor organization of the “Central Association of Carinthian Slovenes” only put up a candidate for the regional elections in 1949. Subsequently, there were recommendations to vote for the SPÖ (Socialist Party) until 1970. The deputy regional chairperson of the Central Association also was a member of the regional parliament on the SPÖ ticket between 1970 and 1974. In the aftermath of the conflict regarding municipal signs, the recommendation to members in 1975 was to vote either for the KPÖ (Communist Party) or the KEL (Carinthian Unity List). At the subsequent elections there were no more official recommendations. However, the Christian Slovenes put up a candidate on several occasions, namely at the elections of 1949, 1953 and 1965. Prior to the elections to the regional parliament in 1970, closer contacts were also established to the regional section of the ÖVP (People’s Party). At that time, the “Council of Slovenes in Carinthia” made a recommendation to vote for the ÖVP. The close relations ended with the conflict over municipal signs in 1972. The “Council of the Slovenes in Carinthia” played a decisive role when the “Carinthian Unity List” (Kärntner Einheitsliste/Koroška Enotna lista = KEL) was established. Only a few votes were missing in 1975 which would have taken that party to the regional parliament – according to the old election law. When putting up candidates for the Carinthian regional parliament subsequently, the party – which now refers to itself as “Einheitsliste/Enotna lista” (Unity List) – clearly failed to reach this target. At the 1999 elections to the regional parliament, the Unity List put up candidates together with the Liberal Party and the two Green Parties. However, they failed to be elected to the Carinthian regional parliament. At the last elections to municipal councils in March 2003, the Unity List/Enotna lista was successful in municipalities in southern Carinthia. The EL holds the position of vice-mayor in the municipalities of Globasnitz and Zell, and that of town

councilor at Bleiburg. In addition, the party holds a number of seats on municipal boards. On the municipal level, Slovene lists appeared as lists with specific candidates, carrying various names (EL, Business List, Election Community, etc.). Altogether, these lists obtained 5632 votes.

Members of the Slovene minority also put candidates within the political parties (SPÖ, ÖVP and Green Party). At the most recent municipal elections, numerous members of the Slovene minority put up by party lists were elected as mayors, vice-mayors and municipal councilors. The National Council and the Federal Council also have members belonging to the Slovene minority.

The Hungarian minority has refrained to date from forming its own political structures and have joined the existing political, social and economic structures. Members of the national minority participate (actively and passively) in elections, as part of the existing general political parties. In the autochthonous settlement areas, members of the national minority are active in the respective representative bodies on the municipal level (municipal bodies). Members of the Hungarian minority are represented on the regional (regional parliament) and national (National Council, Federal Council) bodies representing the population, where they hold offices for the respective parties. In this connection, affiliation to the national minority is not the decisive criterion.

Political office-holders belonging to the Czech minority are also known. Again, it applies that affiliation with a national minority was not the decisive criterion for their election.

The Slovak minority does not have any political umbrella organizations of its own.

The Roma have not developed any political organizations. The current chairman of the advisory council for the Roma population is a councilor in one of the districts in Vienna.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Compliance with this principle is guaranteed by the fact that any citizen is free under Article 6 of the Basic State Law to take up domicile and residence anywhere on the state territory (freedom of establishment). In its case-law, the Constitutional Court ensures that the enjoyment of this fundamental right cannot be undermined, e.g. by fiscal measures. Thus, the Court ruled in its decision, file number VfSlg. 3221/1957, that an unreasonable residence tax might infringe this fundamental right.

Article 17

1. *The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with*

whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2. *The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organizations, both at the national and international levels.*

and

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention, making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Ad paragraph 1: Trans-frontier contacts

Paragraph 1 is guaranteed especially by Article 10 (1) of the European Convention on Human Rights, which guarantees the freedom to receive and send messages without any interference from public authorities and **without any regard to national boundaries**.

In connection with maintaining trans-frontier contacts the “ARGE Alpen-Adria” plays a special role. The activities and suggestions of “ARGE Alpen-Adria” have been an important contribution towards creating more awareness for and giving more intensive consideration to the issues of national minorities in the Central European region. Learning on a mutual basis about possible solutions could contribute towards mitigating conflicts in the member regions. The activities organized to date by the “ARGE Alpen-Adria” generally meet with a positive response, because they support the direct contact of members of the different national minorities.

In addition, the trans-frontier contacts of young people are supported mainly. As part of bilateral partnerships between schools, universities and youth initiatives, as well as on the basis of youth programs supported by the European Union (“Youth for Europe” and “European Volunteers’ Services”) trans-frontier projects linking the different cultures are organized on a regular basis.

One of many positive examples are the activities in this respect of the Hungarian Media and Information Center (UMIZ) which is a cooperation partner in five Phare-CBC projects of neighboring Hungarian districts (*Komitate*).

It should be noted in general that with the enlargement of the EU, in particular, the economic value and also the social prestige of those languages of the national minorities has clearly gone up that are also official EU languages, namely Czech, Slovak, Hungarian and Slovene. The same applies to Burgenland-Croat, on account of the occupational and economic advantages.

Ad paragraph 2: Freedom to assemble

Please refer to the comments on the freedom to assemble under Article 7.

Article 17 of the European Convention on Human Rights also provides that no provision of the Convention may be interpreted to mean that it gives any right to any state, group or person to engage in an activity or to commit any action that aims at eliminating the rights and freedoms laid down in the present Convention or imposing any further restriction of these rights and freedoms, as they are stipulated in the Convention. The European Commission for Human Rights held that Article 17 was expressly applicable in the case of Glimmerveen against the Netherlands, and it held that Article 17 of the Convention forbids that the applicant could invoke Article 10 of the Convention in order to spread racial discrimination.

Article 18

1. *The Parties shall endeavor to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighboring States, in order to ensure the protection of persons belonging to the national minorities concerned.*
2. *Where relevant, the Parties shall take measures to encourage trans-frontier co-operation.*

In this connection, reference is made once again to Article 2 and the multilateral human rights conventions that Austria has ratified.

In the multilateral field, Austria plays a leading role in strengthening international protection of the minorities and submits resolutions on the protection of the minorities in the Human Rights Commission and the General Assembly of the United Nations.

The linguistic and cultural cooperation with Slovenia is mainly enshrined in the agreement between the Republic of Austria and the Republic of Slovenia on cooperation in the fields of culture, education and science (Federal Law Gazette III 90/2002) and the action programs contained therein. A joint commission of the Ministry of the Republic of Slovenia for Schools and the Sports and the Regional School Council for Carinthia is responsible for planning and coordinating the regional cooperation, which also includes the mobility of pupils/students and teachers, bilateral further-training activities and study periods. The cooperation in the framework of partnerships between schools and classes is organized mainly individually by the schools. On account of the large number of these projects, it is almost impossible to compile a complete list.

The department for bilateral education of the Regional School Council for Carinthia is actively engaged in the national and international networks of initiatives and institutions which strive for the linguistic and cultural diversity in Europe (also in line with the Action Program of the European Commission). The cooperation of the Language Competence Center in Graz and the ECML of the Council of Europe (also in Graz) is particularly intensive.

In the fall of 2005 the mayor of Maribor, Boris Sovic, and the president of the Styrian regional parliament, Reinhold Purr, presented the project EUREGIO Northeastern Slovenia – Styria. EUREGIOs are models of trans-frontier cooperation. On the Slovenian side, EUROREGIO covers the region of Podravje (Drau River region), Pomurje (Mur River region), Koroska (Carinthia – author’s comment: region in Slovenia) and Savinja (Sann Valley) with a total of 770,000 inhabitants and 104 municipalities. In the federal province of Styria the districts of Voitsberg, Graz, Graz-environs, Deutschlandsberg, Leibnitz,

Radkersburg, Weiz, Hartberg, Feldbach and Fürstenfeld are included, which have a total population of 816,000 inhabitants and 363 municipalities.

On 18 October 2005 Friuli-Venezia, Carinthia, Slovenia and Croatia signed a statement of intent to set up a EUREGIO.

There are many other different trans-frontier models of cooperation between Austrian and its neighboring countries in which the aspect of the national minorities plays an essential role.