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Addendum 2

THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Committee of Experts

**Initial Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

AUSTRIA

*Replies to the questions submitted to the
Government of Austria
regarding its Initial Periodical Report*

COMMITTEE OF EXPERTS FOR THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Questions submitted to the Government of Austria
regarding its Initial Periodical Report

Question 1. Please provide the Committee with information on how the legislative and implementing powers are apportioned between the federal, *Land* and local levels in respect of the areas covered by the Charter.

Answer to Question 1:

The National Council has approved the State Treaty regarding the European Charter for the Regional or Minority Languages. The Language Charter and the undertakings under international law, which Austria has assumed, were published in the Federal Law Gazette, Vol. III, No. 216/2001.

Special reference is made to the articles on competencies in the Federal Constitution Act (Articles 10 to 17).

Question 2. Please inform the Committee about the measures taken by Austrian authorities to make public the initial periodical report.

Answer to Question 2:

The Initial Periodical Report on the Language Charter was published on the homepage of the Federal Chancellery <http://www.bka.gv.at/volksgruppen>.

PART I

- 1. Please state the main legal act(s)**
- 2. whereby the European Charter for Regional or Minority Languages has been implemented in your State. If you so desire, please mention the general considerations which have guided your country in the ratification process.**

Answer:

The ratification of the European Charter for Regional or Minority Languages, together with explanatory comments, was published in the Federal Law Gazette, Vol. III, No. 216/2001.

When taking its decision, the National Council (Nationalrat) based itself on the assumption that the international-law undertakings of Austria have already been implemented by the existing legislation (see here also the homepage of the Federal Chancellery at <http://www.bka.gv.at/volksgruppen>, where the Government's bill regarding the European Charter for Regional or Minority Languages can be found.

Especially in the "Vorblatt" (introduction) and in the "Erläuterungen Allgemeiner Teil" (Comments – General Section) the relevant considerations are mentioned.

Question 3. Please provide the Committee with a copy of the following legal acts:

Answer to Question 3:

The full text of the following legal acts, which the Committee of Experts has requested, has been made available to the Council of Europe by e-mail.

- Federal Constitution Act (Bundesverfassungsgesetz/B-VG), Federal Law Gazette No. 1/1920, as amended in Federal Law Gazette, Vol. I, No. 99/2002.
- State Treaty of Saint-Germain-en-Laye of 10 September 1919, State Law Gazette No. 303/1920.
- State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna), Federal Law Gazette No. 152/1955.
- Basic Law of Austria (Staatsgrundgesetz/StGG).
- Ethnic Groups Act (Volksgruppengesetz), Federal Law Gazette No. 396/1976, as amended and promulgated in Federal Law Gazette, Vol. I, No. 35/2002.
- Minority Schools Act for Carinthia (Minderheiten-Schulgesetz für Kärnten), Federal Law Gazette No. 101/1959, as amended in Federal Law Gazette, Vol. I, No. 76/2001.
- Minority Schools Act for Burgenland (Minderheiten-Schulgesetz für Burgenland), Federal Law Gazette No. 641/1994, as amended in Federal Law Gazette, Vol. 1, No. 136/1998.
- Nurseries Act for Burgenland, State Law Gazette No. 63/1995, as amended in State Law Gazette No. 91/2002.
- Carinthian Nursery Funds Act (Kärntner Kindergartenfondsgesetz / K-KGFG), State Law Gazette No. 74/2001.
- Ordinance of the Federal Government on the Ethnic Groups Advisory Councils, Fed. Law Gazette No. 38/1977, as amended in Fed. Law Gazette No. 895/1993.
- Ordinance of the Federal Government of 31 May 1977 defining the geographical areas where bilingual (German and Slovene) topographical signs are to be put up, Federal Law Gazette No. 306/1977, as amended and promulgated in Federal Law Gazette Vol. II, No. 37/2002.
- Ordinance of the Federal Government of 31 May 1977 defining the courts, administrative authorities and other official bodies where Slovene is admitted as an official language in addition to German, Federal Law Gazette No. 307/1977, as amended and promulgated in Federal Law Gazette, Vol. II, No. 428/2000.
- Ordinance of the Federal Government of 31 May 1977 defining the Slovene place names, Federal Law Gazette No. 308/1977.
- Ordinance of the Federal Government of 24 April 1990 defining the courts, administrative authorities and other official bodies where Croat is admitted as an official language in addition to German, Federal Law Gazette No. 231/1990

- Topographical Ordinance for Burgenland, Federal Law Gazette, Vol. II, No. 170/2000.
- Ordinance governing the use of Hungarian as an official language, Federal Law Gazette No. 229/2000.
- Ordinance of the Federal Ministry for Education that serves as a basis for designing the curricula for minority primary schools and teaching in minority languages in primary and lower secondary schools in Burgenland and Carinthia, Federal Law Gazette No. 1966/118, as amended in Federal Law Gazette, Vol. II, No. 1998/309.
- The relevant provisions (in relation to Article 10, paragraph 5 of the Charter) of the Personal Status Act (Personenstandsgesetz), the Austrian Civil Law Code (ABGB), the Personal Status Ordinance (Personenstandsverordnung) and the Act Amending the Law on Name Changes (Namensrechtsänderungsgesetz).
- The relevant provisions (in relation to Article 11, paragraph 2 of the Charter) of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, and the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Federal Law Gazette No. 396/1974.
- The ORF (Austrian Broadcasting Corporation) Act, Federal Law Gazette No. 379/1984, as amended in Federal Law Gazette No. 83/2001.

Question 4. Please indicate whether Austrian federal authorities and the authorities of the *Länder* Burgenland, Carinthia, Styria and Vienna have specifically introduced new legislation or modified existing legislation in connection with Austria's undertakings under the Charter. Please provide the Committee with a copy if any such legislation exists.

Answer to Question 4:

For a general comment, please refer to the above answer in "Part I, Items 1 and 2". In addition, the *Länder* have referred to the following acts:

Styria:

No legislation was adopted to implement the framework agreement on the protection of national minorities.

Carinthia:

On 12 July 2001 the Carinthian Diet unanimously adopted the Carinthian Nursery Funds Act. The goal of this law is to promote bi- and multilingual nurseries in Carinthia.

Burgenland:

No legislative acts were adopted on the occasion of the ratification of the European Charter for Regional or Minority Languages, since the targets, set by the Charter, had already been met prior to ratification.

It should be mentioned, though, that an amendment of the Nurseries Act for Burgenland raised the minimum number of hours for the use of regional or minority languages in nursery schools from six hours per week to nine hours per week (minimum number of hours!). In fact, through, a bilateral education in both languages is provided in most nurseries, offering parallel teaching for both languages to the extent possible. On account of this legal situation, which is favorable for the regional or minority groups, and the fact that their needs are met by the public nursery schools, there was no need in Burgenland to set up private bilateral nursery schools.

Vienna:

At that time, no further implementing measures were planned in Vienna.

Federal Ministry for Education, Science and Culture:

Since the beginning of the 2001/2002 school-year, teaching from the first to the fourth grade is provided at nearly equal levels both in German and Slovene, as regards schools for regional or minority groups in Carinthia. (Amendment of the curriculum for primary schools, Federal Law Gazette, Vol. II, No. 333/2001). Prior to this amendment of the curriculum, the provision only applied up to the third grade. For the fourth grade, there was a separate compulsory subject "Slovene, Reading".

Question 5. Are there any plans to introduce further legislation in connection with Austria's undertakings under the Charter?

Answer to Question 5:

Styria:

At present, Styria is not planning any legislative implementing measures.

Burgenland:

At present, no legislative measures are being planned. On 13 November 2003 the Burgenland Diet agreed on a decision to include Tamburica courses in the music-school curriculum of Burgenland. Work is under way to implement this decision.

Carinthia:

At present, no further measures are being planned to promote bilingualism on the level of the *Land*.

Vienna:

At present, no legislative measures are being planned.

Federal Ministry for Education, Science and Culture:

At present, there are no plans.

Federal Chancellery:

At present, there are no foreseeable measures.

2. Please indicate all regional or minority languages, as defined in paragraph a of Article 1 of the Charter, which exist on your State's territory. Indicate also the parts of the territory of your country where the speakers of such language(s) reside.

Answer:

Austria has ratified the Language Charter in the light of the domestic definition applying to ethnic groups ("Volksgruppen"). Pursuant to § 1, paragraph 2, of the Ethnic Groups Act, regional or minority groups are defined as groups of Austrian citizens who are residents of and domiciled in parts of the federal territory, having a non-German mother tongue and their own national characteristics (folklore).

Regarding the territories, please refer to the statements submitted by Austria on the occasion of the ratification of the Language Charter, which is a general overview of the relevant regions.

3. Please indicate the number of speakers for each regional or minority language. Specify the criteria for the definition of "regional or minority language speaker" that your country has retained for this purpose.

Answer:

An overview based on the results of the 2001 census is enclosed as general information. One pillar of Austria's policy regarding regional or minority groups is the freedom of confession, laid down in § 1, paragraph 3, of the Ethnic Groups Act. ("Everybody is free to confess membership in an ethnic group. No member of an ethnic group must suffer a disadvantage on account of exercising or not exercising the rights arising from such membership. Nobody is obliged to prove membership to an ethnic group.") There are therefore no registers of ethnic groups or registers of speakers of regional or minority languages. In the census conducted in 2001, persons were only asked for the everyday

(colloquial) language they use. In any event, the estimates given by members of the ethnic groups themselves regarding the number of speakers of such languages are above the figures obtained in the census.

4. Please indicate the non-territorial languages, as defined in paragraph c, Article 1 of the Charter, used on your State's territory and provide statistical data concerning speakers.

Answer:

Those languages which Austria indicated in its comments on the occasion of the ratification are territory-related. Also with regard to Romany, Burgenland is listed as the autochthonous region.

5. Please indicate if any body or organisation, legally established, exists in your State, which furthers the protection and development of regional or minority languages. If so, please list the names and addresses of such organisations.

Answer:

In this connection, one should refer to the Advisory Councils of the ethnic groups in the first place (see Question 6). Moreover, this question is difficult to answer, on account of an absence of delimitation (Example: school inspectors for regional or minority group schools, etc.).

Question 6. Please provide the Committee with more detailed information on the exact status and the role of the Advisory Councils.

Answer to Question 6:

According to § 3 of the Ethnic Groups Act, Advisory Councils for the ethnic groups have been set up with the Federal Chancellery in order to advise the Federal Government and the Federal Ministers on issues regarding regional or minority groups. They are called upon to protect and represent the overall cultural, social and economic interests of their ethnic group. In particular, they shall be heard, by setting a reasonable time frame, prior to the issuance of legal provisions and regarding general plans in the field of promotional measures that concern the regional or minority groups. The Advisory Councils for the ethnic groups may also make suggestions which aim at improving the situation of the ethnic groups and their members. The Advisory Councils for the ethnic groups also serve to advise the *Länder* governments, whenever they are requested to do so.

§ 4 of the Ethnic Groups Act governs the composition of the Advisory Councils for the ethnic groups.

The Federal Government appoints the members of the Advisory Councils for the ethnic groups for a period of four years after first hearing the *Länder* governments concerned. In this connection, the Federal Government must take into consideration that the main

political and ideological opinions of the respective ethnic group are duly represented. The organizations of the ethnic group in question must be heard in the course of the procedure leading to the appointment of the members of the Advisory Councils for an ethnic group, and they may lodge an appeal with the Administrative Court against an appointment for unlawfulness.

Only such persons may be appointed as members of an Advisory Council who can be expected to advocate the interests of their ethnic group, and the goals of the federal law in question, who are eligible to become members of the National Council and

1. who are members of a general representative body and were elected on account of their membership in the respective ethnic group, or who belong to that ethnic group, or
2. who were proposed by an association that represents the interests of an ethnic group pursuant to its purpose as defined in its bylaws and that is representative of the respective ethnic group, or
3. who were proposed as members of an ethnic group by a church or religious denomination.

The Advisory Council for an ethnic group must be composed in such a manner that one half of the members belong to group of persons listed in Item 2.

Every Advisory Council for an ethnic group elects from the midst of its members, appointed pursuant to Item 2, a Chairperson and a Deputy Chairperson.

Every Advisory Council for an ethnic group draws up Rules of Procedure, which require the approval of the Federal Chancellor. The Advisory Councils for the ethnic groups decide by a simple-majority vote in the presence of a minimum of two thirds of its members. In case of a tie, the Chairperson has the casting vote.

The Advisory Councils for the ethnic groups shall be convened by its Chairperson upon a request by the Federal Government, a Federal Minister, a *Länder* government, or one fifth of its members in such good time that it convenes within 14 days after the receipt of such a request.

If a member of an Advisory Council for an ethnic group withdraws from his/her office prematurely, a new member shall be appointed for the remaining term of office.

Upon invitation of the Federal Chancellor, the Advisory Councils for the ethnic groups concerned may hold joint meetings in order to deal with issues of concern to several ethnic groups. The Federal Chancellor shall extend an invitation within two weeks, if one of the Advisory Councils so requests it. At such meetings, the Chairpersons of the respectively involved Advisory Councils shall take turns in presiding over the meetings.

Question 7. Please inform the Committee of NGOs furthering the protection and development of the regional or minority languages in your State as well as their contact details (address, telephone, fax, email).

Answer to Question 7:

From the area of furthering ethnic groups alone, the Federal Chancellery is aware of the names of more than 200 NGOs. In addition, there are many more organizations and institutions that are known to engage in the protection and development of the regional or minority languages. On the occasion of its spot visit to Austria in December 2003, the Council of Europe was able to establish contacts. On account of their large numbers, a list of additional addresses cannot be given.

Question 8. The Committee is aware that under Article 9, paragraph 2, of the Ethnic Groups Act, associations, foundations and funds that serve the interests of an ethnic group are entitled to government assistance provided for in Article 9, paragraph 1. Please provide the Committee with the contact details of any such organisation, in so far as they are different from those already mentioned and their activities concern the Charter.

Answer to Question 8:

As already indicated in the answer to Question 7, there is a wealth of many more than 200 organizations that can support the objectives of the European Charter for the Regional or Minority Languages with the help of the Ethnic Group Promotion Scheme ("Volksgruppenförderung"). On account of the huge volume of data, a specific list cannot be provided.

Question 9. Please provide the Committee with a copy of the latest yearly report on the implementation of the provisions of Article 9 of the Ethnic Groups Act, presented by the federal government to the Nationalrat by virtue of Article 9, paragraph 7.

Answer to Question 9:

The report in question to the National Council (Nationalrat) covers a period of several years. It is currently being finalized; it will then be forwarded to the National Council and is then accessible to the public.

6. Please indicate if any body or organisation has been consulted on the preparation of this periodical report. In the case of an affirmative answer, specify which one(s).

Answer:

The Federal Chancellery with its staff has drawn up the report in question.

Question 10. Please provide the Committee with more detailed information on the consultation procedure prior to ratification referred to in the initial report. Please provide a list of the organisations and persons consulted by the Austrian authorities prior to ratification and their contact details, unless already provided.

Answer to Question 10:

All Federal Ministries and the Offices of the relevant *Länder* Governments were consulted in preparation of the ratification of the European Charter for Regional or Minority Languages. Last but not least, the Language Charter, ratified by Austria, was dispatched to all organizations of ethnic groups and members of Advisory Councils for the ethnic groups.

Question 11. Please provide the Committee with information on how NGOs or other bodies were consulted during the preparation of the Austrian initial periodical report.

Answer to Question 11:

On account of the short time interval between the date of ratification of the European Charter for the Regional or Minority Languages and the Initial Periodical Report, it was also possible to use much of the information collected in the course of the ratification procedure for the Initial Periodical Report. To the extent possible *in extenso*, it was also submitted to the Advisory Councils for the ethnic groups.

7. Please indicate the measures taken (in accordance with Article 6 of the Charter) to mainstream the rights and the duties deriving from the application of the Charter.

Question 12. What specific steps have been taken or are proposed to inform NGOs and regional or minority language speakers in their communities of their rights and duties arising from the Charter?

Answer to Question 12:

The Language Charter, together with all the statements describing the scope of the undertakings assumed by Austria, was published on the homepage of the Federal Chancellery, at <http://www.bka.gv.at>. Furthermore, the Language Charter was forwarded in paper form to the organizations of ethnic groups and the members of the Advisory Councils for the ethnic groups. In the media, too, there were numerous reports at the time when Austria ratified the Charter.

PART II

1. Please indicate what measures your State has taken to apply Article 7 of the Charter for Regional or Minority Languages referred to in paragraphs 2 and 4 of part I above, specifying the different levels of government responsible.

Article 7

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

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

Question 13. Are there any steps taken by Austrian authorities at the federal, *Land* or local levels to promote recognition and awareness of regional or minority languages as an expression of cultural wealth among the general public?

Answer to Question 13:

It should be indicated, in general, that in the time frame surrounding the ratification of the European Charter for Regional or Minority Languages, a provision on the State's objectives with the following contents was included in the Federal Constitution:

Article 8, paragraph 2, of the Federal Constitution Act: "The Republic (the federal, *Länder* and local levels) are committed to a grown diversity of languages and cultures which finds expression in its autochthonous ethnic groups. These languages and cultures, as well as the existence and preservation of these ethnic groups shall be respected, secured and promoted."

Burgenland:

The recognition of the regional and minority languages, as an expression of cultural diversity, is documented by the notification regarding the sphere of application of the Charter.

Carinthia:

In the administrative bodies of the *Land* of Carinthia, an office for ethnic groups was set up to represent the interests of concern to the Slovenian ethnic group. Every year, this office for ethnic groups also organizes, among other things, activities that contribute towards a stronger public presence of this minority language. Among these activities is the Cultural Week of the Carinthian Slovenes outside the settlement territory of the Slovenian ethnic group. In the course of these cultural weeks, cultural highlights from the life of the Slovenian ethnic groups are shown in a target-oriented manner, and information is provided about the life of the Slovenian ethnic group.

Vienna:

The *Land* of Vienna furthers the concerns of the ethnic groups covered by the Charter. As part of the publicity work undertaken by the *Land* of Vienna, these are also conveyed by the media.

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

Question 14. Please provide a copy of the relevant passage(s) of the ruling of the Constitutional Court, published in the Constitutional Court Reports 9224/1981.

Answer to Question 14:

The decision of the Constitutional Court, VfSlg. (Collection of Decisions and Findings of the Constitutional Court) 9224/1981, is enclosed with the present report.

Question 15. Please provide the Committee with further information about the procedure concerning the modification of administrative divisions.

Answer to Question 15:

No general answer can be provided regarding the procedure for changing the administrative divisions. However, the rights of members of ethnic groups must not be affected by any changes in the administrative divisions.

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

Question 16. Please provide the Committee with more detailed information on how the €3.8 million are spent, and in particular concerning what percentage of the funding goes to each one of the different regional or minority languages.

Answer to Question 16:

Federal Chancellery:

In the year 2003, the funds for the promotion of ethnic groups were used as follows:

- Organizations of the Slovenian ethnic group:	€ 1,212,506.-
-	
- Organizations of the Croatian ethnic group:	€ 1,161,001.-
- Organizations of the Czech ethnic group:	€ 382,100.-
-	
- Organizations of the Hungarian ethnic group:	€ 328,495.-
-	
- Organizations of the ethnic group of the Roma:	€ 256,300.-
-	
- Organizations of the Slovak ethnic group:	€ 45,000.-
-	
- to municipal nursery schools in Carinthia:	€ 220,610.-
-	
- for other Roma-specific projects:	€ 142,650.-
-	
- for a Hungarian research project:	€ 1,500.-
-	
- for a Czech project:	€ 39,900.-
-	
- for a Slovenian project:	€ 0,937.-
=	
	€ 3,800,999.-
-	

Federal Ministry for Education, Science and Culture:

The specific promotion granted by the Federal Ministry for Education, Science and Culture to ethnic groups amounted to € 526,946.42 (2001: € 492,876.97). This amount consists of the following items:

1) Slovenian ethnic group:

Promotion regarding schools€ 125,152.96
(scholarships, production of text-books and teaching materials,

bilingual primary school in Klagenfurt,
school activities)

Promotion of associations.....	€ 150,421.00
(expenses for materials, staff and organizational matters, promotion of projects)	
Promotion of activities	€ 16,397.00
(exhibitions, cultural festivals, theaters, etc.)	
Promotion of publishing houses and contribution to printing costs.....	€ 52,347.00
Adult education.....	<u>€ 18,245.62</u>
	€ 362,563.58

2) Croatian ethnic group:

Promotion in the field of education and training € 28,093.00
(teaching materials and language courses)

Promotion of associations.....	<u>€ 58,143.28</u>
(expenses for materials, staff and organizational matters, promotion of projects)	
	€ 86,236.28

3) Hungarian ethnic group:

Promotion of associations..... € 44,170.00
(expenses for materials, staff and organizational matters,
promotion of projects)

4) Ethnic group of the Roma:

Promotion of associations € 16,531.28
(expenses for materials, staff and organizational matters,
promotion of projects)

Assistance to pupils and students.....	<u>€ 17,445.28</u>
	€ 33,976.56

Total sum € 526,946.42

Question 17. Are there any other funding schemes implemented by the administrations of the *Länder* with a view to promoting regional or minority languages?

Answer to Question 17:

Burgenland:

The *Land* Burgenland and the municipalities of the *Land* Burgenland promoted the minority languages with funding of approximately 740,000 euros in the year 2002.

In this connection, there are various approaches to promotion. On the one hand, specific projects of associations are promoted, on the other hand the further continuation of activities by associations can be promoted, and a third type of promotion is by way of remunerations in the form of allowances for ethnic-group work.

Another type of promotion is the EU programs, for example INTERREG, which also trigger additional co-financing funds by the *Land*.

Carinthia:

The members of the Slovenian minority can use the Slovenian language as official language pursuant to the Ordinance of the Federal Government in connection with the Ethnic Groups Act of 31 May 1977 designating the courts, administrative agencies and other bodies, where the Slovenian language has been admitted as official language, in addition to the German language (Federal Law Gazette No. 307/1977).

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

Question 18. Please provide the Committee with more detailed information concerning the “mechanisms to facilitate the use and promotion of minority languages” referred to in the initial report.

Answer to Question 18:

The Initial Report indicated that mechanisms to facilitate the use and promotion of these languages in Austria already exist in the fields of education and science, culture, as well as in economic and social life. This relates, in particular, to the sphere of laws for minority schools, opportunities to study these languages, as well as financial support in the cultural field.

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

Question 19. Please inform the Committee how the Advisory Councils for each minority language co-operate together. Is there a forum for NGOs to develop links in the fields covered by the Charter?

Answer to Question 19:

The Chairpersons and Deputy Chairpersons of the Advisory Councils form the Conference of Chairpersons of Advisory Councils. Cooperation between and among the organizations of the ethnic groups differs in keeping with their specific interests.

f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

Question 20. Please provide the Committee with information on how the teaching of the Romany languages is catered for in the education system, at pre-school, primary and secondary school levels, as well as in the field of adult education. What measures have been taken by the authorities with a view to informing the members of the Roma community about the possibilities available to them in the field of education?

Answer to Question 20:

On the nursery-school (pre-school) level, Roma children are cared for in integrated, mixed groups with children of other ethnic groups.

Courses in Romany are offered every year as optional exercise (Unverbindliche Übung) at the primary school at Oberwart. In cooperation with a Roma association, active on site, it has always been possible to recruit all Roma children at the age for compulsory school attendance for these courses. A special model was chosen for the work in class, for lack of a teacher belonging to that ethnic group. A staff member of the Institute for Linguistics of the University of Graz prepared every class with Roma woman (a woman from the Roma settlement without teaching qualifications), down to the smallest detail. The Roma woman taught class with the support of a literature teacher from the school.

For the 2003/2004 school year, the Roma families - for the first time - did not avail themselves of the possibility offered to them. Only two children signed up, so that the course cannot be taught.

With regard to adult education, the Adult Education Center of the Roma offers various activities; it also offers courses in the language of the Burgenland Roma. The courses are promoted with funding from the Ethnic Group Promotion Scheme (Volksgruppenförderung) of the Federal Chancellery.

The Federal Chancellery provides financial assistance; however, the Federal Ministry for Education, Science and Culture also provides assistance to pupils and students and in the field of adult education. The Roma association, for example, and the adult education center of the Burgenland Roma (another association) received financial support for their activities, especially for their language programs.

Question 21. Please elaborate further on the availability of Czech and Slovak education in the *Land* Vienna at pre-school, primary and secondary school levels, as well as on the situation of teacher training and the availability of teaching materials.

Answer to Question 21:

In the field of nursery schools, three bilingual nursery-school groups are promoted at the day-care center for children of the Komensky School Association, both with funding from the Ethnic Group Promotion Scheme and the *Land* of Vienna.

On the primary-school level, Czech and Slovak are primarily offered at the two "European Primary Schools" (Europäische Volksschulen) at A-1150 Vienna, Benedikt Schellinger Gasse 1 – 5 and A-1150 Vienna, Goldschlagstrasse 14 – 16, where the teaching is also also provided by mother-tongue teachers.

On the secondary-school level, the "European Secondary School" (Europäische Mittelschule) at A-1070 Vienna, Neustiftgasse 100, offers Czech and Slovak, both as a mother tongue and as a second foreign language. It is ensured that the education can be continued on the upper level of the secondary school by attending the Bundesrealgymnasium at A-1150 Vienna, Henriettenplatz 6.

A private school of the Komensky School Association (primary school, bilingual medium school, secondary school, upper-level secondary school) offers bilingual education for pupils of both languages.

One polytechnical school (A-1100 Vienna, Pernerstorfergasse) is quite successful in offering Czech courses.

As far as the further training of teachers is concerned, the Federal Pedagogic Institute offers certified language courses in both languages for teachers of all school types at the Information and Further Training Center for Foreign Language Teaching (Informations- und Fortbildungszentrum für Fremdsprachenunterricht). The first certified diplomas for these training courses were awarded in June 2003. This comprehensive offer was facilitated, in particular, by implementing the EU project CERNET (Central European Network for Education Transfer). This project that has been conducted with great success since 1996; its goal is to promote especially cooperation in the field of education with the neighboring regions in the Czech Republic, Slovakia and Hungary. In addition to a great number of meetings and conferences by education experts, there were already more than 120 school partnerships during that period. The CERNET project is largely sponsored with EU funds.

With regard to teaching materials, it is primarily authentic materials from the countries of the target language that are being used. These materials are obtained, to a large extent, in the framework of the CERNET project. In addition, teaching materials are produced by the special teachers for these languages themselves – these are mainly *native speakers*.

Question 22. Please provide the Committee with further information as to how the Czech and Slovak languages benefit particularly from Article 68(1) of the State Treaty of St. Germain. What are the criteria for the practical application of this provision that requires the Austrian government to facilitate mother-tongue education when there is a

“relatively considerable number” (verhältnismäßig beträchtliche Zahl) of non-German speakers in an area?

Answer to Question 22:

The treaty between Austria and the (then) "Czecho-Slovak Republic" on nationality issues and the protection of minorities, published in the Federal Law Gazette No. 163/1921, which was signed to implement the provisions regarding minority schools of the State Treaty of St. Germain, determined – among other things – by mutual agreement the "Czecho-Slovak" school system in Austria. In this connection, an interpretation of the wording "proportion considerable" (relatively considerable) was expressly left aside and reserved "to a later date" (Article 20); to this day, this has not been the case. In view of this, as well as on account of the fact that the number of Czech- and Slovak-speaking persons in Austria has decreased dramatically since 1919/20, the question raised has actually had no practical significance.

Question 23. Please elaborate further on the availability of Burgenland-Croatian education in Vienna, Slovenian education in Vienna and Styria, and of Hungarian education in the *Land* Vienna at pre-school, primary and secondary school levels, as well as on the situation of teacher training and the availability of teaching materials for these languages.

Answer to Question 23:

According to information by the Federal Ministry for Education, Science and Culture, bilingual education for Croatian-German is being offered for the first time for the 2004/05 school year at a public primary school in Vienna, beginning with the first grade of primary school.

g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

Question 24. Please provide the Committee with information on courses available to non-speakers of the regional or minority languages living in all areas where the languages are used. The Committee would appreciate concrete examples of courses provided as well as information about the means available for the funding of such courses.

Answer to Question 24:

Adult-education facilities receive financial support on an ongoing basis from the Federal Ministry for Education, Science and Culture, also for courses in the languages of the ethnic groups; such courses are open to all interested persons. Regarding details please refer to the information provided in connection with the individual languages.

The Federal Chancellery, too, promotes language courses in the languages of the ethnic groups, independent of the initial language skills of the course participants.

h the promotion of study and research on regional or minority languages at universities or equivalent institutions;

Question 25. Please provide the Committee with further information about the study of and research into Romany, Czech and Slovak at the university level.

Answer to Question 25:

Czech: This language is currently taught at the Institute for Slavic Studies as well as at the Institute for Translation and Interpreting at the University of Vienna.

Slovak: This language is currently taught at the Institute for Slavic Studies of the University of Vienna.

The Institute for Slavic Studies of the University of Vienna can boast comprehensive project and research activities, as well as cooperation projects and cultural events, in particular, **in the field of Czech and Slovak**. Only a few examples are listed below:

Current and/or recently completed projects:

- **2000 – 2003: The development of language contacts between Czech, Slovak and German on the phonological and lexical levels since the 8th century till the beginning of the 20th century.** (= research project by the Fund for the Promotion of Scientific Research, headed by Univ.Prof. Dr. Josef Vintr, at the Institute for Slavic Languages of the University of Vienna).
- This was followed up by a publication, which will come out in the spring of 2004 – promoted by the Federal Ministry for Education, Science and Culture and the Austro-Czech Society with the title:
NEWERKLA, S. M. 2004. Sprachkontakte Deutsch – Tschechisch – Slowakisch. Wörterbuch der deutschen Lehnwörter im Tschechischen und Slowakischen: historische Entwicklung, Beleglage, bisherige und neue Deutungen (= Schriften über Sprache und Texte 7). (Language Contacts: German – Czech – Slovak. Dictionary of German Loanwords in the Czech and Slovak Languages: Historical Development, Documentation, Earlier and Current Interpretations (= Publications on Language and Texts 7). Frankfurt am Main-Vienna. Peter Lang.

The subject of this work is a project that experts in Western Slavic Studies have wanted to carry out for a long time; it is the first basic and scientifically founded monograph of this immensely vast subject, namely German loanwords in Czech and Slovak since the beginning of their development as individual languages and up to the beginning of the 20th century. It consists of two main sections, comprises a linguistic analysis of 100 pages (theoretical study in the general main section) and a dictionary with explanations (collection of materials and interpretation of the loanwords in the

lexicographic main section, complete with an extensive literature and sources list).

- **2001-2003: Josef Valentin Zlobický – seine Bedeutung als Initiator und Vermittler der böhmischen und slawischen Studien in der Habsburgermonarchie des 18. Jahrhunderts – jeho význam jak iniciátora a zprostředkovatele českých a slovanských studií v Habsburské monarchii 18. století (Josef Valentin Zlobický - His Importance as Initiator and Communicator of Bohemian and Slavic Studies during the Habsburg Monarchy of the 18th Century)** (= international research project, directed by Prof. Dr. J. Vintr and Prof. Dr. Jana Pleskalová, financed by the fund "Aktion Tschechien – Österreich").
- This is followed up by a **publication project** conducted by the same workers. The work will also come out in the spring 2004 – promoted by the Federal Ministry for Education, Science and Culture and the Austro-Czech Society - with the title:
Vintr, J. & J. PLESKALOVÁ (eds.). 2004. Videnský podíl na počátcích českého národního obrození – J.V. Zlobický (1743-1810) a současníci: život, dílo korespondence. Wiener Anteil an den Anfängen der tschechischen nationalen Erneuerung – J.V. Zlobický (1743-1810) und Zeitgenossen: Leben, Werk, Korrespondenz. (Viennese Contribution to the Beginnings of Czech National Renewal – J. V. Zlobický (1743 – 1819) and Contemporaries: Life, Work, Correspondence). Praha: Academia.
- **2002-2004: Sodeyfi, H.& S. M. Newerkla. Tschechisch. Faszination der Vielfalt. (Czech. The Fascination of Diversity)** Wiesbaden: Harrassowitz (commissioned). 604 pages. Included CD: **Tschechisch. Faszination der Vielfalt. (Czech. The Fascination of Diversity)**.
The one-volume compact text book is currently prepared for its 2nd edition. In 29 lessons, using a range of different texts, practical material, exercises and activities, the books communicates an inter-cultural and communicative language competence from the first beginning to a language command on a high level. With its learner-friendly progress, the transparency of the individual teaching modules, a precise and easily understandable presentation of the entire grammatical system, as well as of the basic vocabulary, unique introductory texts of a great informative and educational substance, as well as different subjects and speaking situations, this text book is suited both for heterogeneous groups of learners and for individual study. A number of motivating exercises induce learners quickly to speak and creatively use the foreign language. Tables in a clear layout on morphology, an extensive vocabulary and index of concepts, as well as an audio CD-ROM to practice pronunciation and with dialogues that promote understanding by hearing are supplementary features of this work.
- Dr. Eva Tibenská, university lecturer, is currently working a similar **project for a publication regarding the Slovak language**.
- **2002-2003: participation in a project for a publication** by the Institute for Roman Studies in the wake of the so-called millennium project, promoted by the Federal Ministry for Education, Science and Culture: RINDLER SCHJERVE, R. (ed.). 2003. Diglossia and Power: Language Policies and Practice in the 19th Century Habsburg Empire (= Language, Power and Social Progress 9). Berlin-New York: Mouton de Gruyter.

- **2002 – 2004: Multiculturalism and Lexical Convergence – Shared Colloquialisms in the Languages of the Former Habsburg Empire.** Multikulturalität und lexikalische Konvergenz – Gemeinsame Konversationismen in den Sprachen der ehemaligen Habsburgermonarchie im Rahmen des Projekts Comparative Cultural Studies on Central Europe (= project by the University of Brunn/Brno, the field office of the Austrian Institute for East and South-East European Studies, etc.). Brno-Vienna. This project, funded by "Aktion Tschechien-Österreich", is a description of the features that unite the Central European region from the viewpoints of linguistics, as well as literature and cultural sciences. Czech and Slovak are taken into account in the framework of this project by S. M. Newerkla, university lecturer.

Ongoing programs of cooperation and events by the Institute for Slavic Studies of the University of Vienna:

- **Series of Czech and Slovak films:** regular screenings of Czech and Slovak films in the original version by guest lecturers.
- **Series of songwriters and poets:** In this series of multi-media presentations, Dr. Gero Fischer, university lecturer, presents songwriters from Slavic countries (with interpretation into German). All presentations (mostly in Power Point format) are available as CD-ROMs and can either be borrowed or bought.
- **Series of guest lectures:** regular guest lectures by Czech and Slovak colleagues.
- **Activity Days and Cultural Afternoons:** full-day programs of lectures and cultural activities are organized in cooperation with Czech and Slovak universities.
- **Working for the minorities:** support is given to the work for the minorities by the Czech and Slovak ethnic groups and their activities.

With regard to the **Romany** language the University of Graz (Univ.Prof. Dr. Halwachs) has been conducting an extensive research program for many years, which is primarily promoted by the Federal Ministry for Education, Science and Culture. It deals with the Romany language that is used in Burgenland. This has resulted in a number of publications. In the meantime a research project regarding other forms of the Romany language used in Austria has been launched.

The codification of Romany, begun 10 years ago as an extremely successful cooperation between the Roma association at Oberwart and the Romany project of Univ.Prof. Dr. Halwachs at the Karl-Franz University of Graz, can now be regarded as completed. The goal of this codification was always the use of Romany as a factor triggering and strengthening identification in everyday life, as a written medium, as well as a language that can be taught and is taught. In this connection, it was and continues to be necessary to engage in didactics, an expansion of the encyclopedia and translation work. By the same token, a further course in Romany is being planned for the winter semester 2004 at the University of Graz.

- i the promotion of appropriate types of trans-national exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*

Question 26. Please provide further information on the relevant activities undertaken by the Austrian Institute of East and Southeast European Studies.

Answer to Question 26:

The "Österreichische Ost- und Südosteuropa-Institut" (Austrian Institute of East and Southeast European Studies) is a non-profit association. Its activities are described on the Institute's homepage at www.osi.ac.at.

Question 27. Please elaborate further on Austria's trans-national exchanges with respect to the Czech and Slovak languages.

Answer to Question 27:

In the course of preparing EU accession of the Czech Republic and Slovakia, in particular, transnational exchanges were conducted on many levels. As far as the Federal Chancellery is aware of these activities, it is organizations on both sides of the border who benefit from the relevant projects, which also touch upon the Czech and Slovak languages.

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

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

Question 28. Please provide the Committee with concrete examples of the manner in which political education, as referred to in the initial report, is provided. Please provide further information on the results of the research programme "Xenophobia".

Answer to Question 28:

The representative of the Federal Ministry for Education, Science and Culture already discussed the specific issues regarding political education on the occasion of the visit of the Commission of the Council of Europe on 12 December 2003.

Introductory comment regarding the questions in connection with school education in Burgenland and Carinthia (questions on pp. 31, pp. 64 and pp. 102):

It can be assumed that on the occasion of the direct contacts between the Commission of the Council of Europe and the representatives of the Regional School Boards for the Land of Burgenland, or Carinthia, respectively, it was possible to provide some information (especially regarding the current data on numbers of schools and pupils, school locations, types of classes, etc.) and that, among other things, statistics were made available. The information given below regarding some of these questions is meant to underline and further clarify some of the positions.

Question 29. Please provide the Committee with information about the teaching of the history and culture that is reflected by the regional or minority languages outside the settlement areas of these minorities.

Answer to Question 29:

The representative of the Federal Ministry for Education, Science and Culture already discussed the specific issues regarding political education on the occasion of the visit of the Commission of the Council of Europe on 12 December 2003.

Introductory comment regarding the questions in connection with school education in Burgenland and Carinthia (questions on pp. 31, pp. 64 and pp. 102):

It can be assumed that on the occasion of the direct contacts between the Commission of the Council of Europe and the representatives of the Regional School Boards for the Land of Burgenland, or Carinthia, respectively, it was possible to provide some information (especially regarding the current data on numbers of schools and pupils, school locations, types of classes, etc.) and that, among other things, statistics were made available. The information given below regarding some of these questions is meant to underline and further clarify some of the positions.

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

Question 30. Please provide the Committee with the 1996-1999 "Memorandum submitted by the Austrian Ethnic Groups to the Austrian federal government and the Nationalrat (lower house of the Austrian Parliament)" on 24 June 1997.

Answer to Question 30:

The "Memorandum submitted by the Austrian Ethnic Groups", dated 24 June 1997 is enclosed in the annex.

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

2. If appropriate, state any future measures which are envisaged in your country.

PART III

For each regional or minority language chosen at the moment of ratification, as follows from paragraph 2, Article 2 of the Charter, please indicate in which way the paragraphs and/or sub-paragraphs have been implemented, see Appendix.

When indicating the measures taken in order to implement each paragraph or sub-paragraph chosen, please specify the relevant legal provision and the territory where they are applicable.

BURGENLAND-CROATIAN IN THE BURGENLAND-CROATIAN LANGUAGE AREA IN THE LAND BURGENLAND

Article 8 – Education

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

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

Question 31. Please provide the Committee with information on the number of Burgenland-Croatian pre-schools in 2002.

Answer to Question 31:

According to information by the Regional School Board for the *Land* Burgenland there are no such pre-school classes or pre-schools – to be distinguished from nursery schools – exist, as there is no demand for them. Bilingual pre-school education is governed by the Nurseries Act for Burgenland. In consequence, there are currently 31 bilingual nursery schools, where both, German and Croat, are being used. Additional Croat assistant nursery-school teachers are deployed for groups where the headmistress does not have a command of Croatian.

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

Question 32. Please provide the Committee with information as to how many bilingual minority schools exist in Burgenland that provide education in Burgenland-Croatian.

Answer to Question 32:

At present, there are 29 bilingual primary schools in Burgenland, with German and Croatian being the language of instruction, which means that all classes at these schools are taught in both languages. There is one further primary school, outside the autochthonous settlement territory which runs bilingual classes.

Furthermore, Croatian is taught as an optional exercise (Unverbindliche Übung) at 10 German-speaking primary schools.

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

Question 33. Please provide the Committee with information on the number of lower secondary schools in which Burgenland-Croatian is taught. Please elaborate further on the content of the “special language programmes” in Burgenland-Croatian.

Answer to Question 33:

During the 2003/2004 school-year, Croatian is being taught at 11 lower-level secondary schools (Hauptschule). Croatian is being offered at all lower-level secondary schools which may be attended by pupils from bilingual primary schools. Instruction is partly given in the form of bilingual classes, partly in the form of language courses, as compulsory subjects or optional exercises (Unverbindliche Übung).

d i to make available technical and vocational education in the relevant regional or minority languages; or

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

Question 34. Please provide the Committee with information on how many technical or vocational schools provide education in Burgenland-Croatian.

Answer to Question 34:

As a matter of principle, Croatian can also be offered at vocational lower-level and upper-level secondary schools. Whenever the statutory number of pupils has signed up, such education is provided. During the 2003/2004 school-year, Croatian is being taught at 3 locations of vocational lower-level and upper-level secondary schools.

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

Question 35. Are there any university courses available in Burgenland-Croatian in the Burgenland Croatian-speaking area? If yes, please elaborate further.

Answer to Question 35:

This type of education is available at university level (e.g. Vienna, Graz). Since there are no universities in Burgenland, this kind of education is not offered there. Moreover, please refer to the answer to Question 36.

Question 36. The Committee has taken the view that this undertaking requires more than passive tolerance, and would be interested to know what positive steps the Austrian authorities have taken or propose to take to encourage (i) Burgenland

Croatian-medium education and/or (ii) the study of Burgenland-Croatian at the level of higher education.

Answer to Question 36:

The associations and institutions that offer courses in Croatian in the framework of adult education, receive promotional funding from the Office of the Government of the *Land* Burgenland, as well as from the Federal Chancellery under the Ethnic-Group Promotion Scheme.

The universities themselves are responsible for financing the courses which they offer and, in keeping with the 1993 University Organization Act, they must decide for what purpose available professorships will be used. It is therefore basically up to every university to offer courses in keeping with demand and to make available the staff resources.

At present, Croatian can be studied at the universities of Vienna, Graz, Innsbruck, Salzburg and Klagenfurt in the framework of diploma studies / studies for a bachelor diploma / teacher-training studies for the Slavic languages, as well as at the Institute for Translation and Interpreting at the University of Vienna and at the Institute for Theoretical and Applied Translation Science of the University of Graz.

According to information by the Institute for Slavic Studies of the University of Vienna, teaching units are currently being run at the aforementioned institute that deal specifically with the field of Burgenland-Croatian.

As of 1 January 2004, the Federal Ministry for Education, Science and Culture is no longer involved in the staff policy of the universities. On the basis of the statutory provisions, universities can structure themselves the curricula that they offer.

In the future, the Federal Ministry for Education, Science and Culture will be able to step up certain areas only by way of reaching agreements on the performances to be provided by the universities.

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

Question 37. Please provide the Committee with further information on the number of adult education centres providing teaching of Burgenland-Croatian and the area where the courses are taught. Furthermore, please provide further information on the work of the organisations providing classes in Burgenland-Croatian.

Answer to Question 37:

Throughout Burgenland, the Adult Education Center of the Burgenland-Croats, the Education Institute of the Burgenland-Croats (Bildungsinstitut der burgenländischen Kroaten), as well as the Association of Adult Education Centers in the *Land*

Burgenland (Landesverband der Volkshochschulen im Burgenland) offer courses in Croatian.

Courses in Standard Croatian are offered by the Burgenland adult education centers at three locations (Eisenstadt, Mattersburg, Oberwart), and the association KUGA (Großwarasdorf) also offers such courses. Courses for Burgenland-Croatian are offered by the Adult Education Center of the Burgenland-Croats (Eisenstadt).

The Pedagogic Academy in Eisenstadt trains teachers for Croatian.

The further training of the teachers is organized by the Federal Pedagogic Institute Burgenland, in cooperation with the Regional School Board for the *Land* Burgenland.

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

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

Question 38. Please provide the Committee with further information on the contents of the training programme provided on the basis of Article 13 of the Minority Schools Act for Burgenland.

Answer to Question 38:

The pupils and students at the Federal Training Institute for Nursery-School Pedagogics at Oberwart and at the Pedagogic Academy in Eisenstadt can choose Croatian as an additional training subject. By finishing their studies or taking the teacher's examination, they become qualified to provide education in the two languages or to teach in both languages. During the 2003/2004 school-year, 27 pupils at Oberwart availed themselves of this option, in Eisenstadt there are currently 14 students studying Croatian.

The competent regional school inspector has pointed out that the school supervisory body for teaching in Croatian at general compulsory schools are at the same time responsible for heading the department (in the Regional School Board) and that inspectors have also been appointed for the minority languages at vocational lower-level and upper-level secondary schools.

In connection with Croatian-related school issues, the Regional School Inspector quite generally underlined the good cooperation with the organizations of ethnic groups and the ORF Burgenland (Austrian Broadcasting Corporation) (this also applies to the teaching of Hungarian). In her report she also refers to the fortunately small number of students signing off from Croatian classes, as well as to the multiple evaluation measures and projects. For the 2004/2005 school-year a teaching model with the name of "immersion and rotation" is being planned, which will be a project for developing quality. Schools from all regions of Burgenland will take part in this project. Furthermore, it is planned for the year 2004 to draw up a global report on 10 years of Minority Schools Act in Burgenland.

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

Question 39. Please provide the Committee with further information on the specific divisions responsible for bilingual schooling in Burgenland-Croatian installed at the Regional School Board for Burgenland (Landesschulrat für Burgenland).

Answer to Question 39:

The supervisory body (regional school inspector) for teaching in Croatian at general compulsory schools is also responsible for heading the department for minority schools. This department is also responsible for matters regarding teaching in Hungarian and Romany, as well as for assisting children with a non-German mother tongue (foreign children).

Question 40. Please provide the Committee with further information on the specialised inspectors qualified to inspect bilingual teaching.

Answer to Question 40:

The specialized inspection in the field of teaching in Croatian at general compulsory schools is performed by a regional school inspector who also heads the department for the minority schools.

A specialized inspector for Hungarian is responsible for the general compulsory schools. The Federal Ministry for Education, Science and Culture has granted a deduction by 4 hours/week from his teaching obligation. However, this time-frame is not enough. On the level of the statutory provisions governing the service duties of regional teachers, the Regional School Board for Burgenland has granted a further reduction by six hours/week. Regional school inspectors with the respective language competencies are appointed to act as inspectors for the minority languages at vocational lower-level and upper-level secondary schools.

Question 41. Please provide the Committee with the latest periodic reports drawn up by the supervisory bodies mentioned above.

Answer to Question 41:

The Regional School Board for Burgenland works in close cooperation with the associations of the Burgenland-Croats and receives feedback and critical comments

on the school system, but also financial support and cooperation in the preparation of text books and teaching materials.

Quality assurance and quality enhancement are essential targets in the field of minority schools. Special measures are therefore taken in this direction.

An evaluation project on the bilingual (German-Croatian) school system and a follow-up project on the interface problems are being conducted as EU projects – the report will be published in a brochure, and a folder will provide information material. The ongoing statistics are maintained by the Regional School Board. What is particularly positive is that only few students signed off from the courses. It is planned for 2004 to prepare a global report on 10 years of the minority schools' law in Burgenland.

Furthermore, there is excellent, ongoing cooperation between the Regional School Board for Burgenland and the Austrian Broadcasting Corporation, Burgenland-Croatian Unit. The radio and television reports of the Croatian Unit mentions activities at bilingual schools, activities with Croatian and Hungarian contents at the schools, further-training activities for teachers, as well as activities of the minorities department of the Regional School Board.

Time and again, school models are tested, in order to enhance the efficiency of bilingual instruction. These are then taken over by the standard education in schools. For the 2004/2005 school-year, an education model with the title "immersion and rotation" is planned, which is a project to develop quality; schools from all regions of Burgenland will take part in the project.

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

Question 42. Please provide the Committee with information on bilingual teaching of Burgenland-Croatian offered outside Burgenland.

Answer to Question 42:

According to information provided by the Federal Ministry for Education, Science and Culture, there are no such plans at present.

Article 9 – Judicial authorities

1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the

present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

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

Question 43. Please provide the Committee with information on how the provisions of the Ethnic Groups Act relate to the rules of criminal procedure, and the extent to which these provisions are applied in practice in the Burgenland-Croatian language area in the Land Burgenland. The Committee would appreciate concrete data.

Answer to Question 43:

No information is currently available on this question relating to criminal procedure.

b in civil proceedings:

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or*
- iii to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;

Question 44. Please provide the Committee with information on how the provisions of the Ethnic Groups Act relate to the rules of civil procedure, and the extent to which these provisions are applied in practice in the Burgenland-Croatian language area in the Land Burgenland. The Committee would appreciate concrete data.

Answer to Question 44:

No information is currently available on this question relating to civil procedure.

c in proceedings before courts concerning administrative matters:

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

iii to allow documents and evidence to be produced in the regional or minority languages,

if necessary by the use of interpreters and translations;

Question 45. Please provide the Committee with information on how the provisions of the Ethnic Groups Act relate to the rules of administrative procedure, and the extent to which these provisions are applied in practice in the Burgenland-Croatian language area in the Land Burgenland. The Committee would appreciate concrete data.

Answer to Question 45:

This question relates to the Independent Administrative Senate of the *Land Burgenland*. The respective provision of the European Charter for Regional or Minority Languages has been implemented by the Ordinance on Official Languages. In practice, it applies only in very rare cases that a minority language is used before the Independent Administrative Senate. In the last few years, there were a few decisions (approximately five) that were issued in the Croatian language.

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

2 The Parties undertake:

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

Article 10 – Administrative authorities and public services

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

a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

c to allow the administrative authorities to draft documents in a regional or minority language.

Question 46. Please inform the Committee how the right to use Burgenland-Croatian is applied in practice.

Answer to Question 46:

In practice, the use of the languages of the ethnic groups depends primarily on the type of use that is made (oral or written).

Oral communication with citizens who have a command of the language of their ethnic group is always also in the languages of the ethnic groups. There are many civil servants at the Office of the Burgenland Regional Government and at the District Administrative Authorities who have such a command and also use the languages of an ethnic group.

On the municipal level, there are communities in which all oral official transactions are conducted in the languages of the ethnic groups, and other communities where this applies to 70% of all cases.

The written use of the minority languages (written submissions or dealings) occurs only in very rare cases, and it has been fluctuating largely over the years. On average, approximately 90 cases per year on the regional and local level (taken together) in written form are handled in the language of an ethnic group.

Question 47. Please provide the Committee with examples, if available, of the types of administrative documents drafted in Burgenland-Croatian.

Answer to Question 47:

According to information by the Regional Office Directorate for the Burgenland (Landesamtsdirektion) translations into Burgenland-Croatian have been made of the most important documents (certificates of birth, marriage, death, as well as applications for passports, ...) which have been made available to the authorities.

Consideration is currently given to the use of the Internet, as a means of communication, also to manage the different form sheets. Here, too, the documents will be made available in the languages of the ethnic groups.

Question 48. The Committee is aware that under Article 23 of the Ethnic Groups Act civil servants who master the language of an acknowledged ethnic group and who use it in accordance with the Act are entitled to extra pay. Please provide the Committee with information concerning the practical application of this article and the number of Burgenland-Croatian-speaking civil servants benefiting from it.

Answer to Question 48:

In the year 2002, 10 persons (incl. 7 assistant nursery-school teachers) in the pay of the Office of the Burgenland Regional Government received the extra pay pursuant to § 23 of the Ethnic Groups Act. At communities in Burgenland, another approximately 50 persons received this allowance.

In the year 2002, 45 persons received the allowance according to § 6, paragraph 2, of the Burgenland Service Duties Act for Nursery Schools and Day Nurseries.

- 2 *In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to*

justify the measures specified below, the Parties undertake to allow and/or encourage:

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

Question 49. Please inform the Committee on the use made of this right by speakers of Burgenland-Croatian within the administrative districts of the State and the local and regional authorities referred to in the initial report.

Answer to Question 49:

Question 50. Please provide the Committee with examples of general official documents published in Burgenland-Croatian pursuant to Article 13, paragraph 4 of the Ethnic groups act and the Ordinance regarding the use of Croatian as an Official Language. Do the authorities decide to publish such documents on their own initiative or only upon request?

Answer to Question 50:

Pursuant to § 13, paragraph 4, of the Ethnic Groups Act, the additional use of the minority language for public announcements is permitted in communities where the minority language has been admitted as an official language.

There are no statistics on these public announcements; in consequence, it cannot be judged whether this is actually done in practice.

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

a translation or interpretation as may be required;

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

Question 51. Has there ever been a refusal to register a name in Burgenland-Croatian?

Answer to Question 51:

In keeping with the provisions of the Personal Status Act it is not possible to deny the registration of a name in Burgenland-Croatian, whenever a person carries that name lawfully. Pursuant to § 11 of the Personal Status Act, Federal Law Gazette No. 60/1984 in its valid version, the names of persons shall be taken over – correct in letter and sign - from the documents used for the registration. This also takes account of the obligation which Austria has assumed when ratifying the Convention on Particulars of Surnames and First Names in Personal Status Registers (Federal Law Gazette No. 308/1980).

When first recording a Christian name at the birth of a child, care shall be taken that the Christian name is in common use (in Austria and abroad) and not to detriment of the child. In case of children, whose use of names must be judged under Austrian law, the first Christian name, at least, must correspond to the child's sex (§ 15, paragraph 2, of the Personal Status Act).

Here, too, the provisions under the Personal Status Act do not allow the possibility of denying the registration of a Christian name in Burgenland-Croatian on the occasion of a child's birth.

The Federal Ministry of the Interior is not aware of any case where a person was denied registration, in case of compliance with the aforementioned prerequisites.

Question 52. Please indicate the fees incurred by the applicant in case the reason for the Name change is found to be not important.

Answer to Question 52:

If a member of an ethnic group, whose personal status is governed by Austrian law, wishes to change his/her name into a name that is in compliance with the ethnic group, one could imagine the application of § 2, paragraph 1, item 10, of the Change of Name Act, Federal Law Gazette No. 95/1988 in its valid version – unless there is a reason for refusal. ("§ 2, paragraph 1, item 10: ... the applicant establishes a credible case that the change of name is necessary in order to avoid unreasonable disadvantages of an economic nature or **regarding his social relations**, and that these disadvantages cannot be averted in any other form;") Such a change of name would then be exempt from any federal administrative levies and charges.

The word "important" before the word "reason" has been deleted with effect of 1 May 1995 (Article V, item 1, Federal Law Gazette No. 25/1995).

This cancellation takes account of the fact that a change of name must also be granted if none of the reasons listed (§ 2, paragraph 1, items 1 – 10) prevails, in other words, if one wishes to adopt a "dream name" (§ 2, paragraph 1, item 11), unless there is a reason for refusal pursuant to § 3.

Such a change to adopt a "dream name" is not exempt from administrative charges (€ 163.00) and federal levies (€ 348.00) (altogether: € 511.00).

Article 11 – Media

- 1 The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*
 - b ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;*
 - c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;*
 - d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;*

Question 53. Please provide the Committee with information on the amount of support given by the federal government and details concerning subsidised works in Burgenland-Croatian.

Answer to Question 53:

The Federal Chancellery uses the funds of the Ethnic Group Promotion Scheme to financially further numerous publications and newsletters of the organizations of ethnic groups (two weekly newspapers, a multitude of association newsletters).

With regard to broadcasting programs, the following should be mentioned: The amendment of the Austrian Broadcasting Corporation Act, which entered into force on 1 January 2002, provides in § 5 of this law for the first time expressly for "special obligations" with regard to the share of broadcasts in the languages of the ethnic groups in the total amount of broadcasting, or formulated possibilities of cooperation between the ORF and private radio broadcasting providers. For the first time, this provision defined the public-law obligation towards the ethnic groups. However, whether the ORF (Austrian Broadcasting Corporation) makes use of the possibility to cooperate with private providers is solely within the scope of this independent institution. After an agreement was signed between the ORF and the Slovenian private radio station, talks are now being also held with the private radio provider in Burgenland, which is to broadcast in the languages spoken by the ethnic groups in Burgenland. The outcome of these talks is still open.

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

Question 54. Is there any daily publication in Burgenland-Croatian?

Answer to Question 54:

No.

Question 55. Please provide the Committee with more information on the amount of financial assistance given by the government.

Answer to Question 55:

From the funds available to promote the press, the following two weekly newspapers were sponsored in 2002:

- Glasnik (church bulletin in Burgenland-Croatian of the Eisenstadt Diocese):
€ 8,288.20
- Hrvatske Novine (Croatian Press Association): € 27,865.80

Furthermore, the two media proprietors both receive considerable funds every year from the money available to the Federal Chancellery under the Ethnic Group Promotion Scheme, which are primarily used for the aforementioned print products (Glasnik: € 101,561.00; Hrvatske Novine: € 143,151.00).

From the funds available under the title of promotion of publications, the journal PUT of the Burgenland-Croatian Cultural Association in Vienna is sponsored (2003: € 8,228.40)

f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

Question 56. Please provide the Committee with more detailed information on how speakers of Burgenland-Croatian benefit from the general support measures for audiovisual productions. To what extent were audiovisual productions in Burgenland-Croatian supported in 2002?

Answer to Question 56:

The money for the promotion of ethnic groups is used to promote a number of audiovisual products every year, which are produced by a great many organizations for the ethnic groups. By disseminating these audio-visual products among the members of the ethnic group, the use of Burgenland-Croatian is being furthered.

2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free

circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 12 – Cultural activities and facilities

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

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

Question 57. Please provide the Committee with information on the cultural facilities and activities committed to the furtherance of the Burgenland-Croatian language and the amount of aid given under the support scheme for ethnic groups. The Committee would appreciate concrete examples.

Answer to Question 57:

First, reference is made to the answer given to Question 16.

As was already mentioned before, the organizations of ethnic groups belonging to the Croatian ethnic group received altogether € 1,161,001.00 in the year 2003 from the funds available under the Ethnic Group Promotion Scheme. These were used mainly for cultural activities, as well as research and educational projects.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

Question 58. Please provide the Committee with more information on the practical implementation of this provision. The Committee would appreciate concrete examples

Answer to Question 58:

First of all, many of the organizations defined in Article 12, item 1, are managed by the organizations of the ethnic groups; this supports the languages of the ethnic groups. In the public sector, too, members of the ethnic groups are appointed to various key positions (e.g. the President of the Burgenland Diet is a Burgenland-Croat; the head of the office for ethnic groups in the Carinthian regional government is a Carinthian Slovene). As there is freedom of confession in Austria, as was mentioned before, it would be difficult to compile lists.

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

Question 59. Please inform the Committee on the use of funds from the support scheme for ethnic groups by speakers of Burgenland-Croatian outside the Burgenland-Croatian language area.

Answer to Question 59:

Following a recommendation of the Advisory Council for the Croatian ethnic group, funds were paid to three organizations of ethnic groups with headquarters in Vienna in the year 2003 from the funds available for the promotion of ethnic groups in a total amount of € 147,568.00.

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

Question 60. Please provide the Committee with examples regarding the implementation of this provision, with special regard to the activities of the ARGE Alpen-Adria?

Answer to Question 60:

It should be stated, in general, that the subject of ethnic groups is being addressed time and again in the relevant neighboring countries, also on the occasion of state visits. The corresponding cross-border cooperation, both in the public and in the private sphere, is gaining increasingly in importance.

Question 61. Please inform the Committee whether the cultural policies abroad of the Austrian federal government and, in so far as it is competent in this field; the

government of the Land Burgenland make provision for Burgenland-Croatian and the Burgenland-Croatian culture.

Answer to Question 61:

The concerns of the minorities are always also taken into consideration in the framework of cross-border projects in the political and cultural fields, just as contacts are promoted, in which representatives of the *Land* Burgenland are actively included.

Article 13 – Economic and social life

1 With regard to economic and social activities, the Parties undertake, within the whole country:

d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

Question 62. Please specify how the use of Burgenland-Croatian is encouraged with regard to economic and social life in Austria. Have Austrian authorities taken (or are they intending to take) any positive action in this area?

Answer to Question 62:

Time and again, the Regional School Board for Burgenland, through its school supervisors, informs about the possibility to offer Croatian classes at the meetings of school principals. Most recently, the schools were informed in a decree of the Regional School Board of 24 February 2003 about the possibility to offer classes in the languages of the ethnic groups. At the parents/teachers meetings, as well as on various occasions and discussions of representatives of the schools and political life reference is made to the importance of learning the languages of the ethnic groups.

Using the minority languages in business life is primarily a responsibility of the parties involved in economic activities themselves. However, one should not overlook that sponsoring projects organized by the associations of ethnic groups also provide stimuli to economic and social life regarding the use of the minority languages and that these result in further opportunities for economic and social life.

Article 14 - Transfrontier exchanges

The Parties undertake:

b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or

local authorities in whose territory the same language is used in identical or similar form.

Question 63. Please inform the Committee on the activities for the benefit of the Burgenland-Croatian language developed by the ARGE Alpen-Adria and the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut).

Answer to Question 63:

The activities of the ARGE Alpen-Adria will produce long-term benefits for the languages of the ethnic groups in that the approach to solutions worked out in these bodies can be applied to similar situations in the area of the language of the Burgenland-Croatian ethnic group.

SLOVENE IN THE SLOVENE LANGUAGE AREA IN THE LAND CARINTHIA

Article 8 – Education

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

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

Question 64. Please provide the committee with information on the amount of financial assistance given to Slovenian pre-schools in the Slovenian language area in Carinthia.

Answer to Question 64:

In the year 2002 the private bilingual and multi-lingual nursery schools received € 430,791 from the Nurseries Fund to cover their financial deficit. In the year 2003, the same Fund paid out € 484,000. In addition, the bilingual and multi-lingual nursery schools also receive, of course, the usual grants from the regional budget. For details see also the answer given to Question 13.

The Federal Chancellery promoted those Carinthian communal nursery schools that run bilingual nursery-school groups with money available under the Ethnic Group Promotion Scheme. In 2003, an amount of € 220,610 was paid out under this title from the funds of the Ethnic Group Promotion Scheme.

Question 65. Please provide the Committee with information as to how many bilingual or multilingual pre-schools exist in the Slovenian language area in Carinthia.

Answer to Question 65:

In Carinthia there are

- 8 bilingual and multi-lingual private nursery schools and
- 8 bilingual and multi-lingual communal nursery schools.

Question 66. Has there been any development concerning Carinthian legislation or the creation of a special fund in order to counterbalance the financial burden which might arise from the unwillingness of certain municipalities to establish bilingual groups at communal pre-schools?

Answer to Question 66:

In the year 2002 the private bilingual and multi-lingual nursery schools received regional funding from the Nurseries Fund in the amount of € 430,791 to cover their deficit. In the year 2003, an amount of € 484,000 was paid out from the same Fund. In addition, the bilingual and multi-lingual nursery schools also receive, of course, the usual grants from the regional budget that are paid to all other nursery schools. See also the answer given to Question 13.

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

Question 67. Please provide the Committee with information as to how many bilingual or multilingual minority schools exist in the Slovenian language area in the Land Carinthia.

Answer to Question 67:

The scope of application of the Minorities Schools Act for Carinthia covers 77 primary schools (6 of these are external branches) and 2 bilingual primary schools in Klagenfurt (1 of these is a private school). Pupils have signed up for bilingual classes in 65 primary schools (6 of these are external branches).

Question 68. Please provide the Committee with a copy of the Carinthian legislation pursuant to Article 10, paragraph 1 of the Minority Schools Act for Carinthia.

Answer to Question 68:

The legislation has been submitted.

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

Question 69. Please provide the Committee with more information on the number of secondary schools in which Slovene is taught.

Answer to Question 69:

18 lower-level secondary schools, 1 primary school (upper-grades) and 1 polytechnical school (medium school level I) are within the domain of the Minorities School Act. Slovenian is also taught on the medium school level I (alternative compulsory subject, optional subject) to pupils of 1st to 4th grade of eleven general upper-level secondary schools. This includes the *Bundesgymnasium / Bundesrealgymnasium* (upper-level secondary school types) for Slovenes, which is the only school in Carinthia, at which Slovenian is the dominating language of instruction. (For the 2003/2004 school-year, 362 pupils have signed up for its lower grades. At the other ten general upper-level secondary schools, a total of 114 pupils have signed up for Slovenian as a subject on the medium school level I.)

Question 70. The Committee is aware of the pedagogical scheme known as “Kugy Class” which was introduced at the Slovene Gymnasium in Klagenfurt. Please provide the Committee with more information concerning this scheme.

Answer to Question 70:

The project "Julius Kugy Class" was introduced at the aforementioned *Bundesgymnasium/ Bundesrealgymnasium* (upper-level secondary school types) for Slovenes in the framework of school autonomy. Since the 1999/2000 school-year, one of the parallel classes of every student year has been taught in four languages (Slovene, German, Italian, and English). Slovene is the dominating language of instruction; the other languages are the working languages and the languages of instruction in selected subjects, except for the classes where they are taught as such. In consequence, the languages of the core region of the Alps and the Adriatic, as well as English, are communicated to the pupils. Most of the pupils come from Carinthia (especially pupils with Slovene or Slovene and German as their first language(s)), some from the Republic of Slovenia, a few others from Italy. The goal is to provide an in-depth, balanced language education.

Beginning in the 2003/2004 school-year, the Julius-Kugy Class will be continued for the upper grades in the course of testing a school model. The first school-leaving examinations are scheduled for the end of the 2006/2007 school-year. In 2000, the Julius-Kugy classes – being an innovative language project - were awarded the EU Label for innovative language projects.

There is no technical school in Carinthia with instruction in Slovene or German and Slovene. However, Slovene is taught as an optional subject at one upper-level secondary school (for the 2003/2004 school-year, 40 pupils signed up for this class, almost all have German as their first language). Among the vocational schools, there are two schools in Carinthia that teach in Slovene and German. In Klagenfurt, pupils can go to a bilingual federal upper-level secondary business school (Bundeshandelsakademie), or attend at St. Peter near St. Jakob im Rosental a bilingual private higher teaching institute for business occupations, run by the Convent of the School Nuns. At a total seven vocational schools in Carinthia, Slovene is taught as part of an optional compulsory subject or an optional subject (a total of 182 pupils signed up for these courses).

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

Question 71. Please provide the Committee with information on how many technical or vocational schools in Carinthia provide education in Slovene.

Answer to Question 71:

At the universities of Vienna, Graz and Klagenfurt it is possible to study Slovene (diploma studies, teacher-training studies, studies to obtain a doctorate) or to enroll in a language course for Slovene. Courses for Slovene are also offered at the technical colleges (Fachhochschulen) at Spittal an der Drau and Feldkirchen.

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

Question 72. Are there any university courses offered in the Slovene language area in Carinthia? If so, please elaborate further.

Answer to Question 72:

For the 2003/2004 winter semester the University of Klagenfurt (Institute for Slavic Studies) has offered a total of 9 courses in the field of the Slovene language (among others, special courses in grammar, translation, didactics, a pro-seminar on Slovene literature, etc.)

Question 73. Are there any special programmes at Klagenfurt University concerning the Slovene language and culture?

Answer to Question 73:

For the 2003/2004 winter semester the University of Klagenfurt (Institute for Slavic Studies) has offered a total of 9 courses in the field of the Slovene language (among others, special courses in grammar, translation, didactics, a pro-seminar on Slovene literature, etc.)

The University of Klagenfurt has asked the Office for Academic Mobility to organize during the second half of August of every year a summer college under the title "Italian – Friulian - Slovene – German". The program consists of language courses in German, Slovene, Italian and Friulian in the morning, as well as workshops, lectures and excursions. The workshops are conducted, among others, in the Slovene language.

Question 74. The Committee has taken the view that this undertaking requires more than passive tolerance, and would be interested to know what positive steps the Austrian authorities have taken or propose to take to encourage (i) Slovenian-medium education and/or (ii) the study of Slovene at the level of higher education.

Answer to Question 74:

The Federal Ministry for Education, Science and Culture (Department for Primary Schools and Minority Schools) and the Regional School Board for Carinthia (Department VII – Minority Schools Issues) provide parents and interested persons with information in the form a tri-lingual brochure "1+1=2/Bilingual Education and Training in Carinthia".

Please refer to the answers to Question 36 regarding the general comment about the change in the legal situation of universities.

With regard to the Slovene language, in particular, diploma studies / studies leading to a bachelor's degree / teacher-training studies for the Slavic languages can be followed at the universities of Vienna, Graz, Innsbruck and Klagenfurt, as well as the Institute for Theoretical and Applied Translation Science at the University of Graz.

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

Question 75. Please provide the Committee with information as to how many adult education centres exist in the Slovene language area in Carinthia.

Answer to Question 75:

One can state that there are about 15 such institutions at present. In addition, numerous organizations of ethnic groups themselves offer further-training activities in Slovene such as, for example, the *Bildungshaus Sodalitas* at Tainach. These activities are also sponsored under the Ethnic Group Promotion Scheme.

Question 76. Please provide the Committee with further information on the courses given by organisations of the ethnic group.

Answer to Question 76:

Experience shows that the courses offered cover almost all spheres of life.

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

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

Question 77. Please provide the Committee with further information on the training programmes provided on the basis of Article 21 of the Minority Schools Act for Carinthia.

Answer to Question 77:

In addition to the general qualification as teacher for compulsory schools, the Federal Pedagogic Academy in Carinthia offers academic courses to acquire an additional qualification as bilingual teacher and team instructor. The academic course "Slovenian / Bilingual Instruction" comprises 30 hours/week every semester, the academic course "Cooperative Forms of Instruction" 12 hours/week every semester, complete with a language course in Slovene of 6 hours/week every semester (optional).

The Federal Pedagogic Institute also offers academic courses with the same curriculum to teachers who have already completed their studies. For the purpose of providing more linguistic depth to the offered courses, study periods in Slovenia are organized for students in cooperation with the Ministry of the Republic of Slovenia for the Schools, Science and Sports. Furthermore, the Pedagogic Institute offers a

great many courses for Slovene / bilingual instruction to teachers at all types of schools in the framework of further training for teachers.

Question 78. The Committee is aware of the additional demand for bilingual teachers as a consequence of the ruling of the Constitutional Court of 19 March 2000, extending bilingual primary school education from 3 to 4 years. Has this demand been met?

Answer to Question 78:

On the basis of an amendment to the Minorities Schools Act for Carinthia (Federal Law Gazette, Vol. I, No. 76/2001) bilingual instruction was introduced in the fourth grade of primary school as the beginning of the 2001/2002 school-year. The curricula of minority schools and for the teaching of minority languages in primary and lower-level secondary schools was also adapted to the changed statutory requirements (Federal Law Gazette, Vol. II, No. 333/2001). Department VII (Minority Schools' Issues) with the Regional School Board of Carinthia accompanies and supervises the implementation of the statutory provisions. First results were published in the annual report for 2002/2003.

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

Question 79. Please provide the Committee with further information on the specific divisions responsible for bilingual schooling installed at the regional School Board for Carinthia (Landesschulrat für Kärnten) and the specialised inspectors qualified to inspect bilingual education.

Answer to Question 79:

Department VII (Minority Schools' Issues) has been set up with the Regional School Board for Carinthia, which has two staff members. Desk A (compulsory schools) is handled by Thomas Ogris, Regional School Inspector. He heads the department and supervises the general compulsory schools within the scope of the Minority Schools Act for Carinthia, and he is also responsible for inspecting the teaching of Slovenian at other primary and lower-level secondary schools in this federal province. Desk B is handled by Mag. Dr. Theodor Domej, Specialized Inspector, who has competencies and is responsible for the *Bundesgymnasium* and *Bundesrealgymnasium* (upper-level secondary school types) for Slovenes, the bilingual Federal Business Academy, as well as for the teaching of Slovene at lower-level and upper-level secondary schools within the scope of the Regional School Board for Carinthia.

The specific competencies of Department VII (Minority Schools' Issues) are laid down in the business distribution plan of the Regional School Board for Carinthia.

Question 80. Please provide the Committee with the latest periodic reports drawn up by the supervisory bodies mentioned above.

Answer to Question 80:

The annual reports (always covering one school year) of Department VII (Minority Schools' Issues) of the Regional School Board for Carinthia regularly account for the activities and the current situation in the field of bilingual education and training in Carinthia, in connection with extensive statistical documentation.

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

Question 81. Please provide the Committee with information on bilingual teaching in or of Slovene offered outside Carinthia.

Answer to Question 81:

Slovene is offered at the following schools in Styria:

Primary schools (status: 2002/2003 school-year):

Primary School Eibiswald I

Primary School Arnfels

Primary School Ratsch an der Weinstraße

Primary School Bad Radkersburg

Lower-Level Secondary Schools (status 2003/2004 school-year):

Lower-Level Secondary School Arnfels

Lower-Level Secondary School Gamlitz

Lower-Level Secondary School Radkersburg

Lower-Level Secondary School Mureck

Slovene is offered as an optional subject at the Federal Pedagogic Academy in Styria.

In framework of Inter-Cultural Learning, Slovene is offered at the Pedagogic Institute as an optional subject.

Article 9 – Judicial authorities

- 1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the*

present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

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

Question 82. Please provide the Committee with information about the extent to which these provisions are applied in practice in the Slovene language area in the *Land* Carinthia. The Committee would appreciate concrete data.

Answer to Question 82:

Since the Independent Administrative Senate for Carinthia was set up in 1991, there have been ten administrative penal procedures, of which four as well as another two concerned the same defendant.

In two cases, dating to the years 1995/96, the decisions were issued in Slovene. The party involved incurred no costs.

The documents and the evidence material were not presented in Slovene.

In four further cases, dating to the year 1996 and regarding the same defendant, translations into Slovene were made when examining the defendant, when establishing the minutes and when issuing and serving the decisions. The defendant did not incur any costs in this connection.

No documents or evidence material in Slovene was presented.

In proceedings, dating to the years 1994, 1995, 1999, and 2001, some of which were ended by a decision of the highest court, the final decisions were served upon the appellant party in Slovene.

No documents or evidence material in Slovene was presented.

The defendant did not incur any costs under the title of using the Slovene language.

b in civil proceedings:

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

- iii to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;

Question 83. Please provide the Committee with information about the extent to which these provisions are applied in practice in the Slovene language area in the Land Carinthia. The Committee would appreciate concrete data.

Answer to Question 83:

The Independent Administrative Senate for Carinthia does not conduct any civil disputes in the sense of court proceedings. These are conducted by the ordinary courts.

It is possible to use Slovene before the authorities and institutes listed in the Ordinance of the Federal Government (Federal Law Gazette No. 307/1977). Using Slovene before these bodies does not entail any additional costs; it may merely cause delays in the administrative procedure on account of the need for translations. Interpreters are always made available in proceedings before the Independent Administrative Senate, and the use of the minority language does not cause any delays.

With regard to the ordinary courts, one should mention that Slovene is hardly ever used as an official language. Statistics will be provided in connection with the next Austrian report.

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

Question 84. Please provide the Committee with information about the extent to which these provisions are applied in practice in the Slovene language area in the Land Carinthia. The Committee would appreciate concrete data.

Answer to Question 84:

It is possible to use Slovene before the authorities and institutes listed in the Ordinance of the Federal Government (Federal Law Gazette No. 307/1977). Using Slovene before these bodies does not entail any additional costs; it may merely cause delays in the administrative procedure on account of the need for translations. Interpreters are always made available in proceedings before the Independent Administrative Senate, and the use of the minority language does not cause any delays.

Since the Independent Administrative Senate for Carinthia was set up in 1991, no administrative proceedings occurred where a motion was submitted to conduct the proceedings in Slovene. As a result, there was no need to answer the question whether Slovene can be used or not. The same applies to the presentation of documents and evidence materials in the Slovene language.

It is the practical experience of the Senate in administrative penal cases that it is ensured that a party, who has to appear before the Senate, can use Slovene and will not incur any expenses on account of this fact, nor will that party incur any costs for possibly presenting documents and evidence materials in Slovenian.

Of course, whenever necessary, interpreters will be called in.

It should be pointed that the issues raised in Questions 82 and 83 hardly play any role and are already taken into account by the generous interpretation afforded to Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. So far, there have not been any problems in connection with generally admitting Slovene as a minority language in the proceedings before the Independent Administrative Senate.

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

2 The Parties undertake:

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

Article 10 – Administrative authorities and public services

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

a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

c to allow the administrative authorities to draft documents in a regional or minority language.

Question 85. Please provide the Committee with a copy of the ruling of the Constitutional Court of 4 October 2000. Please inform the Committee of the efforts Austrian authorities have undertaken in order to implement this ruling and of the changes induced by this ruling in the political districts of Carinthia.

Answer to Question 85:

The ruling is enclosed with the present report.

Question 86. Please provide the Committee with examples, if available, of the types of administrative documents drafted in Slovene in Carinthia.

Answer to Question 86:

Please refer to the Internet homepage of the Office for Ethnic Groups of the Regional Government for Carinthia at www.koroska.at. Forms can also be obtained in Slovene via this homepage (namely the application forms for passports, identity card, driver's licenses, hunting passes, fishery cards).

Question 87. The Committee is aware that under Article 23 of the Ethnic Groups Act civil servants who master the language of an acknowledged ethnic group and who use it in accordance with the Act are entitled to extra pay. Please provide the Committee with information concerning the practical application of this article and the number of Slovene-speaking civil servants benefiting from it in Carinthia.

Answer to Question 87:

Regional civil servants (in the sectors A01 – ARGE Alpen-Adria Office, BHVL Passports, Law Governing Aliens, BHVK VWDion, District Treasury, BHVK Administrative Penal Law, BHVK Passports, Law Governing Aliens, Regional Archives) receive the extra pay of class 8 (lump sum), which is stipulated in the Carinthian law on the obligations of civil servants.

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

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

Question 88. Please provide the Committee with information on how these provisions are applied in practice.

Answer to Question 88:

Please refer to the answers given in reply to Question 87.

Question 89. Please provide the Committee with examples of general official documents published in Slovene by local authorities, pursuant to Article 13, paragraph 4 of the Ethnic Groups Act and the Ordinance regarding the use of Slovene as an

Official Language in Carinthia. Do the authorities decide to publish such documents on their own initiative or only upon request?

Answer to Question 89:

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

a translation or interpretation as may be required;

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

Article 11 – Media

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

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

Question 90. The Committee understands that the ORF put an end to its cooperation project with Radio dva, the radio station referred to in the initial report, on 31.12.2002. Although the Committee is aware that ORF is an independent institution, it would appreciate further information on the reasons that have motivated the authorities to stop financing Radio dva.

Answer to Question 90:

On 22 December 2003 a new agreement was signed between the Austrian Broadcasting Corporation (ORF) and AKO Lokalradio GmbH, the Slovenian private radio license holder, as well as the Association Radio Agora and Radio dva GmbH, which contains the arrangements regarding the program offered and the planned cooperation, as well as financial matters.

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

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

Question 91. Please provide the Committee with more detailed information on the amount of support given by the federal government including, if available, statistical details concerning the works subsidised in Slovene.

Answer to Question 91:

The promotion given to radio stations of ethnic groups, which was meant as start-up sponsoring, was replaced by the new regulations concerning the new statutory framework conditions.

Numerous organizations of ethnic groups produce audio and audio-visual products which they finance from the funds received from the Federal Chancellery under the Ethnic Group Promotion Scheme.

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

Question 92. Is there a daily publication in Slovene based in Carinthia?

Answer to Question 92:

No.

Question 93. Please provide the Committee with information on the amount of financial assistance given by the government.

Answer to Question 93:

In the year 2003 the funds used to promote the press went to:

- Nas tednik, the weekly newspaper (published by the Council of Slovenes in Carinthia): € 20,942.60
- Slovenski vestnik, the weekly newspaper (published by the Central Association of Slovenian Organizations in Carinthia): € 21,724.30
- the weekly church bulletin published by the Diocese of Gurk: € 24,893.60

f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

Question 94. Please provide the Committee with more detailed information on how speakers of Slovene benefit from the general support measures for audiovisual productions. To what extent were audiovisual productions in Slovene supported in 2002?

Answer to Question 94:

Federal Chancellery:

In addition to many other promoted activities, numerous audio-visual products are produced by the organizations of ethnic groups with the assistance of funds under the Ethnic Group Promotion Scheme. To the extent possible, statistical data will be included in the next Austrian report.

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

Article 12 – Cultural activities and facilities

- 1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*
 - a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;*

Question 95. Please provide the Committee with information on the cultural facilities and activities committed to the furtherance of the Slovene language and the amount of aid given under the support scheme for ethnic groups. The Committee would appreciate concrete examples.

Answer to Question 95:

The cultural institutions of the Carinthian Slovenes also receive annual grants for promotion from the budget of the Regional Government of Carinthia. The Slovenian Music School, for example, received a total of € 686,758 for the years 1998 to 2003 by way of promotion. The local cultural associations in Southern Carinthia receive subsidies of about € 40,000 from the annual budget.

In addition, reference is made to the reply given to Question 16.

Statistical material regarding the use of the funds granted by the Federal Chancellery under the Ethnic Group Promotion Scheme will be included in the next Austrian report, to the extent possible.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

Question 96. Please provide the Committee with more information on the practical implementation of this provision. The Committee would appreciate concrete examples.

Answer to Question 96:

The cultural life of the Slovenian ethnic group is very rich and diverse. There are innumerable Slovenian associations in the bilingual communities, there are also two umbrella associations for cultural activities which most generously support the activities of local associations and also assist them in technical matters.

f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;

Question 97. Have there been other examples of representatives of Slovene-speakers participating in cultural activities in Carinthia?

Answer to Question 97:

Reference is made again to the aforementioned week of cultural activities of Slovenes in Carinthia outside the settlement territory of the Slovenian ethnic group. This project was organized a total of eleven times in the many different communities outside the settlement territory of the Slovenian ethnic group by the Office for Ethnic Groups with the Regional Government for Carinthia.

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

Question 98. Please provide the Committee with more detailed information about the financial assistance granted to Slovene-speaking organisations outside the Slovene language area in Carinthia.

Answer to Question 98:

The *Land* Styria granted financial support to the "Art. VII - Kulturverein für Steiermark" as follows:

2001:	€ 1,715.00 for the Pavel House
2002:	€ 15,000.00 for projects
2003:	€ 13,500.00 for projects
2003 – 2005:	annual assistance for the Pavel House - € 10,000.00
2003 – 2005:	annual assistance for cultural activities - € 2,180.00

Both the Federal Chancellery and the Federal Ministry for Education, Science and Culture promoted, for example, the Slovenian "Art. VII – Kulturverein für Steiermark" (Laafeld), as well as associations of Slovenian students in Vienna and Graz.

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

Question 99. Please inform the Committee whether the cultural policies abroad of the Austrian federal government and, in so far as it is competent in this field, the government of the Land Carinthia make provision for Slovene and the Slovene culture.

Answer to Question 99:

At present, no such measures are known. The Slovenian language is used primarily in the social and business sphere in the course of cross-border activities with Slovenia. The interest groups (Chamber of Commerce, Chamber of Labor) have all relevant information translated into Slovenian.

On the occasion of state visits in the relevant neighboring countries, the subject of ethnic groups is also brought up.

Article 13 – Economic and social life

1 With regard to economic and social activities, the Parties undertake, within the whole country:

d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

Question 100. Please specify how the use of Slovene is encouraged with regard to economic and social life in Austria. Have Austrian authorities taken (or are they intending to take) any positive action in this area?

Answer to Question 100:

The Slovenian language is used primarily in the social and business sphere in the course of cross-border activities with Slovenia. The interest groups (Chamber of Commerce, Chamber of Labor) have all relevant information translated into Slovenian.

In the course of EU Enlargement, in particular, the office-holders and the media emphasize the importance of language skills regarding Slovenian, since the speakers of the minority languages consequently enjoy economic and social advantages.

Article 14 - Transfrontier exchanges

The Parties undertake:

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

Question 101. Please inform the Committee on the activities for the benefit of Slovene-speakers developed by the ARGE Alpen-Adria and the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut).

Answer to Question 101:

In this connection, reference is made to the homepage of the ARGE Alpen-Adria at www.alpeadria.org, as well as to the homepage of the Institute for East and South-East European Studies at www.osi.ac.

HUNGARIAN IN THE HUNGARIAN LANGUAGE AREA IN THE LAND BURGENLAND

Article 8 – Education

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

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

Question 102. Please provide the Committee with information on the number of Hungarian pre-schools in 2002.

Answer to Question 102:

There are no Hungarian pre-school classes, since there is no need for them, but there are bilingual nursery schools.

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

Question 103. Please provide the Committee with information as to how many bilingual minority schools exist in Burgenland that provide education in Hungarian.

Answer to Question 103:

Regional School Board for Burgenland:

At present, there are 2 primary schools run bilingually with German-Hungarian as languages of instruction. In addition, there are 23 further primary schools where Hungarian is taught.

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

Question 104. Please provide the Committee with information on the number of secondary schools in which Hungarian is taught. Please elaborate further on the content of the “special language programmes” in Hungarian referred to in the initial report.

Answer to Question 104:

Hungarian is taught at 12 lower-level secondary schools.

- d iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

Question 105. Please provide the Committee with information on how many technical or vocational schools provide education in Hungarian.

Answer to Question 105:

Hungarian is taught at 6 locations with vocational lower-level and upper-level secondary schools.

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

Question 106. Are there any university courses given in Hungarian in the Hungarian-speaking area in Burgenland? If yes, please elaborate further.

Answer to Question 106:

In the absence of a university location in Burgenland, no courses are offered at the university level.

Question 107. The Committee has taken the view that this undertaking requires more than passive tolerance, and would be interested to know what positive steps the Austrian authorities have taken or propose to take to encourage (i) Hungarian-medium education and/or (ii) the study of Hungarian at the level of higher education.

Answer to Question 107:

The School Board for Burgenland informs time and again about the possibilities to offer Hungarian courses on the occasion of school-principal meetings. Most recently, the schools were informed about the possibilities to offer education in the languages of the ethnic groups in a decree of the School Regional Board of 24 February 2003. At parents/teachers meetings and at different occasions and in discussions with representatives of the schools and politics the importance of learning the languages of the ethnic groups is highlighted.

Reference is also made to the reply given to Question 36.

At present, Hungarian can be studied at the University of Vienna at the Institute for Finno-Ugrian Studies (previously diploma studies, now studies ending with a bachelor's or master's degree, as well as teacher-training studies), as well as at the Institute for Translation and Interpreting at the University of Vienna.

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

Question 108. Please provide the Committee with further information on the number of adult education centres providing teaching of Hungarian and the area where the courses are taught.

Answer to Question 108:

In Burgenland, the Regional Association of the Adult Education Centers, the Adult Education Center for Hungarians and the Hungarian Media and Information Center offer courses in Hungarian for adults.

Courses in Hungarian are offered at about 50 locations in Vienna, Lower Austria, Burgenland, Tyrol, Vorarlberg and Salzburg.

In addition, organizations of the ethnic groups also offer language courses occasionally from the funds available under the Ethnic Group Promotion Scheme.

Question 109. Please provide further information on the work of the organisations providing classes in Hungarian (and especially the Burgenland-Hungarian Volkshochschule) and the support provided by the federal government.

Answer to Question 109:

The program of courses in Hungarian, offered by institutions, comprises a wide range of educational measures regarding general and vocational training, in addition to the language courses. The Adult Education Centers of the Burgenland Hungarians primarily offers courses in Hungarian. The language programs of the recognized adult-education institutions (adult-education centers, institutes promoting vocational qualifications, institutes promoting economic development, etc.) receive financial support from the Federal Ministry for Education, Science and Culture by indirect grants for their staff and material expenses.

To the extent possible, statistical material will be included in the report about Austria.

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

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

Question 110. The Committee understands that the Federal Institute of Education in Eisenstadt is cooperating with authorities in Sopron, Hungary, in the area of bilingual teacher training. Please provide the Committee with more information about this cooperation.

Answer to Question 110:

The Federal Pedagogic Institute in Eisenstadt offers teachers of Hungarian further-training activities every semester.

In this connection, there is cooperation with Bratislava (Slovakia), Zlin (Czech Republic), Győr (Hungary), Szombathely (Hungary) and Sopron (Hungary). In the framework of this cooperation, international further-training seminars are offered on a regular basis.

In addition, the schools themselves initiate cross-border school partnerships.

A special measure by the Pedagogic Institute Burgenland is a language course. The IST course (international language exchange) has been conducted at Pamhagen (northern Burgenland at the Hungarian border) on a cross-border basis for five years. 8 Austrian teachers and 8 teachers from Sopron (Hungary) take part in this project and meet ten times per semester.

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

Question 111. Please provide the Committee with further information on the specific divisions responsible for bilingual schooling in Hungarian installed at the Regional School Board for Burgenland (Landesschulrat für Burgenland).

Answer to Question 111:

Within the Department for Minorities with Regional School Board for Burgenland, a specialized inspector has been appointed for Hungarian taught at general compulsory schools. The Federal Ministry for Education, Science and Culture grants a deduction of four hours per week from the teaching obligation. This amount is not sufficient. The Regional School Board therefore grants another reduction of 6 hours per week on the basis of the law on the service duties of teachers. The Regional School Inspector for the vocational lower-level and upper-level secondary schools, who has language competencies, is responsible for inspection of Hungarian as a school subject at lower-level and upper-level secondary schools.

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

Question 112. Please provide the Committee with information on the criteria for offering bilingual teaching in or of Hungarian in Burgenland outside the Hungarian language area.

Answer to Question 112:

The minimum number of registrations is the only criterion laid down in law for offering courses outside the autochthonous settlement territory. When that number of interested students is reached, the instruction is given.

Question 113. Please provide the Committee with information on the bilingual teaching of Hungarian offered outside Burgenland (apart from Vienna).

Answer to Question 113:

It should be mentioned that in Vienna the Hungarian project "Hungaricum" is being conducted. This new project is primarily designed for a mainly German-speaking student population. The project focuses on learning Hungarian more intensively as a working language; it partly uses native speakers as teachers. The project is offered at the

- Primary School at 1020 Vienna, Vereinsgasse 29,
- Primary School at 1070 Vienna, Zieglergasse 21,
- Primary School at 1150 Vienna, Goldschlagstraße 14-16,
- Primary School at 1150 Vienna, Benedikt Schellinger Str. 1-3.

Article 9 – Judicial authorities

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

a in criminal proceedings:

- ii to guarantee the accused the right to use his/her regional or minority language; and/or*

- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;*

Question 114. Please provide the Committee with information about the extent to which these provisions are applied in practice in the Hungarian language area in the Land Burgenland. The Committee would appreciate concrete data.

Answer to Question 114:

These items relate to criminal and civil-law proceedings, where citizens hardly make use of the official language, as experience shows. Statistical material will be included in the next report about Austria.

b in civil proceedings:

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

- iii to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;

Question 115. Please provide the Committee with information about the extent to which these provisions are applied in practice in the Hungarian language area in the Land Burgenland. The Committee would appreciate concrete data.

Answer to Question 115:

Please refer to the reply given to Question 114.

c in proceedings before courts concerning administrative matters:

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

- iii to allow documents and evidence to be produced in the regional or minority languages,*

if necessary by the use of interpreters and translations;

Question 116. Please provide the Committee with information about the extent to which these provisions are applied in practice in the Hungarian language area in the Land Burgenland. The Committee would appreciate concrete data.

Answer to Question 116:

This issue concerns the Independent Administrative Senate in the Land Burgenland. The respective provision in the Charter is complied with on account of the Ordinance Regarding Official Languages.

In practice, though, it has not yet happened that Hungarian was used as a minority language before the Independent Administrative Senate for the Land Burgenland.

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

2 The Parties undertake:

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

Article 10 – Administrative authorities and public services

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

a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

c to allow the administrative authorities to draft documents in a regional or minority language.

Question 117. Please inform the Committee how the right to use Hungarian is applied in practice.

Answer to Question 117:

In the community of Unterwart, approximately 50% of the oral official transactions are conducted in Hungarian. There has never been a written transaction in this community. In the community of Oberwart, approximately 5% of the oral official transactions are conducted in Hungarian. Regarding written transactions, the situation is similar to Unterwart.

As far as the Office of the Burgenland Regional Government is concerned, both oral and written transactions are conducted in Hungarian.

Question 118. Please provide the Committee with examples, if available, of the types of administrative documents drafted in Hungarian in Burgenland.

Answer to Question 118:

Translations have been made into Hungarian of the most important forms (certificates of birth, marriage, death, as well as applications for passports, ...), which have been made available to the authorities.

Thoughts are currently under way to also use the Internet as a means of communication and to make the forms there also available in the languages of the minorities.

Question 119. The Committee is aware that under Article 23 of the Ethnic Groups Act civil servants who master the language of an acknowledged ethnic group and who use it in accordance with the Act are entitled to extra pay. Please provide the Committee with information concerning the practical application of this article and the number of Hungarian-speaking civil servants benefiting from it.

Answer to Question 119:

In communities in Burgenland 3 persons received the extra pay pursuant to the Ethnic Groups Act.

In 2002, 2 persons received the extra pay under the Nursery School and Day Care Center Act (§ 6, paragraph 2).

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

b the possibility for users of regional or minority languages to submit oral or written applications in these languages;

Question 120. Please inform the Committee on the use of this right by speakers of Hungarian.

Answer to Question 120:

d the publication by local authorities of their official documents also in the relevant regional or minority languages;

Question 121. Please provide the Committee with examples of general official documents published in Hungarian pursuant to Article 13, paragraph 4 of the Ethnic groups act and the Ordinance regarding the Use of Hungarian as an Official Language in Burgenland. Do the authorities decide to publish such documents on their own initiative or only upon request?

Answer to Question 121:

Pursuant to § 13, paragraph 4, of the Ethnic Groups Act it is admissible to additionally use the language of the ethnic group as an official language for public announcements.

There are no statistical data available regarding these public announcements, so that it cannot be evaluated whether these are actually made.

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

a translation or interpretation as may be required;

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

Article 11 – Media

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

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

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

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

Question 122. Please provide the Committee with information on the amount of support provided by the federal government and details concerning the works subsidised.

Answer to Question 122:

Please refer to the list of ORF programs of ethnic groups, which is attached.

In addition, the audio-visual products produced by organizations of ethnic groups of the Hungarian ethnic group are also promoted with funds from the Federal Chancellery under the Ethnic Group Promotion Scheme.

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

Question 123. Is there any daily publication in Hungarian in Burgenland?

Answer to Question 123:

No.

Question 124. Please provide the Committee with information on the amount of financial assistance given by the government.

Answer to Question 124:

In the year 2002 the funds paid by the Land Burgenland to promote the Hungarian ethnic group amounted to € 62,592.

In addition, the Federal Chancellery supports the publication of association bulletins and other information brochures with funds available under the Ethnic Group Promotion Scheme.

f ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;

Question 125. Please provide the Committee with more detailed information on how speakers of Hungarian benefit from the general support measures for audiovisual productions. To what extent were audiovisual productions in Hungarian supported in 2002?

Answer to Question 125:

The funds available under the Ethnic Group Promotion Scheme are used by organizations of ethnic groups to produce a great many audio-visual products, which are also used by the organizations of ethnic groups. Statistical figures can be taken from the report of the National Council.

2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure

that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Article 12 – Cultural activities and facilities

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

a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;

Question 126. Please provide the Committee with information on the cultural facilities and activities committed to the furtherance of Hungarian and the amount of aid given under the support scheme for ethnic groups. The committee would appreciate concrete examples.

Answer to Question 126:

Please also refer to the reply given Question 16.

A major part of the funds available under the Ethnic Group Promotion Scheme is used within the Hungarian ethnic group for cultural activities. To the extent possible, detailed statistical data will be included in the next report about Austria.

d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;

Question 127. Please provide the Committee with more information on the practical implementation of this provision. The Committee would appreciate concrete examples.

Answer to Question 127:

When funds are granted to promote activities, care is taken that the funds are used to support the use of the minority language. For example, the Adult Education Center of Burgenland Hungarians is promoted for conducting its cultural and educational activities, the purchase of Hungarian books and teaching materials is promoted, folkloristic dancing groups are sponsored, etc. To date, the Burgenland school administration has complied with all requests to offer Hungarian as an additional language of instruction, which promotes the use of the minority languages in the school sector.

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

Question 128. Please provide the Committee with more detailed information on the content of the projects that were financed in Tyrol, Upper Austria and Styria (or elsewhere if applicable) and the amount of assistance provided.

Answer to Question 128:

Regarding two small Hungarian-speaking organizations in Tyrol, the associations' news bulletins and/or cultural activities are promoted. For example, in the year 2003 the two organizations located in Tyrol received a total of € 3,050.00. The Hungarian-speaking organizations in Upper Austria conduct boys-scouts' activities and language-specific projects, as well as some language courses. Only one of the small Hungarian-speaking organizations in Upper Austria applied for ethnic-group promotion and received € 2,130.00. In Styria, two small Hungarian-speaking organizations in Graz were promoted regarding their publications and/or their language-specific cultural activities. The two organizations received a total amount of € 3,200.00 in the year 2003.

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

Question 129. Please inform the Committee whether the cultural policies abroad of the Austrian federal government and, in so far as it is competent in this field, the government of the Land Burgenland make provision for the Hungarian language and the Hungarian culture.

Answer to Question 129:

The imminent EU enlargement to the East will provide enormous impulses to the currently existing possibilities in the cultural field and be an incentive to members of the Hungarian minority to use their language more widely.

Ethnic-group subjects are also always mentioned in the course of state visits to the relevant neighboring states.

Article 13 – Economic and social life

1 With regard to economic and social activities, the Parties undertake, within the whole country:

d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

Question 130. Please specify how the use of Hungarian is encouraged with regard to economic and social life in Austria. Have Austrian authorities taken (or are intending to take) any positive action in this area?

Answer to Question 130:

In the long-term, the activities of the ARGE Alpen-Adria will also be of use to the minority languages, since the approaches to solutions which this body prepares can be used for similar cases in the area of the Hungarian minority language.

Office-holders and the media, too, refer time and again to the economic and social advantages of Hungarian-speaking persons in Austria.

Article 14 - Transfrontier exchanges

The Parties undertake:

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

Question 131. Please inform the Committee on the activities for the benefit of the Hungarian language developed by the ARGE Alpen-Adria and the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut).

Answer to Question 131:

Please refer to the aforementioned homepage of the Austrian Institute for Studies in Eastern and South-Eastern Europe.

In general, it should be mentioned with regard to all ethnic-group languages that in the European Year of the Languages 2001 the Federal Ministry for Education, Science and Culture pursued the goal to put a special focus on the languages of the neighboring countries and the minority languages.

In 15% of the more than 500 activities in Austria, the languages of the neighboring countries and the ethnic groups were in the foreground of attention. The following activities, financed/supported by the Federal Ministry for Education, Science and Culture, should be mentioned:

* Promoting cross-border activities of schools:

The Ministry for Education, Science and Culture supports the diversification of the languages offered at Austrian schools by stepping up partnerships with schools in the neighboring countries and by setting up bilingual schools/classes.

Examples from the Year of the Languages:

- BHAK (Federal Upper-Level Secondary Business School) und BHAS (Federal Lower-Level Secondary Business School) Retz: Czech and Austrian pupils (14 – 20 years) are being taught together in one class in the course of testing this school model. The Czech students learn German, the Austrian pupils learn Czech (Czech is the ethnic-group language)

* Promoting/Co-Financing university research projects: the project of the University of Vienna "The Role of the Neighbor-Country and Minority Languages in a Multi-Lingual Europe" served the goal of enhancing the readiness to integrate these languages more intensively into the educational possibilities offered by schools. The publication is already available.

The Department for Adult Education of the Federal Ministry for Education, Science and Culture conducted a "Market Place for Languages" in 2001, which toured all of Austria for 1 week. This was a program of action in public areas that aimed at drawing attention to minority languages and the languages of the neighboring countries. Sampling courses and information stands provided information about the possibilities to learn these languages.

The ESIS Competition, conducted every year in Austria, was dedicated in 2003 explicitly to the main themes of neighboring languages, minority and migration languages. For the future years of the competition, projects can again be submitted which deal with these languages. For more information see www.sprachen.ac.at/esis. The brochure introducing this year's winners and their projects can be made available on request.

International context: In the Action Plan of the European Commission the promotion of regionally significant languages plays a central role when promoting the learning of languages and linguistic diversity. In order to reach the long-term goal, namely that citizens should speak 2 further languages in addition to their first language, the European Commission underlines that not only the major languages but also the languages of lesser diffusion should be taken into consideration. Member States are called upon to take national measures to implement the Action Plan. Austria will therefore build on the synergies of the European Year of the Languages and continue its work together with many different partner organizations.