



Strasbourg, 19 January 2005

ECRML (2005) 1

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN AUSTRIA

Initial monitoring cycle

- A. Report of the Committee of Experts on the Charter**
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Austria**

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

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15.1, an outline for subsequent periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter could decide to address to one or more Parties, as may be required.

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A. Report of the Committee of Experts on the application of the Charter in Austria

adopted by the Committee of Experts on 16 June 2004
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1. Background Information

1.1. The Charter's ratification by Austria

1. The Republic of Austria signed the *European Charter for Regional or Minority Languages* (hereafter referred to as the Charter) on 5 November 1992, and ratified it on 28 June 2001. The instrument of ratification was deposited with the Council of Europe on 28 June 2001. The Charter entered into force in Austria on 1 October 2001.
2. The instrument of ratification is set out in Appendix I of this report. Austria declared at the time of deposit of the instrument of ratification that the regional or minority languages in Austria, within the meaning of the Charter, were the Burgenland-Croatian, the Slovenian, the Hungarian, the Czech, the Slovakian languages and the Romany language of the Austrian Roma minority.
3. In accordance with Article 15.1 of the Charter, the initial periodical report on the application of the Charter in Austria was due on 1 October 2002. It was presented to the Secretary General of the Council of Europe on 14 February 2003. The report was prepared by the Austrian Federal Chancellery and made public on its official website (<http://www.bka.gv.at/volksgruppen>).

1.2. The work of the Committee of Experts

4. After the Committee of Experts had made its preliminary examination of the initial periodical report, a questionnaire was drawn up and addressed to the Austrian authorities. The Committee of Experts organised an "on-the-spot" visit to Austria in December 2003. In the framework of this visit, a delegation of the Committee of Experts visited Klagenfurt (Carinthia) and Vienna. Meetings were held with the representatives of the Slovenian, Burgenland-Croatian, Hungarian, Romany, Slovak, Czech and Polish languages, including NGOs, journalists, publishers and educationalists. The delegation also met representatives of the authorities of the *Länder* of Carinthia, Burgenland, Styria and the City of Vienna. It also had meetings with representatives from the ORF (Austrian Broadcasting Company) and the Federal Ministries of the Interior and of Education, Science and Culture, as well as from the Federal Chancellery.
5. The Committee of Experts received a number of comments and additional information from minority representatives and non-governmental organisations in Austria. This information has been very helpful in the evaluation of the application of the Charter and the Committee of Experts would like to thank these organisations for their active input and participation in the monitoring process.
6. In accordance with Article 16.4 of the Charter, the Committee of Experts has established a list of general proposals for the preparation of recommendations that the Committee of Ministers may wish to address to Austria (see Chapter 3.2 of this report). The Committee of Experts has also made, where necessary, more detailed observations in the body of the report, which it encourages the Austrian authorities to take into consideration when developing their regional or minority language policy.
7. This report is based on the political and legal situation prevailing when the Charter entered into force in Austria (June 2001), on the information presented by the Austrian Government in its initial periodical report to the Council of Europe (February 2003), on additional information provided by the Austrian authorities at a later stage and on other information obtained by the Committee as stated above. The report was adopted on 16 June 2004.

1.3. Presentation of the regional or minority language situation in Austria

1.3.1. General Information

8. The protection of regional or minority languages in Austria is closely linked to the notion of “Volksgruppe” (“ethnic group” or “national minority”) in the Austrian legal system, and Austria ratified the Charter in the light of the domestic definition applying to ethnic groups. Section 1, paragraph 2 of the Ethnic Groups Act (*Volksgruppengesetz*) defines ethnic groups as “groups of Austrian nationals living and residing in parts of the federal territory whose mother tongue is not German and who have their own traditions and folklore”. The six regional or minority languages identified by Austria in the instrument of ratification of the Charter correspond to the six ethnic groups recognised as such by the Austrian authorities and for which there is an Advisory Council (*Volksgruppenbeirat*), in accordance with the Ordinance governing the Advisory Councils for Ethnic Groups (see also paragraph 104 below).

9. The three languages protected under Part III of the Charter, the Burgenland-Croatian, Slovene, and Hungarian languages, are admitted as official languages in addition to German before certain courts, administrative authorities and other official bodies, in the geographical areas defined by ordinances of the Federal Government for each of these languages.

10. There are no specific data on the numerical strength of ethnic groups. In national censuses, the last of which was conducted in 2001, respondents are asked to state the language used by them for everyday communication (*Umgangssprache*). According to the Austrian authorities, since this term can be interpreted differently, the results of national censuses can only be a rough approximation of an ethnic group’s numerical strength, which helps to explain the considerable discrepancy between the Census results and self-estimates of the regional or minority language speakers.

11. The following are the main legal acts with respect to the protection of regional or minority languages in Austria:

- Article 19 of the Basic Law of Austria (*Staatsgrundgesetz*, the validity of which is contested)
- Article 8 of the Federal Constitution Act (*Bundesverfassungsgesetz*)
- Articles 66 to 69 of the State Treaty of Saint-Germain-en-Laye of 10 September 1919
- Article 7 of the State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna)
- Ethnic Groups Act (*Volksgruppengesetz*)
- Ordinance of the Federal Government on the Advisory Councils of the Ethnic Groups

1.3.2. Burgenland-Croatian

12. Up until the 16th Century, Croatian speakers continued settling in the region of Western Hungary which includes present day Burgenland. There is also evidence that Croatian was present in Vienna as early as this historical settlement period.

13. Towards the end of the 19th Century, increasing numbers of Croatian speakers started moving to Vienna or commuting between Burgenland and Vienna. This tendency continued during the interwar period, when a number of associations were founded in Vienna to protect the Burgenland-Croatian language and culture in Vienna. Croatian organisations and the teaching of Croatian were banned under the National Socialist Regime. The protection of the Croatian language was enshrined in Austrian constitutional law with the State Treaty of Vienna of 1955.

14. After the 16th century, Burgenland-Croatian developed independently from the Croatian language, and kept archaic expressions and language forms. Over the centuries, many loanwords and syntactic elements were taken from Hungarian, German and Slovak. For this reason, Burgenland Croatian developed its own regional written language apart from the standard version of the language used in Croatia. Nonetheless, Croatian and Burgenland-Croatian remain very close and communication between the two presents practically no difficulties.

15. It has to be pointed out that the distinction between Croatian and Burgenland-Croatian made in the Austrian instrument of ratification is very recent in the Austrian legal system and administrative practice. The

most important legal acts in relation to the teaching and the use of this regional or minority language refer to it as 'Croatian', including Article 7 of the State Treaty of Vienna, the Minority Schools Act for Burgenland, and the Ordinance of the Federal Government defining the use of Croatian as an official language. In this respect, the instrument of ratification of the Charter appears to be the first significant official document where this distinction is made. Similarly, in the 2001 Census the question regarding the language spoken in everyday life made a distinction between 'Croatian' and 'Burgenland-Croatian' for the first time. The Committee of Experts therefore uses the two terms interchangeably in the present report.

16. According to the results of the 2001 Census, 19 374 Austrian nationals in Burgenland stated that they used Croatian or Burgenland-Croatian as their language for everyday communication. In Vienna, 2 456 Austrian nationals declared that they used Burgenland-Croatian. According to official statistical information, a further 12 562 Austrian nationals in Vienna declared Croatian as their language of everyday communication in 2001. The Burgenland-Croatian speakers estimate that there are approximately 50 000 Burgenland-Croatian speakers in Austria, the majority living in linguistic islands in six out of the seven districts of Burgenland, and 12 to 15 000 living in Vienna.

17. The most important legal acts with respect to the Burgenland-Croatian language, in addition to the main legal acts (see paragraph 11), are the following:

- Minority Schools Act for Burgenland (*Minderheiten-Schulgesetz für Burgenland*)
- Ordinance of the Federal Government of 24 April 1990 defining the courts, administrative authorities and other official bodies where Croatian is admitted as an official language in addition to German
- Topographical Ordinance for Burgenland

1.3.3. Slovene

18. Slovenes settled in an area which includes the territories of present day Carinthia and Styria in the 6th century. Starting from the 9th century, Slovene speakers were driven towards south and south-eastern Carinthia and lower Styria, due to the inflow and settlement of speakers of Germanic languages under the Frank Empire. In the 15th century a linguistic border started to develop along the line linking the Carinthian towns of Hermagor – Villach – Maria Saal – Diex – Lavamünd, which remained intact until the mid-19th century. In the middle of the 19th century, one third of the population in Carinthia, mainly in the south, spoke Slovene.

19. After the First World War and the collapse of the Austro-Hungarian Empire, a referendum was organised in South Carinthia in 1920, as a result of which South Carinthia became part of Austria. This was the start of a difficult period for Slovene speakers, which was characterised by various assimilation strategies, including attempts to split Southern Carinthians into two distinct categories, 'Windisch' and Slovene nationalists. 'Windisch' was used as a political term denoting 'German-friendly' Slovenes.

20. The Slovene organisations were disbanded and the Slovene speakers were heavily persecuted following the *Anschluss*. All written use of Slovene was prohibited in this period. Starting from April 1942 numerous Slovene-speaking families were deported. The ensuing armed resistance of the Slovene ethnic group against the National Socialist Regime was an important element during the negotiations concerning the reestablishment of the Austrian Republic, and their rights, including linguistic rights, were enshrined in Article 7 of the State Treaty of Vienna¹ in 1955, along with those of the Croatian ethnic group.

¹ Article 7 of the State Treaty of Vienna reads as follows:

1. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall enjoy the same rights on equal terms as all other Austrian nationals, including the right to their own organisations, meetings and press in their own language.
2. They are entitled to elementary instruction in the Slovene or Croat language and to a proportional number of their own secondary schools; in this connection school curricula shall be reviewed and a section of the Inspectorate of Education shall be established for Slovene and Croat schools.
3. In the administrative and judicial districts of Carinthia, Burgenland and Styria, where there are Slovene, Croat or mixed populations, the Slovene and Croat language shall be accepted as an official language in addition to German. In such districts topographical terminology and inscriptions shall be in the Slovene or Croat language as well as in German.
4. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall participate in the cultural, administrative and judicial systems in these territories on equal terms with other Austrian nationals.
5. The activity of organisations whose aim is to deprive the Croat or Slovene population of their minority character or rights shall be prohibited."

21. The number of Slovene speakers in Austria has been declining throughout the 20th century. In the 2001 Census, 17 953 Austrian nationals stated that they use Slovene as their language for everyday communication (12 554 in Carinthia, 2 192 in Styria). Organisations of the Slovene ethnic group estimate that there are about 50 000 Slovene speakers in Austria, the overwhelming majority of whom live in Carinthia. According to representatives of the Slovene ethnic group in Styria, there are 3 000 to 5 000 Slovene speakers in Styria.

22. The most important legal acts with respect to the Slovenian language, in addition to the main legal acts (see paragraph 11); are the following:

- Minority Schools Act for Carinthia (*Minderheiten-Schulgesetz für Kärnten*)
- 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
- Ordinance of the Federal Government of 31 May 1977 defining the Slovene place names
- 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
- Carinthian Nursery Funds Act (*Kärntner Kindergartenfondsgesetz*)

1.3.4. Hungarian

23. Hungarian speakers settled in the Carpathian basin around 895. In the 11th century, Hungarian speakers settled along the western Hungarian border, as border guards of the Hungarian kings. These settlements were pushed further towards the west as a consequence of the Ottoman invasion, so that only a few linguistic islands in present-day Burgenland remained. This area, which was under Hungarian rule under the Austro-Hungarian Empire, became part of Austria in 1921 as 'Burgenland'. Hungarian education continued in a number of municipalities (*Gemeinde*) of Burgenland during the interwar period. After the Second World War, economic difficulties in Burgenland and related emigration, as well as the negative image of the Hungarian language led to a strong linguistic assimilation.

24. The origins of a Hungarian-speaking community in Vienna can be traced back to the Middle Ages. With the fall of Buda in 1541, the Hungarian central administrative offices were transferred to Vienna. There was also an increase in the number of Hungarian immigrants towards the end of the 17th century, and Vienna became an important intellectual and cultural centre for Hungarian speakers. The first associations of Viennese Hungarians were founded in the 1860s, and their number continued increasing throughout the 19th century, up to over 100 000 Hungarian speakers. This tendency was reversed after the First World War, and the number of Hungarian speakers rapidly declined. After the Second World War, their numerical strength was maintained due to three waves of emigrants and refugees from Hungary, in 1945, 1948 and 1956. In 1992, the Hungarian-speaking community in Vienna was recognised as part of the Hungarian ethnic group in Austria.

25. The number of Austrian nationals who declared that they used Hungarian for everyday communication was 25 884 in the 2001 Census (10 686 in Vienna, 4 704 in Burgenland). The number of Hungarian speakers is estimated at around 30 000.

26. The main legal acts with respect to the Hungarian language, in addition to the main legal acts (see paragraph 11); are the following:

- Minority Schools Act for Burgenland
- Ordinance governing the use of Hungarian as an official language
- Topographical Ordinance for Burgenland

1.3.5. Czech

27. Czech immigrants started arriving in Vienna under the reign of King Přemysl Ottokar II in the 13th century. In the late 18th century, immigration was so massive that official announcements had to be published also in Czech in the suburbs of Vienna. Immigration continued throughout the 19th century. At the turn of the century, Prague was the only city where there were more Czech speakers than in Vienna, where their estimated number was around 400 000. The first Czech associations were founded in Vienna starting from mid-19th century.

28. Approximately half the number of Czech speakers in Vienna left for Czechoslovakia when it was founded in 1918. Under the National Socialist Regime, Czech associations were disbanded and Czech speakers were persecuted. Another wave of emigration after the Second World War considerably reduced the number of Czech speakers in Vienna, which continued to decline until 1968, when 10 000 Czech citizens applied for political asylum in Austria following the Prague spring.

29. The Czech-speaking community suffered an internal split starting from the 1950s, between those who were in favour of maintaining contacts with Czechoslovakia and those who were against it. In 1990s this internal conflict was resolved and the Czech speakers agreed on a common Advisory Council representing the entire Czech ethnic group within the Federal Chancellery, which encouraged participation particularly among younger Czech speakers.

30. In the 2001 Census, 11 035 Austrian nationals stated that they used Czech as their language of everyday communication. The number of autochthonous Czech speakers in Vienna is estimated at around 20 000.

1.3.6. Slovak

31. According to the information provided in the initial periodical report, the Slovak language has been continuously present in the eastern regions of Lower Austria, the earliest presence dating back to the 5th century. There has also been a significant immigration of Slovak speakers to Vienna, and there have been Slovak organisations in Vienna since 1835. About 70 000 Slovak speakers were living in Austria in 1900, but their numbers dwindled rapidly (20 000 in 1914, 4 802 in 1923), due to emigration to the newly founded Czechoslovakia, among other factors.

32. According to the results of the 2001 Census, 3 343 Austrian nationals indicated Slovak as their language for everyday communication, of whom 1 775 live in Vienna. The actual number of Slovak speakers is estimated at 5 000 – 10 000 individuals. About two thirds of Slovak speakers live in Vienna, while one fourth is estimated to live in parts of Lower Austria.

33. The legal basis for an Advisory Council for the Slovak ethnic group was established in 1992, and the Advisory Council convened for the first time in 1993

1.3.7. Romany

34. In addition to indigenous Romany-speaking groups in Austria, there are many Romany speakers who immigrated to Austria starting from 1956 onwards. According to the information provided in the initial periodical report, of the five main groups of Romany speakers in Austria, the Sinti, the Lovara and the Burgenland Roma have been traditionally present on the Austrian territory.

35. The effects of the Holocaust were devastating for the indigenous Romany speakers, and consequently for the Romany language in Austria, and the Burgenland Roma, Sinti and Lovara have been suffering from it to the present day. More than half of the members of these communities died under the National Socialist Regime, and traditional family structures, central to the transmission of Romany to future generations, broke down.

36. In the 2001 Census, 4 348 Austrian nationals stated that they used Romany as their language for everyday communication. Of these persons, 1 268 were living in Vienna, 1000 in Lower Austria, 903 in Upper Austria, 611 in Styria and 263 in Burgenland. This figure is generally regarded as being too small. According to the estimates of the representatives of the Romany-speaking community, there are around 20 000 - 25 000 autochthonous Romany speakers in Austria.

37. The legal basis for an Advisory Council for the Austrian Roma was established in 1993, and the Advisory Council convened for the first time in 1995.

1.4. General Issues arising from the evaluation of the report

38. The Committee of Experts regrets to note that there is a widespread sentiment among the regional or minority language speakers that they were not sufficiently consulted in relation to Austria's ratification of the Charter. The representatives of the Advisory Councils were of the view that their comments and opinions submitted to the authorities in connection with the ratification were not sufficiently taken into consideration. Also, the representatives of the speakers of regional or minority languages informed the Committee of Experts that they were not involved in the preparation of the initial periodical report.

39. With regard to Austria's instrument of ratification, the regional or minority language speakers and the authorities agree that it closely reflects the existing level of protection in Austria. This *status quo* approach appears to have been chosen in order to ensure that the Charter was in fact ratified, as there was some reluctance with respect to potential costs which would have resulted from a more ambitious instrument of ratification.

40. As declared by Austria at the time of ratification, in keeping with the federal structure of the Austrian Republic, the competences relating to the areas covered by the Charter are apportioned between the Federation and the *Länder*. According to the information provided by the Austrian federal authorities, the authorities of the relevant *Länder* were closely involved both during the ratification process and the drafting of the initial periodical report. The Austrian Constitution further provides that *Land* authorities are responsible for the implementation of federal legislation on the territory of the *Land* (*mittelbare Bundesverwaltung*), unless there are local federal administrative authorities that apply federal law directly (*unmittelbare Bundesverwaltung*) which is exceptional (Article 102 of the Federal Constitution Act). In certain fields the *Länder* have competence to adopt legislation and ensure its implementation by their own authorities.

41. As a result of the Austrian federal structure, the Committee of Experts often observed that the application of the relevant constitutional or legislative provisions varies between the *Länder* concerned. In this respect, the Committee of Experts notes that provisions of the Federal Constitution or the federal legislation regarding the use of regional or minority languages are not always rendered effective through a coherent framework of practical implementing measures in the *Länder*.

42. Austria has an extensive constitutional and legislative framework, which is among the oldest in Europe, with respect to the protection and promotion of the regional or minority languages that Austria included under Part III of the Charter. Nevertheless, during the evaluation of Austria's implementation of the Charter, the Committee of Experts noted certain discrepancies between the legal texts and their application in practice, which it underlines in the body of the present report. The Committee of Experts notes in this context that the Austrian Constitutional Court has played a pre-eminent role, ensuring the application of constitutional provisions regarding the use of regional or minority languages through its rulings on several occasions. The Committee of Experts is concerned, however, that the Austrian authorities have not taken the necessary steps to enforce two recent rulings of the Constitutional Court regarding the use of Slovene in the Slovene language area in Carinthia.

43. For regional or minority languages covered only by Part II of the Charter, there is no legal framework which is comparable to the situation of the languages covered by Part III. This appears to hamper their effective protection and promotion in certain areas.

44. Although the relations between the Committee of Experts and the Austrian authorities were overall characterised by positive co-operation, the Committee of Experts regrets the fact that it did not receive the replies to the questionnaire submitted to the Austrian authorities in time for its "on-the-spot" visit. The replies in English were submitted with the considerable delay of nearly four months. As the Committee of Experts relies on these questionnaires as a means of supplementing, where necessary, the information contained in periodical reports, it considers that this delay had a negative effect on the preparation and the effectiveness of the "on-the-spot" visit.

Chapter 2. The Committee of Experts' evaluation in respect of Parts II and III of the Charter

45. The text of the Charter, when read in conjunction with the instrument of ratification, indicates the undertakings that apply in respect of the different languages in the areas covered by the Charter. The Committee of Experts has therefore evaluated how the State has fulfilled each undertaking in Part II (Article 7) and Part III (Articles 8-14), using the paragraphs and sub-paragraphs specified at the moment of ratification.

2.1. Preliminary Issues

46. In the light of the information received by the Committee of Experts, the question arises as to whether Polish may be considered as a language traditionally spoken in Austria within the meaning of Article 1.a of the Charter.

47. On the basis of a scientific study, prepared at the request of the Federal Chancellery, the Austrian authorities did not recognise the Polish-speaking group as an ethnic group within the meaning of the Ethnic Groups Act. The Austrian authorities informed the Committee of Experts that the Polish speakers have not responded to this study hitherto. As the ratification of the Charter in Austria closely reflects the existing legal framework regarding regional or minority languages, and notably the Ethnic Groups Act and acts and measures providing for its implementation, Polish has not been identified as a language covered by the Charter at the time of ratification.

48. During its "on-the-spot" visit to Austria, the delegation of the Committee of Experts met representatives of the speakers of Polish in Austria, who expressed their belief that the Polish language in Austria fulfils the Charter's definition of regional or minority languages, and consequently, that the provisions of Part II should apply to it in accordance with Article 2, paragraph 1 of the Charter. The representatives of the Polish speakers argued that the Polish language has a long tradition in Austria, and pointed out that Polish organisations, churches and schools have been active in Austria since the 19th century.

49. The Committee of Experts encourages the Austrian authorities to examine the traditional presence of the Polish language in Austria, and would welcome further information on this issue in Austria's next periodical report.

2.2. Evaluation in respect of Part II of the Charter

2.2.1. Preliminary remarks

50. Part II of the Charter sets out a number of general objectives and principles that a Party is obliged to apply to all the regional or minority languages on its territory. The following paragraphs examine Austria's compliance with Article 7 in respect of the Burgenland-Croatian, Slovenian, Hungarian, Czech, Slovak, and Romany languages, insofar as the objectives and principles set out by this Article are not covered by the more precise undertakings under Part III of the Charter, to which the Austrian government consented at the moment of ratification with regard to Burgenland-Croatian and Hungarian in Burgenland, and Slovene in Carinthia.

51. The Austrian authorities declared at the moment of ratification that, as a result of Austrian law and administrative practice, the requirements of a number of Part III provisions were met with regard to Czech in the *Land* Vienna, Slovakian in the *Land* Vienna, Romany in the *Land* Burgenland, Slovenian in the *Land* Styria, and Hungarian in the *Land* Vienna. The structure of the initial periodical report corresponds to the specificity of the instrument of ratification presented by Austria.

52. These languages, in the respective territories specified, remain nevertheless only covered by Part II, as the minimum of 35 paragraphs or sub-paragraphs required by Article 2.2 of the Charter has not been reached. In the present report, the Committee of Experts has preferred not to follow the structure of the initial periodical report, to avoid possible confusion as regards the languages covered by Part II and Part III. When evaluating compliance with Article 7 (Part II) in respect of these languages, the Committee of Experts has nevertheless taken into consideration the additional information at its disposal.

2.2.2. Evaluation in respect of Part II of the Charter

Article 7 – Objectives and principles

Paragraph 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;”***

53. Regional or minority languages are recognised as an expression of cultural wealth in the Austrian Constitution and various legal acts. In this respect, the Committee of Experts especially welcomes the new Article 8, paragraph 2 of the Federal Constitution which entered into force on 1 August 2000. This Article provides that the Republic (Federation, *Länder* and municipalities) “recognises its traditional linguistic and cultural plurality which is reflected in its autochthonous ethnic groups. Language and culture, existence and preservation of these ethnic groups must be respected, secured and promoted”. Austria reinforced this recognition by signing and ratifying the European Charter for Regional or Minority languages, and through the declarations made at the time of ratification.

Burgenland-Croatian in the Land Vienna

54. The representatives of the Burgenland-Croatian speakers informed the Committee of Experts that Burgenland-Croatian in Vienna receives disproportionately little protection and promotion, which is also reflected in the instrument of ratification, despite the fact that a substantial number of Burgenland-Croatian speakers in Austria live in Vienna (one third or 15 000 speakers according to self-estimates).

55. According to the Burgenland-Croatian speakers, their language has been traditionally present in Vienna. The Committee of Experts would welcome in depth information on this important issue from the Austrian authorities, possibly on the basis of a scientific study, in the next periodical report.

Slovene in the Land Styria

56. Despite the fact that Article 7 of the State Treaty of Vienna makes no distinction between the Slovenes in Styria and Carinthia (see paragraph 20), the Austrian authorities did not officially recognise the Slovene speakers in Styria or take any measures to implement this article with respect to this group in the period following the treaty. As a result, the number of Slovene speakers in Styria declined rapidly after the Second World War. The Committee of Experts was informed, however, that in connection with the EU enlargement process, both the prestige attached to the language and the number of Slovene speakers are increasing at present.

57. Until recently, the Styrian Slovenes did not have an official representation within the Advisory Council of the Slovenian ethnic group. In February 1998, the Austrian Government agreed to change this situation. The Committee of Experts welcomes, as an important step for the official recognition of the Slovene language in Styria, the fact that a representative of the Styrian Slovenes was appointed as a member of the new Advisory Council by the Government in December 2003.

Hungarian in the Land Vienna

58. The Hungarian-speaking community in Vienna was recognised as part of the Hungarian ethnic group in its own right in 1992. However, a legal framework for the use of Hungarian in Vienna, comparable to that of Burgenland, does not exist.

“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;”

59. The Committee of Experts was informed by several representatives of regional or minority languages, that certain changes pertaining to administrative units and constituencies which were made in the 1970s had a negative effect on the promotion of a number of regional or minority languages. The Committee was not informed of any more recent changes. According to the initial periodical report, the Constitutional Court stated in a ruling that the rights of the ethnic groups must not be affected negatively by any changes in the administrative divisions (Constitutional Court Reports 9224/1981).

60. The problem regarding changes to school districts will be dealt with under Part III (see paragraph 209 below). The Committee of Experts' attention has been drawn to the fact that schools are the only remaining public institutions in many Slovene-speaking villages in Carinthia, and their being closed down or changed into external branches (*Expositur*) poses a threat to the continued presence of Slovene in public life in some Slovene-speaking communities.

The Committee of Experts encourages the Austrian authorities to ensure that changes concerning the district and status of certain schools in the Slovene language area in Carinthia do not have negative effects on the protection and promotion of the Slovene language in public life.

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

61. In conformity with the federal structure of Austria, the responsibility for the implementation of measures to promote and preserve the languages protected by the Charter is shared between the Federation and the *Länder*. The Austrian legal framework relating to ethnic groups also contains a number of provisions dealing with the protection and promotion of regional or minority languages.

62. While many of the objectives and principles contained in the Charter are present in the Federal Constitution and the federal legislation concerning ethnic groups, the Committee of Experts observed that in the field of policy and practical implementation, considerable differences exist between the *Länder*. The Committee of Experts is particularly concerned about the fact that a ruling of the Constitutional Court interpreting Article 7, paragraph 3 of the State Treaty of Vienna regarding the use of Slovene before the authorities has not been implemented (see paragraph 247 below). The Committee of Experts has also been informed that a Constitutional Court ruling regarding bilingual topographical signs in Carinthia has not been enforced. These developments have had a negative impact on the situation regarding regional or minority languages in general.

63. Articles 8ff. of the Ethnic Groups Act provide for financial support measures towards recognised ethnic groups, under which the Federal Chancellery allocates around €3.8 million annually in accordance with the Budget Law. A portion of these funds are used by the organisations of the ethnic groups in areas covered by the Charter. Furthermore, the Federal Ministry for Education, Science and Culture has allocated €526,946.22 to ethnic groups in 2002, a part of which was used for projects contributing to the promotion of the Slovenian, Burgenland-Croatian, Hungarian and Romany languages.

64. The Committee of Experts is aware that there is some criticism regarding the distribution of the federal funds among the different ethnic groups. In particular, the Hungarian speakers criticised their share under the actual distribution scheme as being disproportionately small given the numerical strength of this ethnic group (around €330 000 in the year 2003), and stated that their repeated demands that the criteria for this distribution be clarified have been ignored by the authorities. The Austrian authorities informed the Committee of Experts that there are no established criteria for the distribution of federal funding to the ethnic groups and that the current distribution has developed historically, determined by the size and activities of the ethnic groups. They were aware that the Hungarian speakers are not content with this distribution, but considered that the disproportionate funding was due the fact that Hungarian speakers are “less active” in organising their own activities. The Committee of Experts has noted the wish of the speakers to have more transparent criteria for the allocation of these funds.

Slovene in the Land Styria

65. The representatives of the Slovenian speakers in Styria consider that their relations with local authorities and the authorities of the Land Styria are characterised by goodwill and positive dialogue, despite the fact that the authorities have no structured approach towards the protection of Slovene. Some cultural activities were carried out with the support of the authorities and the participation of their representatives.

66. While welcoming the recent positive developments, the Committee of Experts considers that more determined measures of protection and promotion are required in order to ensure the continued presence of the Slovenian language in Styria.

The Committee of Experts encourages the Austrian authorities to take the necessary measures for the protection and promotion of the Slovene language in Styria.

Hungarian in the Land Vienna

67. Despite the recognition of the Hungarian speakers in Vienna as part of the Hungarian ethnic group, the Committee of Experts notes that progress concerning the protection and promotion of Hungarian has been very limited in Vienna, and invites the Austrian authorities to take further measures in this respect.

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

68. The use of languages before courts and authorities for Slovene in Carinthia, and Burgenland-Croatian and Hungarian in Burgenland is regulated by ordinances of the Federal Government defining the official bodies where the respective languages can be used in addition to German. No such ordinance has been passed for Slovene in Styria, Burgenland-Croatian and Hungarian in Vienna, and Czech, Slovak and Romany in general, as a result of which these languages are not used before official bodies.

69. The ORF (Austrian Broadcasting Corporation) Act of 1984 was amended in 2001, to include the provision of regional or minority language programmes in the public service mandate of the ORF and to introduce a legal basis allowing the ORF to co-operate with private broadcasters to fulfil this mandate². Bearing in mind the importance of the media for regional or minority languages, the Committee of Experts welcomes this amendment which, according to the representatives of the regional or minority languages, was directly linked to the ratification of the Charter by Austria.

70. However, the attention of the Committee of Experts was drawn to difficulties with respect to the acquisition of a broadcasting licence for private radio stations, which is a condition for any future co-operation with the ORF. In particular, representatives of regional or minority languages informed the Committee of Experts of a decision (GZ 611.172/007-BKS/2001) of the Federal Communication Board (*Bundeskommunikationssenat*), which is the authority competent to deal with appeals to the decisions of KommAustria, the Austrian Communications Authority dealing with certain media matters. The case concerned an application made by a private company co-founded by several organisations of regional or minority language speakers in Vienna for a private radio licence in order to broadcast programmes in regional or minority languages. In its interpretation of Section 6, paragraph 1 of the Private Radio Act (Federal Law Gazette No. 20/2001)³, the Board held that a

² Section 5 of the ORF Act (Federal Law Gazette No. 379/1984) as amended in Federal Law Gazette No. 83/2001 reads (unofficial translation):

(1) In the framework of those programmes distributed under Section 3, reasonable programme shares must be provided in the languages of those national minorities which are represented by a National Minority Council. The scope of the programme share shall be laid down in the annual programme broadcasting plan following a consultation with the Audience Council.

(2) The Austrian Broadcasting Corporation may also partly comply with its mandate under paragraph 1 in that it emits programmes under paragraph 1 following a contractual agreement with other broadcasters in the areas of autochthonous minorities in Austria (paragraph 1) by using the transmission capacities allocated to these broadcasters. The scope of programmes broadcast in such manner shall be counted towards the programme shares listed under paragraph 1 as decided by the Board of Trustees at the proposal of the Director General following the consultation of the Audience Council. Similarly, the Austrian Broadcasting Corporation may participate in the creation and production of programmes by other broadcasters which distribute a separate programme geared to the needs of the national minorities.

³ This provision provides that when there are several applicants for a private frequency, the applicant whose programme contributes the most to the diversity of opinion (*Meinungsvielfalt*) should be selected.

programme offer in regional or minority languages had no bearing on the selection of an applicant for a private frequency. It argued furthermore that the provisions that Austria undertook under the Charter with respect to the media are not applicable to Vienna, and that consequently it was under no obligation to assess the existing offer in Vienna for the purposes of such a selection.

71. The Committee of Experts is concerned about this interpretation which, in its view, significantly restricts the possibility for regional or minority language speakers in Vienna, or other areas in a similar situation, to set up private radio stations and consequently to have access to co-operation with ORF as provided for by the new amendment. The Committee of Experts invites the Austrian authorities to clarify this situation, if necessary by amending the Private Radio Act.

The Committee of Experts invites the Austrian authorities to take measures to render effective the new section 5 of the ORF Act.

Burgenland-Croatian in the Land Vienna

72. The question regarding the traditional presence of Burgenland-Croatian in the *Land Vienna* is at present unresolved (see paragraph 55 above). However, the Committee of Experts was informed by the Austrian authorities that the ORF broadcasts repeats of the radio programmes in Burgenland-Croatian produced by its Burgenland studio on medium wave (30 minutes, 4 times per week), which can be received in Vienna. It also broadcasts a 30 minute television programme once a week at night, also available in Vienna. The Committee of Experts was informed that programmes produced and broadcast by the Burgenland studio are available in Vienna via digital television. The Burgenland-Croatian speakers consider this provision inadequate, given the size of the Burgenland-Croatian-speaking community in Vienna.

Czech in the Land Vienna

73. During its “on-the-spot” visit, the delegation of the Committee of Experts was informed that the ORF will increase its existing co-operation with the Czech ethnic group, with the aim of broadcasting 25-minute radio programmes in Czech on medium wave three times a week, starting from January 2004. These programmes are produced in co-operation with the pupils of the Komensky School (see paragraph 84 below), and will also be available on the Internet. While the Committee of Experts understands that there is some discussion about the relevance of a medium wave service, it welcomes this initiative, and encourages continued co-operation with the Czech speakers. The Committee of Experts underlines the importance of devising a solution to make the programmes available on a more accessible medium.

Slovak in the Land Vienna

74. Starting from January 2004, the ORF will increase its medium wave radio provision in Slovak, by broadcasting a 25-minute programme twice a week. While welcoming this initiative of the ORF, considering the importance of a widely accessible media provision on the visibility of the regional or minority languages, the Committee of Experts underlines the importance of devising a solution to make the programmes available on a more accessible medium.

Romany in the Land Burgenland

75. In 1999, the Romany speakers set up a radio station together with other ethnic groups in Burgenland. This private service was discontinued in 2002, however, due to several problems (see paragraph 177 below). The ORF studio in Burgenland prepares and broadcasts a fifteen-minute radio programme in Romany on the regional frequency at 20.45 every Monday. Four times a year, a 45-minute TV programme is broadcast on the regional TV channel, which includes some Romany. The provision of radio and television programmes in Romany seems very limited, and the Committee of Experts encourages the Austrian authorities to take steps to improve this situation.

Slovene in the Land Styria

76. The Slovene speakers in Styria cannot receive the ORF programmes broadcast in Carinthia, for geographical reasons, and the broadcasting media coverage in Slovene is limited to channels broadcasting from Slovenia. Regarding print media, the newspaper of the Slovene speakers in Carinthia (“Novice”) is also available in Styria. It is considered of limited relevance for Styrian Slovenes, however, as it has a predominantly Carinthian focus. For their cultural activities, the Slovene speakers in Styria receive some financial support from the Land Styria, the Federal Chancellery and the Federal Ministry for Education, Science and Culture.

Hungarian in the Land Vienna

77. The ORF broadcasts repeats of its radio programmes in Hungarian produced by its Burgenland studio on medium wave, which can also be received in Vienna (45 minutes per week). The Committee of Experts was also informed that programmes produced and broadcast by the Burgenland studio are available in Vienna via digital television. This provision seems inadequate, considering the size of the Hungarian speaking community in Vienna.

“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;”

78. There are two principal channels for communication and co-operation between the groups using the six recognised regional or minority languages. These are the Conference of Chairpersons of the Advisory Councils (see paragraphs 104-106 on Advisory Councils) and the Austrian Centre for Ethnic Groups (*Österreichisches Volksgruppenzentrum*).

79. The chairpersons and the deputy chairpersons of the Advisory Councils form the Conference of Chairpersons of the Advisory Councils. This is a formation which does not have a legal basis and which meets on a voluntary, *ad hoc* basis. Nevertheless, the Committee of Experts understands that thanks to the existence of the Conference, the Advisory Councils have succeeded in speaking with one voice concerning several important subjects of common interest.

80. The Austrian Centre for Ethnic Groups is an independent, non-governmental organisation bringing together most of the principal organisations active in the protection and promotion of regional or minority languages, which allows its member organisations to share their experience and join their efforts on matters that interest several ethnic groups. All of the regional or minority languages identified by Austria are represented within the Centre. The Committee of Experts considers that the Austrian Centre for Ethnic Groups plays a very active and positive role regarding the maintenance and the development of links between regional or minority languages spoken in Austria. The Committee of Experts was informed by the Centre that the financial contributions made by its member organisations are not recognised by the Federal Chancellery under the federal promotion scheme for ethnic groups.

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

81. Outside the relevant language areas of Carinthia and Burgenland, in respect of which the provision of regional or minority language education is defined by a Minority Schools Act, the Austrian legal system does not contain specific regulations with respect to this provision.

82. The Committee of Experts' attention has been drawn to a general lack of teaching materials in regional or minority languages produced in Austria. This problem is aggravated by the fact that the speakers cannot use the available public funds for the acquisition of the necessary materials abroad.

Burgenland-Croatian in the Land Vienna

83. The question regarding the traditional presence of Burgenland-Croatian in the *Land Vienna* is at present unresolved (see paragraph 55 above). However, the Committee of Experts was informed by the Austrian authorities that there is one private kindergarten group in Vienna using Burgenland-Croatian, which is financed by the contributions of the parents and limited subsidies. The Austrian authorities informed the Committee of Experts that bilingual education in Croatian-German will be offered at a public primary school in Vienna starting from the 2004/2005 school year. The Committee of Experts would welcome further information on this project in the next periodical report.

Czech in the Land Vienna

84. The Komensky School, run by the Komensky School Association (founded in 1872), is a private school of historical significance for the Czech-speaking community, where Czech/German and Slovak/German bilingual

teaching is provided to a total of 360 pupils, from the pre-school level (age 2 onwards) to the upper secondary level, including the university entrance qualification (*Matura*).

85. The Austrian authorities have agreed to cover the Komensky School's expenses with respect to its teaching staff on a voluntary, contractual basis, despite the fact that it is not recognised as a minority language school within the meaning of the relevant provisions of the Austrian legal system. However, the status of the school also has the consequence that there is no flexibility with respect to the minimum number of children required to open a class. This is perceived as a threat for the future of the school by the Czech speakers, as the funding of the teachers would be lost, should the number of pupils drop under the limits set in the relevant regulations which apply to all private schools. The representatives of the Czech speakers also informed the Committee of Experts about the growing difficulties in covering the operational costs of the school, despite quite high fees paid by the parents. The associations of the Czech ethnic group have agreed to use roughly half of the funding allocated to their ethnic group by the federal authorities for the maintenance of the school, which limits their capacity to organise cultural activities.

The Committee of Experts encourages the Austrian authorities to increase their co-operation with the Czech speakers to find lasting solutions to the funding difficulties of the Komensky School and allow for more flexibility regarding the minimum number of children to open a class.

86. According to the information provided by the Austrian authorities, teaching of Czech is offered by two European primary schools (*Europäische Volksschule*) in Vienna. A European Secondary School (*Europäische Mittelschule*) in Vienna also provides teaching of Czech as mother tongue and as a foreign language.

Slovak in the Land Vienna

87. In the field of education, there is some co-operation between the Slovak speakers and the Komensky School, which also provides bilingual education in Slovak and German. According to the representatives of the school, very few parents choose Slovak at pre-school level; the proportion of children taught in Slovak is 10% in the primary school, 15% in the lower secondary school and 35% in the upper secondary school. However, these pupils often have to follow classes in Czech. The representatives of the Slovak speakers argued during the "on-the-spot" visit that children learn more Czech than Slovak as a consequence, and that this situation is not satisfactory for the Slovak speakers in Vienna, whose language is particularly threatened in view of the fact that they are numerically the smallest autochthonous linguistic community in Austria.

The Committee of Experts encourages the Austrian authorities to take measures to improve access to Slovak-medium education, in co-operation with the Slovak speakers.

88. According to the information provided by the Austrian authorities, teaching of Slovak is offered by two European primary schools in Vienna. A European Secondary School provides teaching of Slovak as mother tongue and as a foreign language.

Romany in the Land Burgenland

89. According to the information received by the Committee of Experts, there is no legal framework for the provision of Romany pre-school education in Burgenland. The Committee was informed of the existence of a small kindergarten group at a primary school in Oberwart, the teacher of which is paid with funds provided by the Federal Chancellery. The Committee of Experts regrets to note that an initiative regarding the teaching of Romany as a subject with no formal assessment at a primary school in Burgenland has been discontinued in the 2003/2004 school year. Romany associations in Burgenland provide language courses for children and adults. The representatives of the Romany speakers identified the lack of teaching materials and qualified teachers as the main obstacle with respect to education in Romany.

The Committee of Experts encourages the Austrian authorities to take measures with a view to providing appropriate forms and means for the teaching and study of Romany in Burgenland, and in particular, with respect to the development of teaching materials and the training of teachers.

90. The Committee of Experts has been informed that the bilingual federal grammar school (*zweisprachiges Bundesgymnasium*) in Oberwart is intending to introduce Romany as a subject, starting at two hours per week

with a small group of upper secondary school pupils in the 2004/2005 school year. The Committee of Experts is pleased to note this initiative, and would welcome further information about it in the next periodical report.

Slovene in the Land Styria

91. According to the information received by the Committee of Experts, there is no teaching of Slovene at the pre-school and upper secondary school levels. There are four primary schools which offer Slovene as a two-hour optional subject. Teaching of Slovene is also provided at four lower secondary schools in Styria, one of which offers it as a compulsory subject.

Hungarian in the Land Vienna

92. Hungarian is not available at pre-school level in Vienna. According to the information provided by the authorities, Hungarian is offered as an optional subject at four primary schools in Vienna in the framework of the "Hungaricum" project, which was launched in 1996 with the support of the EU. Regarding secondary education, there is no provision for Hungarian teaching in Vienna.

"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;"

93. The Committee of Experts notes that pursuant to the Minority Schools Act for Burgenland, children that are enrolled in bilingual primary schools in Burgenland are automatically registered for bilingual instruction (German/Hungarian or German/Burgenland-Croatian). Even though the guardians can decide to "opt out" of bilingual education, this very rarely happens. In reality, the majority of bilingual primary school pupils are not native speakers. Whereas registration is required for lower secondary education in Burgenland-Croatian or Hungarian, the Committee of Experts understands that an amendment is under discussion to make registration also automatic at this level. The Committee of Experts welcomes this approach as an effective and positive way of complying with this provision.

94. By contrast, the Minority Schools Act for Carinthia requires parents or guardians to sign their children up for bilingual schooling. The Committee of Experts is pleased to note that many German-speaking children nevertheless attend bilingual schools in Carinthia.

95. The Committee of Experts has received no information regarding the situation of the other regional or minority languages with respect to this provision.

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

96. Burgenland-Croatian, standard Croatian, Slovene, Hungarian, Czech and Slovak can be studied at university level in Austria.

97. A project was started in 1993, with a view to codifying and standardising the language of the Burgenland Roma. This project, subsidised by the Federal Ministry for Education, Science and Culture, was carried out by the University of Graz in co-operation with the speakers of the language and was concluded in 2003. According to the information provided by the Austrian authorities, the goal of this project was the use of Romany as a written medium, as a language that can be and is taught, and as an everyday element of cultural identity. The Austrian authorities informed the Committee of Experts that as a consequence of the success of this project, similar projects have been initiated in other universities. The Committee of Experts notes with satisfaction these positive developments, which are considered as important steps by the speakers themselves, and encourages the Austrian authorities to pursue their commitment by supporting future steps developing on this foundation. The Committee of Experts would welcome further information concerning the outcome of the ongoing projects in the next periodical report.

“i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.”

98. In addition to the information provided under Article 14 of the Charter, the Austrian authorities informed the Committee of Experts about a number of projects relating to this undertaking. The Committee of Experts particularly welcomes the CERNET (Central European Network for Education Transfer) project, largely sponsored by EU funds, which has facilitated co-operation between Austria, the Czech Republic, Slovakia and Hungary in the field of education. According to the information provided by the Austrian authorities, the project, conducted since 1996, has facilitated the co-operation for teacher training and teaching materials and resulted in the establishment of 120 school partnerships.

Paragraph 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.”

99. The Federal Constitution Act prohibits all forms of discrimination. According to the case law of the Constitutional Court, discrimination on the grounds that a person speaks a minority language may never be substantively justified (Constitutional Court Reports 3822/1960). Article 66 of the State Treaty of St. Germain expressly prohibits discrimination on the grounds of language and guarantees the free use of any language in private and public life for Austrian nationals. Article 67 of the same treaty provides for equal treatment of linguistic minorities and allows them to establish their own organisations within which a regional or minority language can be spoken freely.

100. According to the information provided in the initial periodical report, the established case law of the Constitutional Court allows for positive measures in favour of regional or minority languages. The constitutional basis of such positive measures has been strengthened by the new Article 8, paragraph 2 of the Federal Constitution Act (see paragraph 53 above).

Paragraph 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.”

101. The Austrian authorities note in the initial periodical report that measures to promote the respect, understanding and tolerance of the entire population for all groups living in Austria, as well as their languages and cultures are key objectives of political education and school education. However, the Committee of Experts was not informed of measures specifically targeted at furthering respect, understanding and tolerance in relation to regional or minority languages among the majority language speakers in mainstream education and the mass media. Many representatives of regional or minority languages pointed out during the “on-the-spot” visit that there is a general ignorance surrounding Austria’s ethnic groups and their languages. The representatives of the Romany speakers, in particular, informed the Committee of Experts that despite their recognition as an ethnic group in 1993, they are still mostly ignored by the general public. They stated that teachers know very little about their history, language and culture in general, so that children do not learn about Roma at school. The Committee of Experts would welcome further information about the way in which Austria respects this provision in the next periodical report.

102. The Committee of Experts would like to express its concern about the potential negative effects on mutual understanding between linguistic groups of negative statements of certain politicians, and in particular of those made by the Governor (*Landeshauptmann*) of Carinthia in relation to the Constitutional Court’s Ruling of

13 December 2001 on topographical signs. According to the information available to the Committee of Experts, the Governor expressed his blunt refusal to the implementation of the ruling concerned, made several public statements against the Constitutional Court and its president, and threatened to reduce subsidies to organisations of the Slovene speakers, notably in the field of the media. As a result, there has been considerable tension in connection with this issue in Carinthia, and the Slovene speakers perceive the deterioration of their situation in certain areas, such as the discontinuation of the co-operation of their private radio stations with the ORF (see paragraph 260 below), as a direct consequence of this tension.

Paragraph 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.”

103. This undertaking requires the authorities to consult with representatives of users of regional or minority languages, when minority language policy is determined. The Committee of Experts considers this undertaking to be of great importance in creating, maintaining and enhancing a constructive dialogue between the authorities (local, regional and national) and the speakers of the languages in question.

104. Pursuant to section 3 of the Ethnic Groups Act, Advisory Councils for the ethnic groups have been set up at the Federal Chancellery in order to assist the Federal Government and the Federal Ministers on matters pertaining to ethnic groups. The Advisory Councils can also be consulted by the governments of the *Länder*. They must protect and represent the interests of their respective ethnic groups, and are to be consulted prior to the adoption of legal provisions and general plans regarding public grants affecting these interests. The Advisory Councils can also make proposals on how to improve the situation of the ethnic groups and their members. The ethnic groups for which an Advisory Council is established and the number of Council members are defined by an ordinance of the Federal Government. In practice, the establishment of an Advisory Council amounts to the recognition of the group concerned as an ethnic group.

105. The members of the Advisory Councils are appointed by the Federal Government, which shall take due account of the principal political and ideological opinions of the respective ethnic groups. Half of the members of the Advisory Councils represent the organisations of the ethnic group concerned, the remaining members being representatives of parties represented in the relevant *Land* parliament and of the Church.

106. Despite their consultative function, the Advisory Councils have significant influence on the Austrian policy with regard to regional or minority languages in practice. Notably, they decide in practice on the distribution of funds allocated by the Federal Chancellery within the framework of the ethnic group support scheme among the organisations and projects of the respective ethnic groups.

107. Some representatives of regional or minority languages informed the Committee of Experts that sometimes the Advisory Councils are wrongly regarded as representative organs of the ethnic groups. They maintained that strong party political interests prevail in the Advisory Councils, which do not necessarily reflect the wishes of the ethnic groups, and that they should therefore only be seen as official consultative bodies. The representatives of the Romany speakers claimed that this situation was more acute in the case of the Advisory Council for the Roma ethnic group, as the party political members tend to have little knowledge of this ethnic group.

108. During the “on-the-spot” visit, the representatives of the Advisory Councils informed the Committee of Experts that during the ratification process, they were only formally consulted at a late stage and that their wishes were not taken into account when drafting the instrument of ratification. The Austrian Centre for Ethnic Groups (see paragraph 80 above) also noted that neither the Centre, nor any of its member organisations were consulted by the authorities during the ratification process and that the comments that they nonetheless submitted to the authorities were ignored.

Paragraph 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.”

109. According to the initial periodical report, this provision has little practical relevance for the Republic of Austria. However, concerning the Romany language, the Committee of Experts notes that in their initial periodical report the Austrian authorities stated that “presumably, some ten thousand persons ethnically belonging to the Roma minority live in Austria, predominantly in Vienna and other big cities as well as in Burgenland”. The representatives of Romany speakers stated that the Roma have been recognised as an ethnic group since 1993 with respect to the entire territory of the Federation. The Committee of Experts also observes that the Burgenland Roma actually constitute a relatively small number of Austrian nationals who speak Romany languages, as is indicated by the results of the 2001 Census (of the 4 348 Austrian nationals speaking Romany, 1 268 were living in Vienna, 1000 in Lower Austria, 903 in Upper Austria, 611 in Styria and only 263 in Burgenland).

110. In the light of these considerations, the Committee of Experts is of the opinion that the Romany language in Austria corresponds to the Charter’s definition of non-territorial languages (Article 1.c of the Charter) and looks forward to receiving information about the way in which Austria complies with this provision with respect to the Romany language outside Burgenland in the next periodical report.

2.3. Evaluation in respect of Part III of the Charter

2.3.1. The Burgenland-Croatian language

Article 8 – Education

Preliminary remarks

111. The Burgenland-Croatian language being a regional form of standard Croatian, the children start their education in Burgenland-Croatian (or even local dialects of Burgenland-Croatian at the pre-school level), and are slowly guided towards standard Croatian in the course of their education.

112. By virtue of Article 1, paragraph 1 of the Minority Schools Act for Burgenland, which is a constitutional provision, Austrian nationals belonging to the Croatian ethnic group have a constitutional right to have Croatian as a language of instruction or learn it as a compulsory subject in the schools defined by the Act.

Paragraph 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;“***

113. Pre-school education falling within the competence of the *Länder*, the provision of Burgenland-Croatian education at pre-school level is regulated by the Burgenland Act on Nurseries of 1995. In public nurseries established in the municipalities defined by the Act, Croatian is to be used in addition to German as a medium of instruction. Outside this area, bilingual education has to be offered if at least 25% of the parents/guardians request this upon registration. In both cases, Burgenland-Croatian has to be used no less than six hours per week. According to the information provided by the Austrian authorities, there are 31 bilingual nursery schools in Burgenland that fulfil this requirement. In those schools where existing teachers cannot provide bilingual teaching, assistant teachers have been appointed.

114. The Committee of Experts was informed during the “on-the-spot” visit that pursuant to a recent amendment of the Burgenland Act on Nurseries, the minimum number of hours in Burgenland-Croatian will be raised to nine hours per week, starting from 2004. The Committee of Experts welcomes this amendment. It notes, however, that the representatives of Burgenland-Croatian speakers still consider this as insufficient, pointing out that some bilingual children who attend big nursery schools even tend to forget Burgenland-Croatian as a result of the dominant position of German within the schools.

115. The Committee of Experts does not have enough information to conclude whether this undertaking is fulfilled, and would welcome further information on the quality and quantity of pre-school education in Burgenland-Croatian.

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

116. Primary school education in Austria begins at the age of six and comprises four years of education. Article 3 of the Minority Schools Act for Burgenland provides for primary schools where instruction is provided in German and (Burgenland-)Croatian. Such schools have to be available to the Burgenland-Croatian speakers in the Burgenland-Croatian language area (Article 6, paragraph 1). In addition to existing schools and classes, a new bilingual primary school class can be established in the event of long-term demand by at least 7 pupils (Article 6, paragraph 3). The Committee of Experts would welcome information on the criteria used to assess whether there is long-term demand.

117. The Committee of Experts is very pleased to note that children who are enrolled in a bilingual primary school are automatically registered for bilingual education regardless of their mother tongue. The parents can

opt out of bilingual education but rarely, if ever, do so. As a result, only around one third of the children in bilingual primary schools are native Burgenland-Croatian speakers.

118. According to the information available from the Regional School Board (*Landesschulrat*) for Burgenland, approximately 1300 pupils were enrolled in 31 bilingual (Burgenland-Croatian and German) primary schools in Burgenland. In addition, 10 German-speaking primary schools offer Burgenland-Croatian as a subject with no formal assessment (*unverbindliche Übung*) to 144 pupils.

119. The Committee of Experts understands that the fact that children with varying language skills attend the same class renders bilingual primary education very difficult in practice. During the “on-the-spot” visit, the representatives of the Regional School Board acknowledged that there was some criticism with respect to the insufficient command of Burgenland-Croatian by children who attend bilingual schools, and informed the Committee of an ongoing EU research project into various teaching techniques in order to find the best response to the heterogeneity of language skills.

120. The ratio of teaching in German and Burgenland-Croatian in the bilingual schools is not defined by law, and some representatives of the Burgenland-Croatian speakers informed the Committee of Experts that at certain schools Burgenland-Croatian teaching is as little as three hours per week.

121. It is unclear to the Committee of Experts if Burgenland-Croatian education is in practice available all over the Burgenland-Croatian language area to the extent envisaged by this undertaking. While a substantial part of primary education seems to be made available in Burgenland-Croatian at certain bilingual schools, at others the teaching of Burgenland-Croatian appears to be very limited. It seems therefore that this undertaking is only partly fulfilled in practice.

The Committee of Experts urges the Austrian authorities to take measures to ensure that a substantial part of primary education is available in Burgenland-Croatian at all relevant bilingual 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;”

Lower secondary education

122. The basic secondary school (*Hauptschule*) follows the 4th year of primary school and comprises four years (grades 5 to 8). As opposed to the primary schools, Burgenland-Croatian teaching at the basic secondary level is subject to a registration. Article 8 of the Minority Schools Act for Burgenland provides for basic secondary schools where Croatian is taught as a compulsory subject. According to the information provided by the Regional School Board, at 10 lower secondary schools Burgenland-Croatian was offered as a compulsory subject, an optional subject or a subject with no formal assessment to a total of 116 pupils in the 2003/2004 school year.

123. Furthermore, two lower secondary schools offer bilingual education. These are the basic secondary school in Großwarasdorf which offers bilingual education in German and Burgenland-Croatian to 63 pupils, and the basic secondary school in St Michael which offers Burgenland-Croatian as a compulsory subject, as well as bilingual instruction for certain subjects, to 67 pupils.

Upper secondary education

124. Croatian is offered as a compulsory subject at three upper secondary schools to 36 pupils, and as an optional subject at two upper secondary schools to 26 pupils.

125. In conformity with Article 12 of the Minority Schools Act for Burgenland, a bilingual federal grammar school was established in Oberwart in southern Burgenland in 1991, which provides public lower and upper secondary education. The school has a Hungarian and a Burgenland-Croatian section, where German and the respective regional or minority language have roughly equal weight in the curriculum. 115 pupils were enrolled in the Burgenland-Croatian section in the 2003/2004 school year. The Committee of Experts is pleased to note that the Burgenland-Croatian speakers are satisfied with the quality of the bilingual education provided by this highly regarded school. The Committee of Experts understands, however, that geographically the school is unable to cater for the entire language area, and invites the Austrian authorities to devise solutions in order to extend the

provision of bilingual education at upper secondary level also to the rest of the Burgenland-Croatian language area.

126. The Committee of Experts nevertheless considers this undertaking fulfilled.

- “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;”*

127. According to the information provided by the Austrian authorities in the initial periodical report, the legislation on lower secondary schools in Burgenland applies analogously to instruction at polytechnic schools (9th grade of compulsory schooling). Croatian was being taught as a subject at three lower and upper level vocational schools in Burgenland during the 2003/2004 school year.

128. The representatives of Burgenland-Croatian speakers were critical of the extent of Burgenland-Croatian education provision in this sector. There is no bilingual vocational education provision in Burgenland, and also the teaching of Burgenland-Croatian as a subject is in considerable need of development.

129. The Committee of Experts considers this undertaking fulfilled but invites the Austrian Government to provide information in the next periodical report about the efforts made to ascertain whether there is a wish among the speakers of Burgenland-Croatian for further teaching of Burgenland-Croatian in vocational training.

- “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, subparagraphs 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;”*

130. There is no university teaching in or of Burgenland-Croatian in the Burgenland-Croatian language area, as there are no universities in Burgenland. The Committee of Experts observes that this undertaking normally concerns higher education in the territory where the language in question is spoken. However, the Committee of Experts has taken the view that this undertaking can be considered fulfilled through the possibility of studying the relevant language at university level outside the language area, if there are no universities in the language area concerned.

131. The Institute of Slavic Studies in Vienna has a section dealing specifically with Burgenland-Croatian. In addition, Croatian can be studied at the universities of Vienna, Graz, Innsbruck, Salzburg and Klagenfurt.

132. The Committee of Experts considers this undertaking fulfilled.

“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;”

133. According to the information provided by the Austrian authorities, throughout Burgenland several associations, such as the Education Institute of the Burgenland-Croats (*Bildungsinstitut der burgenländischen Kroaten*), the Association of Adult Education Centres in the *Land* Burgenland (*Landesverband der Volkshochschulen im Burgenland*) and the Association KUGA offer courses of standard Croatian. The Adult Education Centre of the Burgenland-Croats in Eisenstadt also offers courses of Burgenland-Croatian.

134. The adult education courses offered by these associations are partly funded by the Office of the Government of the *Land* Burgenland. Part of the funds provided under the ethnic group promotion scheme of the Federal Chancellery is also used for adult education in Croatian.

135. The Committee of Experts considers this undertaking fulfilled.

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

136. According to the information provided in the initial periodical report, by virtue of the ‘Ordinance of the Federal Ministry of 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’, the curricula of the minority schools take into account the history and the culture reflected by the regional or minority language. The Committee of Experts notes with satisfaction that this Ordinance defines the responsibilities of the school in matters of intercultural learning, including linguistic aspects, in a very positive spirit. However, the Committee of Experts was informed by representatives of the Regional School Board (*Landesschulrat*) for Burgenland during the “on-the-spot” visit that the existing teaching materials do not sufficiently deal with these issues, except for one book which has been developed recently for the lower secondary schools.

137. The Committee of Experts has no information about the way in which the teaching of the history and the culture which is reflected by Burgenland-Croatian is ensured within monolingual German-speaking schools in the Burgenland-Croatian language area. It looks forward to receiving further information in this respect in the next periodical report.

138. The Committee of Experts considers that this undertaking is not fulfilled at present. It encourages the Austrian authorities to take measures for the development of teaching materials in order to fulfil this undertaking.

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

139. Article 13 of the Minority Schools Act for Burgenland provides for bilingual training programmes for pre-school teachers and school teachers.

140. The federal training institute for nursery school teachers (*Bildungsanstalt für Kindergartenpädagogik*, a special school at upper secondary level) in Oberwart and the teacher training academy in Eisenstadt (*Stiftung Pädagogische Akademie Burgenland*) offer Croatian as an additional training subject to nursery school teachers and compulsory school teachers respectively. During the 2003/2004 school year 27 students received nursery school teacher training in Burgenland-Croatian, and 14 students studied Croatian in their training to become bilingual compulsory school teachers.

141. Further training of bilingual teachers is the responsibility of the federal teacher training institute in Burgenland (*Pädagogisches Institut des Bundes im Burgenland*).

142. During the “on-the-spot” visit, the representatives of Burgenland-Croatian speakers voiced concern about teachers’ proficiency in Croatian. They argued that the recruitment process for bilingual teachers should be made more selective with respect to language skills and that teachers are not sufficiently encouraged to pursue their language training after recruitment.

143. The Committee of Experts considers this undertaking fulfilled at present and encourages the Austrian authorities to continue to co-operate with the Burgenland-Croatian speakers to find the most satisfactory solutions to the problems referred to above.

“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.”

144. In accordance with Article 15 of the Minority Schools Act for Burgenland, a special division responsible for bilingual education was set up within the Regional School Board (*Landesschulrat*) for Burgenland with specialised inspectors qualified to inspect bilingual schooling. The Austrian authorities informed the Committee of Experts that the regional school inspector with regard to teaching in Burgenland-Croatian at general compulsory schools “is also responsible for heading the department for minority schools”. The Regional School Board maintains the statistics regarding Burgenland-Croatian education. However, the Committee of Experts received no information with respect to periodic public reports by the regional school inspector.

145. An evaluation project on the bilingual school system was conducted by the Regional School Board, with the financial contribution of the EU, and the co-operation of the Federal Ministry of Education, the *Land* government, the Croatian Centre for Culture and Documentation and the Adult Training Institution (*Volkshochschule*) of the Burgenland-Croats. A follow-up project is ongoing. The Austrian authorities further informed the Committee of Experts that a global report on 10 years of the Minority Schools Act for Burgenland is planned for 2004.

146. While welcoming these initiatives, in the absence of periodic reports which are made public, the Committee of Experts concludes that this undertaking is not fulfilled at present.

Paragraph 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.”

147. With respect to nursery schools, by virtue of the 1995 Burgenland Act on Nurseries, in municipalities of Burgenland other than those that are defined by the Act, Croatian is to be used in addition to German in nursery schools if at least 25% of the guardians request this upon registration.

148. The Minority Schools Act for Burgenland does not restrict the territorial scope for bilingual primary education to the Burgenland-Croatian language area, but applies to the entire territory of Burgenland (Article 7). The Austrian authorities informed the Committee that there is one primary school in Burgenland outside the Burgenland-Croatian language area which runs bilingual classes. The Committee of Experts was also informed that Burgenland-Croatian is taught as an optional subject in 10 primary schools in Burgenland outside the Burgenland-Croatian language area. For the question regarding Burgenland-Croatian education in Vienna, see paragraph 83 above.

149. The Committee of Experts considers this undertaking fulfilled.

Article 9 – Judicial authorities

150. The use of Burgenland-Croatian before judicial authorities in the Burgenland-Croatian language area is mainly governed by Article 7, paragraph 3 of the State Treaty of Vienna, the Ethnic Groups Act and the Ordinance of the Federal Government of 1990 defining the courts, administrative authorities and other official bodies where Croatian is admitted as an official language in addition to German.

Paragraph 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

151. The Ordinance of the Federal Government of 1990 defining the courts, administrative authorities and other official bodies where Croatian is admitted as an official language in addition to German provides that Croatian is to be admitted as an official language before the district courts (*Bezirksgericht*) of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart as well as before the Eisenstadt Regional Court (*Landesgericht*). A party may request to use Croatian in criminal proceedings before these courts.

152. According to the representatives of the Burgenland-Croatian speakers, Burgenland-Croatian is hardly ever used before judicial authorities due to possible delays and the fear that it might negatively affect relations with the authorities. The Austrian authorities were not able to provide any concrete information regarding the actual use made of the possibility to use Burgenland-Croatian in criminal proceedings. The Committee of Experts was furthermore not informed of any practical arrangements to render this possibility effective (such as the existence of Burgenland-Croatian speaking judges at the relevant courts) or of any relevant measures intended to encourage the use of Burgenland-Croatian in criminal proceedings.

153. Although the Committee of Experts observes that Austrian law provides for the right to use Burgenland-Croatian in criminal proceedings, it considers that this undertaking is only formally fulfilled, since difficulties exist in its implementation.

The Committee of Experts encourages the Austrian authorities to take the necessary steps to ensure that the possibility to use Burgenland-Croatian in criminal proceedings is secured in practice.

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

154. By virtue of Article 7 of the State Treaty of Vienna, the Ethnic Groups Act, and the Ordinance of the Federal Government of 1990 defining the courts, administrative authorities and other official bodies where Croatian is admitted as an official language in addition to German, Burgenland-Croatian can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in criminal proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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**

155. The legislation governing the use of Burgenland-Croatian in criminal proceedings also applies to civil proceedings. The Committee of Experts' observations regarding criminal proceedings also apply to this undertaking (see paragraphs 151-152 above). The Committee of Experts therefore concludes that this undertaking is only formally fulfilled, since difficulties exist in its implementation.

The Committee of Experts encourages the Austrian authorities to take the necessary steps to ensure that the possibility to use Burgenland-Croatian in civil proceedings is secured in practice.

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

if necessary by the use of interpreters and translations;”

156. By virtue of Article 7 of the State Treaty of Vienna, the Ethnic Groups Act, and the Ordinance of the Federal Government of 1990 defining the courts, administrative authorities and other official bodies where Croatian is admitted as an official language in addition to German, Burgenland-Croatian can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in civil proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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**

157. According to the initial periodical report, Croatian is admitted as an additional official language before the Burgenland Independent Administrative Senate (*Unabhängiger Verwaltungssenat*), which corresponds to an administrative tribunal, by virtue of Articles 13ff of the Ethnic Groups Act and Article 4 of the Ordinance regarding the use of Croatian as an official language. According to the information provided by the Austrian authorities in addition to the initial periodical report, the right to use Burgenland-Croatian before the Senate is exercised only in very rare cases and there were “few decisions (approximately five) that were issued in the Croatian language”.

158. The Committee of Experts observes that Austrian law provides for the right to use Burgenland-Croatian in administrative proceedings. It acknowledges that there have been cases where Burgenland-Croatian has been used before the Senate. However, the Committee of Experts nevertheless considers that this undertaking is only formally fulfilled, since difficulties exist in its implementation.

The Committee of Experts encourages the Austrian authorities to take the necessary steps to ensure that the possibility to use Burgenland-Croatian in administrative proceedings is secured in practice.

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

if necessary by the use of interpreters and translations;”

159. By virtue of Article 7 of the State Treaty of Vienna, the Ethnic Groups Act, and the Ordinance of the Federal Government of 1990 defining the courts, administrative authorities and other official bodies where Croatian is admitted as an official language in addition to German, Burgenland-Croatian can be used when conducting a court case before the specified courts and authorities. Austrian law does not contain any provisions

stipulating that documents or evidence in administrative proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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.”

160. Article 22 of the Ethnic Groups Act provides, *inter alia*, that the costs and fees arising from translations due to the use of a language admitted as an official language have to be borne *ex officio*. The Committee of Experts considers this undertaking fulfilled.

Paragraph 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;”

161. The Austrian legal system does not restrict the validity of legal documents by reference to the language in which they are drafted. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remarks

162. The Ordinance of the Federal Government regarding the use of Croatian as an official language defines the municipalities (*Gemeinde*) of Burgenland where the use of Croatian is admitted before local administrative authorities (Article 2, paragraph 1). These municipalities are in the districts (*Bezirke*) of Eisenstadt-Umgebung (9 municipalities), Güssing (3 municipalities), Mattersburg (3 municipalities), Neusiedl (3 municipalities), Oberpullendorf (5 municipalities), and Oberwart (3 municipalities).

163. However, some representatives of Burgenland-Croatian speakers stated that the use of Burgenland-Croatian in a number of municipalities in the autochthonous Burgenland-Croatian speaking area is not possible due to the fact that the municipalities listed in the Ordinance do not cover the entire Burgenland-Croatian language area. The Committee of Experts invites the Austrian authorities to provide further information on this issue in the next periodical report.

Paragraph 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;”

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

164. The Committee of Experts understands these undertakings to concern federal administrative authorities and the administrative authorities of the *Länder*, to the extent to which they implement federal law (*mittelbare Bundesverwaltung*). Pursuant to Article 4 of the Ordinance regarding the use of Croatian as an official language, Croatian is admitted before the administrative authorities of the Federation or of the *Land*, which have their seat in Burgenland and within whose district one of the municipalities listed in the Ordinance is located (see paragraph 162 above). According to the information provided in the initial periodical report, the Ethnic Groups Act, in conjunction with the Ordinance, provides that a person is entitled to submit oral or written applications in Burgenland-Croatian to, and to receive decisions and orders from, the authority concerned in German and Burgenland-Croatian.

165. The Committee of Experts has no information at its disposal regarding the extent to which federal authorities which fulfil the criteria of Article 4 of the Ordinance (such as the tax authorities) and which directly perform federal administrative functions (*unmittelbare Bundesverwaltung*) ensure that users of regional or minority languages may submit oral or written application in practice, and would welcome further information in the next periodical report.

166. The Governor (*Landeshauptmann*) of Burgenland and the District Administrative Authorities (*Bezirkshauptmannschaften*) also perform administrative duties on behalf of the Federation. Knowledge of Burgenland-Croatian is not a requirement to enter the civil service. However, according to the information provided by the Austrian authorities, many civil servants working for these authorities speak Burgenland-Croatian (up to 40% of the personnel, according to the statement of a representative of the Office of the Regional Government of Burgenland during the “on-the-spot” visit).

167. According to the Burgenland-Croatian speakers, the use of Burgenland-Croatian before administrative authorities is very rare in practice, as very few civil servants have a sufficient command of Burgenland-Croatian in writing and as there is a lack of Burgenland-Croatian or bilingual forms.

168. The Committee of Experts considers these undertakings formally fulfilled.

Paragraph 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;”

169. The Committee of Experts understands this undertaking to concern *Land* authorities, regarding the administration of *Land* law, and the administrative authorities of the municipalities.

170. According to the information provided by the authorities of Burgenland, in certain municipalities covered by the Ordinance regarding the use of Burgenland-Croatian as an official language, oral communication with the local authorities takes place mostly in Burgenland-Croatian.

171. There are a number of bilingual (German-Croatian) forms used at the local level, such as standardised passport applications. According to the Burgenland-Croatian speakers these forms are in short supply or not at all present at certain authorities. The Austrian authorities informed the Committee of Experts that written applications occur only in very rare cases (on average, 90 written applications per year on the regional and local levels taken together).

172. The Committee of Experts considers this undertaking only partly fulfilled and encourages the authorities to ensure that written applications in Burgenland-Croatian can be made in the relevant areas.

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

173. Article 13, paragraph 4 of the Ethnic Groups Act allows local authorities for which the language of an ethnic group has been admitted as an official language to use this language in public announcements. The Austrian authorities were not able to inform the Committee of Experts whether this is actually done in practice. Neither did they inform the Committee of Experts of any measures to encourage or facilitate such publications by local authorities. According to Burgenland-Croatian speakers, official announcements by local authorities are never made in Burgenland-Croatian. The Committee of Experts considers that this undertaking is not fulfilled in practice.

Paragraph 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;”

174. The Austrian authorities state in the initial periodical report that written and oral applications in Croatian have to be translated into German *ex officio* by the relevant administrative authorities by virtue of Article 14, paragraph 1 of the Ethnic Groups Act. Article 15 of the same act provides that the services of interpreters have to be used if necessary. If records of these proceedings are drawn up in German, they have to be translated immediately into Croatian. Article 22 provides that the costs arising from such translations or interpretations have to be borne *ex officio*. The Committee of Experts considers this undertaking fulfilled.

Paragraph 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.”

175. In keeping with the Personal Status Act and the Personal Status Ordinance, the Austrian legislation allows for the registration of non-German names in their original spelling, including diacritic signs. The Austrian Law on Name Changes (*Namensrechtsänderungsgesetz*) allows changing one’s family name. A fee of €511 is incurred by the applicant, unless the name in question is historically linked to the person making the demand, in which case the change is free of charges and levies. The Committee of Experts considers this undertaking fulfilled.

Article 11 – Media

Paragraph 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;”

176. The Committee of Experts observes that the present undertaking concerns the encouragement and facilitation of the broadcasting of radio programmes in the private sector. It understands that the ORF broadcasts a 40-minute radio programme in Burgenland-Croatian daily from 18.15 to 18.55 and a 2-minute news programme in Croatian at 12.38 from Mondays to Saturdays on its regional radio station. Although the Committee of Experts acknowledges the positive impact of the existing radio provision, it notes that this concerns public service broadcasting, which is covered under Article 11, paragraph a.iii of the Charter.

177. The Burgenland-Croatian speakers, together with other regional or minority language speakers in Burgenland, have acquired one third of the licence of a private radio frequency. This project was not successful, however, due to some problems with the other licence holders and the fact that the Austrian authorities decided to withdraw their financial support. The Committee of Experts understands that there are ongoing talks between the ORF and the regional or minority language speakers with a view to co-operating on the basis of the new section 5 of the ORF Act (see paragraph 69 above), and hopes that the outcome of these talks will improve the radio provision in Burgenland-Croatian.

178. The Committee of Experts understands that there are at present no radio programmes in Burgenland-Croatian on private radio stations in Burgenland. It considers therefore that this undertaking is not fulfilled. The Committee of Experts encourages the Austrian authorities to take the necessary steps to

encourage or facilitate the broadcasting of radio programmes in Burgenland-Croatian on private radio, without this affecting the existing level of public radio provision.

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

179. The Committee of Experts observes that the present undertaking concerns the encouragement or facilitation of the broadcasting of television programmes in Burgenland-Croatian in the private sector. The ORF broadcasts a 30-minute television programme in Burgenland-Croatian every Sunday at 13.30 on its regional television channel. Four times a year, it broadcasts a 45-minute programme (‘Servus, Szia, Zdravus’) in four languages, which includes some Burgenland-Croatian. This however concerns public service broadcasting, which is covered under Article 11, paragraph a.iii of the Charter. The Committee of Experts understands that there are no television programmes in Burgenland-Croatian on private television channels. It has not been informed of any initiatives taken under the new section 5 of the ORF Act in the field of television. It considers therefore that this undertaking is not fulfilled. The Committee of Experts encourages the Austrian authorities to take the necessary steps to encourage or facilitate the broadcasting of television programmes in Burgenland-Croatian on private television, without this affecting the existing level of public television provision.

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

180. The Austrian authorities stated in the initial periodical report that the federal government’s support scheme for ethnic groups subsidises such works. The Burgenland-Croatian speakers consider the support for audio and audiovisual works as being too low. The Committee of Experts does not have sufficiently detailed information at its disposal at present to evaluate whether this undertaking is fulfilled, and would welcome further information in the next periodical report.

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

181. There is no daily newspaper in Burgenland-Croatian. The Burgenland-Croatian speakers publish two weekly newspapers in Burgenland-Croatian. The ‘Hrvatske Novine’ is published by the Croatian Press Association (*Kroatischer Presseverein*). One third of its costs are born by Burgenland-Croatian speakers, the remaining costs are covered by the funds of the ethnic group promotion scheme of the Federal Chancellery. ‘Glasnik’, a weekly church bulletin in Burgenland-Croatian published by the Eisenstadt Diocese, also receives funding under this scheme.

182. These periodicals also receive some funding in the framework of the Austrian press promotion measures. The Committee of Experts understands that a bill regarding press promotion was introduced before the National Assembly in November 2003, and that a new Press Promotion Act (*Presseförderungsgesetz*) should enter into force in early 2004. The regional or minority language speakers expressed their concern regarding the changes proposed in this bill, which in their opinion will substantially reduce the press promotion funds received by the regional or minority language periodicals.

183. The Committee of Experts considers this undertaking fulfilled under the former legislation. It would welcome further information on the new Press Promotion Act and its effects on regional or minority language press promotion in the next periodical report.

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

184. According to the Burgenland-Croatian speakers, the audiovisual works in Burgenland-Croatian are not considered as particularly worthy of promotion in the framework of general promotion programmes for audiovisual productions. The information that the Committee of Experts received from the Austrian authorities does not allow it to conclude whether this undertaking is or is not fulfilled. The Committee of Experts would welcome further information in the next periodical report.

Paragraph 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.”

185. The Austrian legislation does not contain any restriction regarding the freedom of reception of radio and television broadcasts from Croatia, and the Committee of Experts is not aware of any restrictions regarding this undertaking with respect to the written press. The Committee of Experts considers this undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 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;”***

186. The Austrian authorities consider that this undertaking is dealt with under the Federal Chancellery’s support scheme for ethnic groups. For the purposes of this funding scheme, promotion of the language of an ethnic group is the decisive criterion of eligibility. The Austrian authorities informed the Committee of Experts that the funds assigned to the Burgenland-Croatian ethnic group (€1.16 million in 2003) are mainly used for cultural activities promoting Burgenland-Croatian.

187. The Burgenland-Croatian speakers regard the allocation process of these funds as very bureaucratic and often unpredictable. They also consider that the limited resources allocated to their cultural activities by the authorities are generally targeted towards more traditional and folkloristic forms of cultural expression. Considering that modern cultural initiatives can improve the image of a regional or minority language as a living language, in particular among younger generations, the Committee of Experts encourages the Austrian authorities to take this aspect into consideration in the framework of their promotion of the Burgenland-Croatian language.

188. The Committee of Experts nonetheless considers this undertaking fulfilled.

“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;”

189. The Committee of Experts has no information as to how the Austrian authorities ensure that the bodies responsible for organising or supporting cultural activities make appropriate allowance for Burgenland-Croatian in their domains of activity. The Committee of Experts cannot evaluate therefore whether this undertaking is or is not fulfilled, and invites the Austrian authorities to provide this information in the next periodical report.

Paragraph 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.”

190. The question regarding the traditional presence of Burgenland-Croatian in the *Land* Vienna is at present unresolved (see paragraph 55 above). However, the Committee of Experts was informed by the Austrian authorities that three Burgenland-Croatian organisations based in Vienna received €147 568 from the total funds allocated to the Burgenland-Croatian ethnic group in 2003.

Paragraph 3

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

191. The Austrian authorities informed the Committee of Experts that Austria makes provision for the Burgenland-Croatian language and culture notably in the framework of the Alps Adriatic Working Community (ARGE Alpen-Adria), which brings together *Länder*, cantons and other regional authorities from Austria, Germany, Hungary, Croatia, Slovenia; Italy and Switzerland and of which the *Land* Burgenland is a member. The Committee of Experts has no information at its disposal about the way in which the central authorities comply with this undertaking.

192. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad (e.g., cultural exchanges, reference to the minority languages spoken in Austria and to their cultures in the context of European or international exhibitions or events, documentation on the country aiming at an international public, use of bilingual place-names on the official maps and in the official brochures and guides used to promote the image of the country abroad, *inter alia* for touristic purposes, etc.). Indeed, the spirit of this undertaking is in particular to encourage a country to present or promote itself abroad, or in front of an international audience, in a manner other than as a monolingual or a monocultural country.

193. The Committee of Experts has at present insufficient information to evaluate if the undertaking is fulfilled, and looks forward to receiving further information in Austria's next periodical report.

Article 13 – Economic and social life

Paragraph 1

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

- a** *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- b** *to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- c** *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- d** ***to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”***

194. The Austrian authorities consider that Austria fulfils this undertaking as a result of the prohibition of discrimination of the speakers of regional or minority languages and the constitutional right to use regional or minority languages in private life and in commerce pursuant to Article 66, paragraph 3 of the State Treaty of St. Germain. The authorities further consider that Austria provides stimuli to economic and social life regarding the use of the Burgenland-Croatian language by supporting projects of the Burgenland-Croatian speakers in the framework of the ethnic group promotion scheme. While the Committee of Experts acknowledges that the general promotion measures may have this indirect effect, it does not consider that this can be regarded as facilitation or encouragement within the meaning of this undertaking.

195. The Committee acknowledges that the scope of this provision is rather open and that it does not give much indication as to what kind of measures should be taken. It can indeed be confirmed that the measures envisaged should be positive, and not only to eliminate or discourage negative practice. The measures envisaged could for example be to facilitate and/or encourage the use of the regional or minority language on buildings, the oral use of the language in public areas, such as in railway stations or airports, use of bilingual brochures in tourism, giving rewards to companies that are effectively using the regional or minority language, initiating a campaign of bilingualism etc.

196. The Committee of Experts was not informed by the Austrian authorities of any positive measures within the meaning of this undertaking, and would welcome further information in Austria's next periodical report.

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.”***

197. The initial periodical report states that co-operation within the meaning of this undertaking takes place within the framework of the Alps Adriatic Working Community and the Austrian Institute of East and Southeast European Studies. The Committee of Experts was not informed, however, of specific projects or activities for the benefit of the Burgenland-Croatian language. It is therefore unable to conclude if this undertaking is fulfilled and looks forward to receiving more detailed information in Austria's next periodical report.

2.3.2. The Slovenian language

Article 8 – Education

Preliminary remarks

198. By virtue of Article 7, paragraph 2 of the State Treaty of Vienna and Article 7 of the Minority Schools Act for Carinthia, Austrian nationals belonging to the Slovene ethnic group have a constitutional right to use Slovene as a language of instruction or learn it as a compulsory subject in the schools defined by the Act. The Austrian Constitutional Court has ruled that all members of the Slovene ethnic group in Carinthia enjoy this right irrespective of whether they reside in the indigenous settlement area or not (Constitutional Court Reports 12245/1989).

199. Article 10, paragraph 1 of the Minority Schools Act for Carinthia provides that “primary and basic secondary schools catering mainly for the Slovene minority” have to be established in municipalities where bilingual compulsory education was provided at the beginning of the 1958/59 school year. Article 11 of the same Act provides that schools outside these municipalities may be defined as “primary and basic secondary schools catering mainly for the Slovene minority” if there is a sustained demand “to satisfy the right granted under Article 7, paragraph 2 of the State Treaty of Vienna” (7 pupils for a class in primary schools and 9 pupils for a class in basic secondary schools).

Paragraph 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;”**

200. Carinthia has no nursery school act similar to the one in Burgenland, and the organisation of ‘public’ Slovenian education at pre-school level is left to the local authorities, who are free to decide whether or not they wish to set up a nursery school. The Committee of Experts was informed that due to local resistance, many municipalities with a Slovene-speaking population have decided not to set up bilingual nursery schools, and where such schools exist, the quality and extent of Slovene instruction have not met the demand of the Slovene speakers. As a consequence, the Slovene speakers have been obliged to set up private nursery schools.

Private Schools

201. Currently, there are 8 private nursery schools in Carinthia comprising 12 groups (approximately 280 children). These nursery schools are run according to an entirely bilingual model, developed by Slovene-speakers themselves. These schools are very popular, and the Slovene speakers consider them as being very successful.

202. On 1 October 2001 the Carinthian Nursery Funds Act (*Kärntner Kindergartenfondsgesetz*, State Law Gazette No. 74/2001) entered into force, which set up a fund that covers operational costs of existing private nursery schools. In 2003 the financial assistance amounted to €484 000. However, the Committee of Experts received the information during the “on-the-spot” visit that this fund only applies to existing private nursery schools and not future ones. The Slovene-speakers stated that there is a considerable demand among the speakers for the development of the existing private pre-school provision.

Municipal schools

203. According to the information provided by the Austrian authorities, there are 8 bilingual municipal nursery schools. The Federal Chancellery promotes the Carinthian municipal nursery schools that run bilingual groups under the ethnic group promotion scheme (€220 610 in 2003).

204. According to the Slovene speakers, the quality of Slovene teaching in bilingual municipal nursery schools is not satisfactory. However, during its “on-the-spot” visit, the Committee of Experts was informed both by the Slovene speakers and by the Carinthian authorities that the authorities recognise the success of the bilingual educational methods used in the private nursery schools and are thinking of ways to adjust the teaching at municipal nursery schools in the light of this positive experience. The Committee of Experts notes this positive attitude with satisfaction and looks forward to receiving information with respect to the outcome of this process in the next periodical report.

205. The Committee of Experts considers this undertaking fulfilled. If it is correct, however, that the Carinthian Nursery Funds Act only covers the costs of existing private nursery schools, it encourages the Austrian authorities to examine the possibility of enabling further private nursery schools to be covered under the Act. Regarding municipal nursery schools, the Committee of Experts is of the view that a clearer definition of the responsibilities of the municipalities with respect to bilingual pre-school education is needed.

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

206. As a result of the ruling of the Constitutional Court of 9 March 2000 (G 2-4/00-7), the Minority Schools Act for Carinthia is applicable to all 4 years of compulsory primary education (whereas it was limited to the first three years prior to the ruling). The parents/guardians have to register the children for bilingual instruction, where German and Slovene have the same weight in the teaching. For mixed classes with pupils both registered and not registered for bilingual education, a second teacher has to be appointed to support bilingual teaching (Article 16a.3). Remedial teaching has to be provided if there are more than three children who are registered for bilingual education and who do not have an adequate command of Slovene (Article 16a.4).

207. According to the information provided by the Regional School Board, in the area in which the Minority Schools Act for Carinthia applies, 65 out of 77 primary schools provided bilingual education to 1730 pupils in the 2003/2004 school year, which represents 32% of the total number of primary school pupils in the area. In addition, 143 children receive bilingual primary education at two schools in Klagenfurt. 45 children in Carinthia learn Slovene as a subject with no formal assessment.

208. The Slovene speakers stated that there are a number of problems with respect to bilingual primary school education in Carinthia: Despite the fact that Slovene should have the same weight in bilingual education as German, the practice varies between schools. The Slovene speakers notably voiced their concern about those bilingual schools where the headmaster does not speak Slovene, which used to be a requirement for the appointment of headmasters to bilingual schools by virtue of a regulation which is no longer in force. In this context, the representatives of the Regional School Board for Carinthia informed the Committee of Experts that it is the headmaster’s responsibility to ensure the quality of bilingual education, and that the competence of school inspectors in this field is relatively limited.

209. There is also some concern about the fact that due to a reduction in the number of pupils, 6 primary schools in Slovene-speaking villages have been turned into external branches (*Expositur*) of other schools in the same municipality. This often sends the wrong signal to parents/guardians, who tend to send their children to other schools which they consider as “more reliable”, which in turn reduces the number of children in the schools concerned, increasing the risk of closure for such schools. The representatives of the Slovene speakers and of the Regional School Board agreed that since the best results with respect to children’s command of Slovene are achieved in areas where Slovene is still used in public life, the fact that children are sent outside these villages may have detrimental effects for the teaching of Slovene.

210. Similarly to the situation in Burgenland with respect to Burgenland-Croatian and Hungarian, the highly variable command of Slovene among primary school pupils creates considerable practical problems.

211. While the Committee of Experts considers this undertaking fulfilled at present, it encourages the Austrian authorities to pursue their dialogue with the Slovene speakers with a view to finding lasting solutions to these problems.

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

Lower secondary schools

212. In basic secondary schools to which the Minority Schools Act for Carinthia applies, Slovenian is to be taught as a compulsory subject, four hours per week. According to the information provided by the Regional School Board, Slovenian is taught as a subject in 13 basic secondary schools and in the upper grades of a special primary school which encompasses the lower level of secondary education (*Volksschuloberstufe*). In these schools, 123 pupils learn Slovene as a compulsory subject, 46 as a living foreign language and 130 as an optional subject.

Upper secondary schools

213. As provided for by Article 24 of the Minority Schools Act for Carinthia, the Grammar School for Slovenes (*Bundesgymnasium / Bundesrealgymnasium für Slowenen*) in Klagenfurt provides Slovene-medium lower and upper secondary education, German being a compulsory subject. 515 pupils were enrolled in this highly regarded school in the 2003/2004 school year. The Slovene speakers consider that the quality of education and the prestige of the school have helped to maintain the Slovene language in Carinthia. They informed the Committee, however, that due to the fact that the school is located in Klagenfurt, outside the settlement area of the Slovene speakers, it is often not possible to benefit from this provision other than by having accommodation in Klagenfurt. This can be costly for the parents and isolates the child from the family during the school year. The Committee of Experts has no information at present regarding the extent to which the Austrian authorities make provision for addressing these difficulties, and would welcome further information in Austria's next periodical report.

214. According to the additional information provided by the Austrian authorities, Slovene is also taught at ten general upper secondary schools in Carinthia as a compulsory or optional subject, to a total of 114 pupils.

215. The Committee of Experts considers this undertaking fulfilled.

- “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;”**

216. According to the information provided by the Austrian authorities, there is one technical upper secondary school where Slovene is taught as an optional subject (40 students in the 2003/2004 school year). With respect to vocational education, there is a bilingual federal commercial school (*Bundeshandelsakademie*) in Klagenfurt and a private bilingual higher teaching institute for economic professions in St. Peter near St. Jakob im Rosental with 141 and 131 pupils respectively. 182 pupils learn Slovene as a compulsory or optional subject at seven vocational schools in Carinthia. The Committee of Experts considers this undertaking fulfilled.

- “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, subparagraphs 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;”**

217. Slovene can be studied at the University of Klagenfurt, as well as the Universities of Vienna, Graz and Innsbruck. The Committee of Experts considers this undertaking fulfilled.

- “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;”**

218. According to the information provided by the Austrian authorities, 15 adult education centres provide Slovene language courses in Carinthia. Several organisations of the Slovene speakers also offer Slovene as a subject of adult and continuing education, with the support of the Federal Chancellery under the ethnic group promotion scheme. The Committee of Experts considers this undertaking fulfilled.

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

219. The ‘Ordinance of the Federal Ministry of 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’ provides that the curricula of the minority schools should take into account the history and the culture reflected by the regional or minority language (see also paragraph 136 above). The Committee has no information, however, as to the extent to which the teaching of the history and culture which is reflected by Slovene takes place in practice. The Slovene speakers stated during the “on-the-spot” visit that there are not sufficient guidelines for the teachers, as a result of which practice varies greatly.

220. The Committee of Experts has no information about the way in which the teaching of the history and the culture which is reflected by Slovene is ensured within monolingual German-speaking schools in the Slovene language area.

221. The Committee of Experts is at present not in a position to conclude whether this undertaking is or is not fulfilled, and would welcome further information in the next periodical report.

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

222. Article 21 of the Minority Schools Act for Carinthia provides for bilingual training programmes for school teachers.

223. The federal teacher training academy (*Pädagogische Akademie des Bundes in Kärnten*) in Carinthia offers courses allowing teachers to obtain an additional qualification as bilingual teachers and team instructors. Further training of teachers for bilingual instruction is the responsibility of the federal teacher training institute (*Pädagogisches Institut*).

224. The representatives of the Slovene speakers and of the teacher training institutions agreed that there are shortcomings regarding bilingual teachers. It appears that the number of teachers who are native Slovene speakers is falling and that the demand for bilingual teachers cannot be met by graduates of the Grammar School for Slovenes any longer. As a result, the institutions have to call on teacher candidates with lesser language skills. The Committee of Experts understands that the teacher training institutions have increased the

number of hours of Slovene courses in the training programmes and developed transfrontier co-operation opportunities with Slovenia, in order to tackle this problem.

225. With regard to the number of bilingual teachers, the situation appears to have become more worrying in recent years. There is a high risk of a shortage of qualified bilingual teachers, as a result of the general increase in demand, the extension of bilingual primary education to the 4th year, and retirement reforms which resulted in the retirement of 22 bilingual teachers in 2003. The Committee of Experts understands that transitional solutions have been found so far, but solutions of a more structural nature are needed.

226. The Committee of Experts considers this undertaking fulfilled at present with respect to bilingual compulsory school teachers. However, it urges the relevant authorities and institutions to develop on the existing positive steps to devise lasting solutions to the problems in the area of teacher training, in close co-operation with the Slovene speakers.

227. The Committee of Experts received no information regarding the training of Slovene-speaking or bilingual nursery school teachers and would welcome further information in the next periodical report.

“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.”

228. In accordance with Article 31 of the Minority Schools Act for Carinthia, a special department (Department VII) responsible for bilingual education was set up within the Regional School Board (*Landesschulrat*) for Carinthia to inspect bilingual schooling at compulsory schools and upper level secondary schools. The department prepares annual reports, which are made public and which include detailed information with respect to activities and developments in the field of bilingual education, as well as extensive statistical documentation. The Committee of Experts considers this undertaking fulfilled.

Paragraph 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.”

229. The Committee of Experts understands that there is a demand for bilingual pre-school education outside the Slovene-speaking area (notably in Völkermarkt), which the Slovene speakers are unable to meet due to a lack of resources. The Committee encourages the Austrian authorities to co-operate with the Slovene speakers in these areas in order to find an acceptable solution to meet the demand.

230. As a result of a Constitutional Court ruling (see paragraph 198 above), teaching in and of Slovene is allowed outside the Slovenian language area in Carinthia. Slovene is also taught at several schools in Styria as an optional or compulsory subject (see paragraph 91 above).

231. The Committee of Experts considers this undertaking fulfilled.

Article 9 – Judicial authorities

232. The use of Slovene before judicial authorities in the Slovene language area is mainly governed by Article 7, paragraph 3 of the State Treaty of Vienna, the Ethnic Groups Act and the Ordinance of the Federal Government of 1977 defining the courts, administrative authorities and other official bodies where Slovene is admitted as an official language in addition to German.

Paragraph 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

233. The Ordinance of the Federal Government of 1977 defining the courts, administrative authorities and other official bodies where Slovene is admitted as an official language in addition to German provides that Slovene is to be admitted as an official language before the district courts of Ferlach, Eisenkappel and Bleiburg as well as before the Klagenfurt Regional Court. A party may request to use Slovene in criminal proceedings before these courts.

234. In their replies to the questionnaire addressed to the Austrian government by the Committee of Experts, the Austrian authorities stated that Slovene is hardly ever used as an official language before ordinary courts and that statistics will be provided in connection with the next Austrian report. The Committee of Experts was furthermore not informed of any practical arrangements to render this possibility effective (such as the existence of Slovene speaking judges at the relevant courts) or of any relevant measures intended to encourage the use of Slovene in criminal proceedings.

235. Although the Committee of Experts observes that Austrian law provides for the right to use Slovene in criminal proceedings, it considers that this undertaking is only formally fulfilled, since difficulties exist in its implementation.

The Committee of Experts encourages the Austrian authorities to take the necessary steps to ensure that the possibility to use Slovene in criminal proceedings is secured in practice.

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;”

236. By virtue of Article 7 of the State Treaty of Vienna, the Ethnic Groups Act, and the Ordinance of the Federal Government of 1977 defining the courts, administrative authorities and other official bodies where Slovene is to be admitted as an official language in addition to German, Slovene can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in criminal proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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**

237. The legislation governing the use of Slovene in criminal proceedings also applies to civil proceedings (see paragraph 233 above). In their replies to the questionnaire addressed to the Austrian government by the Committee of Experts, the Austrian authorities stated that Slovene is hardly ever used as an official language before ordinary courts and that statistics will be provided in connection with the next Austrian report.

238. The Slovene speakers informed the Committee of Experts during the “on-the-spot” visit that in a recent judgment, the High Court (*Oberlandsgericht*) in Graz ruled that the right to use Slovene before the court would only apply to physical, as opposed to legal, persons. The Committee of Experts would welcome further information about this judgment and its implications in the next periodical report.

239. Although the Committee of Experts observes that Austrian law provides for the right to use Slovene in civil proceedings, it considers that this undertaking is only formally fulfilled, since difficulties exist in its implementation.

The Committee of Experts encourages the Austrian authorities to take the necessary steps to ensure that the possibility to use Slovene in civil proceedings is secured in practice.

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

if necessary by the use of interpreters and translations;”

240. By virtue of Article 7 of the State Treaty of Vienna, the Ethnic Groups Act, and the Ordinance of the Federal Government of 1977 defining the courts, administrative authorities and other official bodies where Slovene is to be admitted as an official language in addition to German, Slovene can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in civil proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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**

241. According to the initial periodical report, Slovene is admitted as an additional official language before the Carinthia Independent Administrative Senate (*Unabhängiger Verwaltungssenat*) by virtue of Articles 13ff of the Ethnic Groups Act and Article 4 of the Ordinance regarding the use of Slovene as an official language. According to the information provided by the Austrian authorities in addition to the initial periodical report, Slovene has only been used before the Senate in ten administrative criminal proceedings since the Senate was set up in 1991.

242. The Committee of Experts observes that Austrian law provides for the right to use Slovene in administrative proceedings. It acknowledges that there have been cases where Slovene has been used before the Senate. However, the Committee of Experts nevertheless considers that this undertaking is only formally fulfilled, since difficulties exist in its implementation.

The Committee of Experts encourages the Austrian authorities to take the necessary steps to ensure that the possibility to use Slovene in administrative proceedings is secured in practice.

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

if necessary by the use of interpreters and translations;”

243. By virtue of Article 7 of the State Treaty of Vienna, the Ethnic Groups Act, and the Ordinance of the Federal Government of 1977 defining the courts, administrative authorities and other official bodies where Slovene is to be admitted as an official language in addition to German, Slovene can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in administrative proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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.”

244. Article 22 of the Ethnic Groups Act provides, *inter alia*, that the costs and fees arising from translations due to the use of a language admitted as an official language have to be borne *ex officio*. The Committee of Experts considers this undertaking fulfilled.

Paragraph 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;”

245. The Austrian legal system does not restrict the validity of legal documents by reference to the language in which they are drafted. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Preliminary remarks

246. The Ordinance of the Federal Government regarding the use of Slovene as an official language defines the municipalities of Carinthia where the use of Slovene is admitted before local administrative authorities (Article 2, paragraph 1). These municipalities are in the political districts of Klagenfurt Land (6 municipalities), Völkermarkt (5 municipalities), and Villach Land (2 municipalities). Slovene is also admitted before the district administrative authorities (*Bezirkshauptmannschaften*) of these districts.

247. The representatives of Slovene speakers stated that the use of Slovene in some municipalities in the autochthonous Slovene speaking area is not permitted due to the fact that the municipalities listed in the Ordinance do not cover the entire Slovene language area. In this context, the Committee of Experts notes that the Constitutional Court ruled on 4 October 2000 (V 91/99-11) that the municipality of Eberndorf in Völkermarkt (10.4% of Slovene speakers), which was not identified by the Ordinance, should nonetheless be considered an “administrative district with mixed population” within the meaning of Article 7, paragraph 3 of the State Treaty of Vienna, thereby enabling the use of Slovene as an official language. The Committee of Experts welcomes this ruling. It regrets, however, that the Federal Government have not taken any measures to execute the ruling by identifying the Carinthian municipalities concerned by the ruling and by clarifying their obligations. Nevertheless, the Committee of Experts understands that some local authorities, including Eberndorf, have taken action to implement the ruling on the basis of the self-executing provision of the State Treaty of Vienna in question.

Paragraph 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;”

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

248. The Committee of Experts understands these undertakings to concern federal administrative authorities and the administrative authorities of the *Länder*, to the extent to which they implement federal law (*mittelbare Bundesverwaltung*). Pursuant to Article 4 of the Ordinance regarding the use of Slovene as an official language, Slovene is admitted before the administrative authorities of the Federation or of the *Land*, which have their seat in Carinthia and within whose district one of the municipalities listed in the Ordinance is located (see paragraph 246 above). According to the information provided in the initial periodical report, the Ethnic Groups Act, in conjunction with the Ordinance, provides that a person is entitled to submit oral or written applications in Slovene and to receive decisions and orders of the authority concerned in German and Slovene.

249. The Committee of Experts has no information at its disposal regarding the extent to which federal authorities which fulfil the criteria of Article 4 of the Ordinance (such as the tax authorities) and which directly perform federal administrative functions (*unmittelbare Bundesverwaltung*) ensure that users of regional or minority languages may submit oral or written application in practice, and would welcome further information in the next periodical report.

250. The Governor (*Landeshauptmann*) of Carinthia and the District Administrative Authorities perform administrative duties on behalf of the federation. The Slovene speakers told the Committee of Experts during the “on-the-spot” visit that they consider that there were no particular problems regarding the use of Slovene before Land authorities. The Committee of Experts particularly welcomes the efforts of the Office for Ethnic Groups (*Volkgruppenbüro*) which functions within the Office of the Regional Government of Carinthia. The Office for Ethnic Groups advises the regional government on questions relating to the ethnic groups and also assists it by providing translation and interpretation services with respect to the use of Slovene. It administers a website with a view to informing the Slovene speakers of their linguistic rights, which also includes links to administrative forms in Slovene. The Committee of Experts is of the view that the Office for Ethnic Groups significantly contributes to the dialogue between the *Land* authorities and the Slovene speakers.

251. The lack of Slovene skills among civil servants is considered a problem, as even Slovene-speaking civil servants do not always have an adequate written command of the language. The Office for Ethnic Groups, which translates administrative applications for the authorities, is overburdened, which causes delays. As a result, it can take up to 3 to 4 weeks for a letter drafted in Slovene to be answered in Slovene. The Committee of Experts encourages the Carinthian authorities to address this issue, for example by encouraging civil servants to pursue further training in Slovene.

252. The Committee of Experts considers these undertakings fulfilled with respect to *Land* authorities, but would welcome further information with respect to federal authorities.

Paragraph 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;”

253. The Committee of Experts understands this undertaking to concern *Land* authorities, regarding the administration of *Land* law, and the administrative authorities of the municipalities.

254. The possibility to use Slovene in practice appears to vary greatly between different local authorities, depending on the willingness of individuals (mayors and officials). There are certain local authorities, to which the Ordinance regarding the use of Slovene as an official language applies, where oral communication takes place mostly in Slovene, yet others where Slovene is rarely or never used. According to the Slovene speakers, many local authorities do not have employees who have a sufficient command of Slovene.

255. The Constitutional Court ruled on 4 October 2000 (V 91/99-11) that the municipality of Eberndorf in Völkermarkt with 10,4% of Slovene speakers, which was not identified by the Ordinance, should nonetheless be considered an “administrative district with mixed population” within the meaning of Article 7, paragraph 3 of the State Treaty of Vienna, thereby enabling the use of Slovene as an official language. The Federal authorities have not taken any measures to execute this ruling by amending the Ordinance. The Committee of Experts considers that the implementation of this ruling would not be only relevant to Eberndorf, but a number of other municipalities.

256. The Committee of Experts considers this undertaking not fulfilled.

The Committee of Experts encourages the Austrian authorities to implement the Constitutional Court ruling of 4 October 2000 as a matter of priority, and to ensure the possibility of using the Slovene language also in other municipalities in Carinthia, which fulfil the criteria of the ruling and which are not listed in the Ordinance.

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

257. Article 13, paragraph 4 of the Ethnic Groups Act allows local authorities for which the language of an ethnic group has been admitted as an official language to use this language in public announcements. The Austrian authorities did not provide information concerning the extent to which this is done in practice. Neither were they able to inform the Committee of Experts of any measures to encourage or facilitate such publications by local authorities. According to the Slovene speakers, public announcements by local authorities in Slovene are very exceptional and depend entirely on the willingness of the authority in question. The Committee of Experts considers that this undertaking is not fulfilled in practice.

Paragraph 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;”

258. The Austrian authorities state in the initial periodical report that written and oral application in Slovene have to be translated into German *ex officio* by the relevant administrative authorities by virtue of Article 14, paragraph 1 of the Ethnic Groups Act. Article 15 of the same act provides that the services of interpreters have to be used if necessary. If records of these proceedings are drawn up in German, they have to be translated immediately into Slovene. Article 22 provides that the costs arising from such translations or interpretations have to be borne *ex officio*. The Committee of Experts considers this undertaking fulfilled.

Paragraph 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.”

259. In keeping with the Personal Status Act and the Personal Status Ordinance, the Austrian legislation allows for the registration of non-German names in their original spelling, including diacritic signs. The Austrian Law on Name Changes (*Namensrechtsänderungsgesetz*) allows changing one's family name. A fee of €511 is incurred by the applicant, unless the name in question is historically linked to the person making the demand, in which case the change is free of charges and levies. The Committee of Experts considers this undertaking fulfilled.

Article 11 – Media

Paragraph 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;”

260. Radio provision in Slovene was exclusively public until 1998, when Slovene private radio broadcasting started. Frequency bands were allocated to two private Slovene-speaking radio stations (Radio dva and AGORA), which were funded at first directly by the Federal Chancellery and later by the ORF, so that there was a 24-hour private radio provision in Slovene in Carinthia. The funding was cut off altogether at the end of 2002, and the private radio stations struggled to stay open with the support of the organisations of the Slovene ethnic group. The ORF continued to broadcast Slovene programmes on the regional public radio station (50 minutes on weekdays at 18.10, 60 minutes on Saturdays and 30 minutes on Sundays). In addition, it broadcast a 57-minute weekly programme in Slovene, as well as a daily trilingual programme (87 minutes, German, Italian and Slovene) and a weekly bilingual programme (54 minutes, German and Slovene).

261. On 22 December 2003, the ORF signed an agreement with AKO Lokalradio GmbH. Under the terms of this agreement, the ORF will co-operate with private radio stations with a view to ensuring a daily 12-hour Slovene radio provision, to be broadcast on the private frequency of AKO Lokalradio (105.5) between 06.00 and 18.00. It will provide funding for the production of programmes by Radio dva and AGORA (2 hours per day each). The remaining 8 hours will be devoted to programmes produced directly by the ORF. However, the ORF will cease to broadcast its 50-minute daily programme in Slovene on the regional public frequency which, according to the Slovene speakers, will reduce the visibility of the Slovene language among the general public.

262. Although the Committee of Experts considers this provision as adequate for the purposes of this undertaking, it observes that despite the recent agreement which constitutes a relative improvement, the developments since the end of 2002 indicate a deterioration of Slovene-language radio provision in Carinthia, and are perceived as such by the Slovene speakers.

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

263. The Committee of Experts observes that the present undertaking concerns the encouragement or facilitation of the broadcasting of television programmes in Slovene in the private sector. The ORF broadcasts a 30-minute weekly television programme in Slovene. This however concerns public service broadcasting, which is covered under Article 11, paragraph a.iii of the Charter. The Committee of Experts understands that there are no television programmes in Slovene on private television channels. It has not been informed of any initiatives taken under the new section 5 of the ORF Act in the field of television. It considers therefore that this

undertaking is not fulfilled. The Committee of Experts encourages the Austrian authorities to take the necessary steps to encourage or facilitate the broadcasting of television programmes in Slovene on private television, without this affecting the existing level of public television provision.

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

264. The Austrian authorities stated that organisations of the Slovene speakers produce audio and audiovisual works using the funds received from the Federal Chancellery under the ethnic group promotion scheme. The Slovene speakers consider the support for audio and audiovisual works as being too low. The Committee of Experts does not have sufficiently detailed information at its disposal at present to evaluate whether this undertaking is fulfilled, and would welcome further information in the next periodical report.

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

265. There is no daily newspaper in Slovene. According to the initial periodical report, three weekly newspapers in Slovene are published in Carinthia. They receive financial aid under the ethnic groups support scheme and the general press promotion scheme.

266. The Slovene speakers informed the Committee of Experts during the “on-the-spot” visit that two of these newspapers had to merge into the weekly ‘Novice’ in 2003 due to financial difficulties, the financial survival of this newspaper being still uncertain. The speakers were of the view that the situation regarding the plurality of Slovene-language press has deteriorated recently. They also expressed concern regarding proposed changes to the general press promotion measures (see paragraph 182 above), which could further reduce financial support for regional or minority language press media.

267. The Committee of Experts considers this undertaking fulfilled at present. It would welcome further information on the new Press Promotion Act and its effects on regional or minority language press promotion in the next periodical report.

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

268. According to the Slovene speakers, the audiovisual works in Slovene are not considered as particularly worthy of promotion in the framework of general promotion programmes for audiovisual productions. The information that the Committee of Experts received from the Austrian authorities does not allow it to conclude whether this undertaking is or is not fulfilled. The Committee would welcome further information in Austria’s next periodical report.

Paragraph 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.”

269. The Austrian legislation does not contain any restriction regarding the freedom of reception of radio and television broadcasts from Slovenia. In practice, such programmes can only be received by satellite, however, as

the Alps constitute a physical barrier to their reception by aerial. The Committee of Experts understands that this issue is often taken up during bilateral discussions between Austria and Slovenia, and hopes that a solution can be found in the near future. It was not made aware of any restrictions regarding this undertaking with respect to the written press. The Committee of Experts considers this undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 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;”***

270. The Austrian authorities consider that this undertaking is dealt with under the Federal Chancellery’s support scheme for ethnic groups. For the purposes of this funding scheme, promotion of the language of an ethnic group is the decisive criterion of eligibility. The Austrian authorities informed the Committee of Experts that the funds allocated to the Slovenian ethnic group (€1.21 million in 2003, excluding funding for the bilingual municipal nursery schools in Carinthia) are mainly used for cultural activities promoting the Slovene language. The Slovene speakers regard the allocation process of these funds as very bureaucratic and often unpredictable.

271. The Government of the *Land* Carinthia and local authorities also provide some financial support for cultural organisations and projects of the Slovene speakers, as well as the Slovenian Music School in Carinthia. The speakers are of the opinion, however, that the support provided to their music school is disproportionately small compared to the support given to the music school of the *Land* Carinthia. The Committee of Experts invites the Austrian authorities to comment on this situation and to provide additional information on the activities supported under the existing federal support measures, including the allocation process, in the next periodical report.

- “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;”***

272. The Committee of Experts has no information as to how the Austrian authorities ensure that the bodies responsible for organising or supporting cultural activities make appropriate allowance for Slovene in their domains of activity. The Committee of Experts is unable to evaluate whether this undertaking is fulfilled, and invites the Austrian authorities to provide further information in the next periodical report.

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

273. The initial periodical report mentions the Carinthian Cultural Week, an annual event which takes place in Carinthia outside the indigenous settlement area of the Slovene speakers. This event is organised by the Office for Ethnic Groups of the Regional Government of Carinthia in co-operation with the authorities of the area concerned and the Slovene speakers. The Committee of Experts welcomes this event which the Slovene speakers also considered as being particularly successful. On the basis of the information received, the Committee of Experts considers this undertaking fulfilled.

Paragraph 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.”

274. The Carinthian Cultural Week is organised outside the Slovene language area in Carinthia. Cultural activities organised by Slovene speakers in Styria are supported by the Austrian authorities. The initial periodical report also states that Vienna-based Slovene-speaking organisations are granted financial assistance from the support scheme for ethnic groups of the Federal Chancellery. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

275. The Austrian authorities informed the Committee of Experts that Austria makes provision for the Slovenian language and culture notably in the framework of the Alps Adriatic Working Community (ARGE Alpen-Adria), of which the *Land* Carinthia is a member. The Committee of Experts has no information at its disposal about the way in which the central authorities comply with this undertaking.

276. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad (e.g., cultural exchanges, reference to the minority languages spoken in Austria and to their cultures in the context of European or international exhibitions or events, documentation on the country aiming at an international public, use of bilingual place-names on the official maps and in the official brochures and guides used to promote the image of the country abroad, *inter alia* for touristic purposes, etc.). Indeed, the spirit of this undertaking is in particular to encourage a country to present or promote itself abroad, or in front of an international audience, in a manner other than as a monolingual or a monocultural country.

277. The Committee of Experts has at present insufficient information to evaluate if the undertaking is fulfilled, and looks forward to receiving further information in Austria's next periodical report.

Article 13 – Economic and social life

Paragraph 1

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

- a** *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- b** *to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- c** *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- d** ***to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”***

278. The Austrian authorities consider that Austria fulfils this undertaking as a result of the prohibition of discrimination of the speakers of regional or minority languages and the constitutional right to use regional or minority languages in private life and in commerce pursuant to Article 66, paragraph 3 of the State Treaty of St. Germain. The authorities also informed the Committee of Experts that the Slovene language is used in the social and business sphere in the framework of cross-border activities with Slovenia and that the interest groups, such as the Chamber of Commerce and the Chamber of Labour, have all relevant information translated into Slovene. The Committee of Experts was not informed of the extent to which these initiatives are facilitated or encouraged by the Austrian authorities. According to the representatives of the Slovene speakers, the Austrian authorities do not encourage or facilitate the use of Slovene with regard to economic and social activities.

279. The Committee acknowledges that the scope of this provision is rather open and that it does not give much indication as to what kind of measures should be taken. It can indeed be confirmed that the measures envisaged should be positive, and not only to eliminate or discourage negative practice. The measures envisaged could for example be to facilitate and/or encourage the use of the regional or minority language on buildings, the oral use of the language in public areas, such as in railway stations or airports, use of bilingual brochures in tourism, giving rewards to companies that are effectively using the regional or minority language, initiating a campaign of bilingualism etc.

280. The Committee of Experts was not informed by the Austrian authorities of any positive measures within the meaning of this undertaking, and would welcome further information in Austria’s next periodical report.

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.”***

281. The initial periodical report states that co-operation within the meaning of this undertaking takes place within the framework of the Alps Adriatic Working Community, of which the *Land* Carinthia is a member, and the Austrian Institute of East and Southeast European Studies. The Committee of Experts was not informed, however, of specific projects or activities for the benefit of the Slovenian language. It is therefore not able to conclude whether this undertaking is fulfilled and looks forward to receiving more detailed information in Austria’s next periodical report.

2.3.3. The Hungarian language

Article 8 – Education

Preliminary remarks

282. By virtue of Article 1, paragraph 1 of the Minority Schools Act for Burgenland, which is a constitutional provision, Austrian nationals belonging to the Hungarian ethnic group have a constitutional right to have Hungarian as a language of instruction or learn it as a compulsory subject in the schools defined by the Act.

Paragraph 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;”

283. The provision of Hungarian education at pre-school level is regulated by the Burgenland Act on Nurseries of 1995. In public nursery schools established in the municipalities defined by the Act, Hungarian is to be used in addition to German as a medium of instruction. Outside this area, bilingual education has to be offered if at least 25% of the parents/guardians request this upon registration. In both cases, Hungarian has to be used no less than six hours per week.

284. Currently, there are four bilingual nursery schools providing Hungarian education in the Hungarian language area in Oberpullendorf, Siget in der Wart, Unterwart and Oberwart. The representatives of the Hungarian speakers informed the Committee of Experts during the “on-the-spot” visit that they were satisfied with the existing pre-school education provision.

285. The Committee of Experts considers this undertaking fulfilled.

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

286. The provision of Hungarian primary education is regulated by the Minority Schools Act for Burgenland. Article 3 of the Act provides for primary schools where instruction is provided in German and Hungarian. Such schools have to be available to the Hungarian speakers in the Hungarian language area (Article 6, paragraph 1). In addition to existing schools and classes, a new bilingual primary school class can be established in the event of long-term demand by at least 7 pupils (Article 6, paragraph 3) The Committee of Experts would welcome information on the criteria used to assess whether there is long-term demand.

287. The children who are enrolled in a bilingual primary school are automatically registered for bilingual education regardless of their mother tongue. The parents/guardians can opt out of bilingual education but rarely, if ever, do so.

288. According to the information available from the Regional School Board for Burgenland, 36 pupils were enrolled in 2 bilingual (Hungarian/German) primary schools in Burgenland. Hungarian is taught as a compulsory subject in 4 primary schools (138 pupils). At 19 further primary schools, it is offered as an optional subject or a subject with no formal assessment (487 pupils).

289. The representatives of the Hungarian speakers informed the Committee of Experts during the “on-the-spot” visit that they were satisfied with the existing provision of primary education.

290. The Committee of Experts considers this undertaking fulfilled.

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

Lower secondary education

291. As opposed to the primary schools, Hungarian teaching at the basic secondary level is subject to a registration. Article 8 of the Minority Schools Act for Burgenland provides for basic secondary schools where Hungarian is taught as a compulsory subject. According to the information provided by the Regional School Board for Burgenland, 77 pupils at three basic secondary schools (*Hauptschulen*) in the Hungarian language area learned Hungarian as a compulsory subject in the 2003/2004 school year. Hungarian is taught at 9 other basic secondary schools as an optional subject to 184 pupils.

Upper secondary education

292. There are only two federal grammar schools in Burgenland which offer Hungarian as an optional subject to a total of 50 pupils. The bilingual federal grammar school in Oberwart (see paragraph 125 above) provided bilingual (German/Hungarian) education to 123 pupils in the 2003/2004 school year.

293. The Committee of Experts considers this undertaking fulfilled.

- “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;”**

294. According to the information provided by the Austrian authorities in the initial periodical report, the legislation on lower secondary schools in Burgenland applies analogously to instruction at polytechnic schools (9th grade of compulsory schooling); however there is no provision of Hungarian teaching at technical schools in practice. According to the information provided by the Austrian authorities, Hungarian is taught as a subject at 6 vocational lower and upper secondary schools to a total of 161 pupils.

295. The Committee of Experts considers this undertaking fulfilled, but invites the Austrian Government to provide information in the next periodical report about the efforts made to ascertain whether there is a wish among the Hungarian speakers for further teaching of Hungarian in technical and vocational training.

- “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, subparagraphs 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;”**

296. There is no provision of higher education in or of Hungarian in the Hungarian language area in Burgenland, as there are no universities in Burgenland. The Committee of Experts observes that this undertaking normally concerns higher education in the territory where the language in question is spoken. However, the Committee of Experts has taken the view that this undertaking can be considered fulfilled through the possibility of studying the relevant language at university level outside the language area, if there are no universities in the language area concerned.

297. Hungarian can be studied at the Institute of Finno-Ugrian Studies and at the Institute for Translation and Interpretation at the University in Vienna.

298. The Committee of Experts considers this undertaking fulfilled.

“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;”

299. According to the information provided by the Austrian authorities, the Regional Association of Adult Education Centres, the Adult Education Centre for Hungarians and the Hungarian Media and Information Centre offer Hungarian courses to adults. These organisations receive indirect support (such as grants for their staff and material expenses) from the Federal Ministry for Education, Science and Culture. According to the information provided by the Austrian authorities, Hungarian courses are occasionally offered using the funds available under the ethnic group promotion scheme. The Committee of Experts considers this undertaking fulfilled.

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

300. The Ordinance of the Federal Ministry of 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 makes allowance for the teaching of the history and the culture which is reflected by the Hungarian language. The Committee of Experts was informed by the Regional School Board for Burgenland, however, that the existing teaching materials are inadequate to ensure such teaching in practice. The Committee of Experts is not aware of any steps taken with a view to remedying this situation.

301. The Committee of Experts has no information about the way in which the teaching of the history and the culture which is reflected by Hungarian is ensured within monolingual German-speaking schools in the Hungarian language area. It looks forward to receiving further information in this respect in the next periodical report.

302. The Committee of Experts considers that this undertaking is not fulfilled at present, and encourages the Austrian authorities to take measures for the development of teaching materials in order to fulfil this undertaking.

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

303. The initial periodical report states that Article 13 of the Minority Schools Act for Burgenland provides for bilingual training programmes for pre-school teachers and school teachers.

304. The representatives of the Regional School Board for Burgenland informed the Committee of Experts during the “on-the-spot” visit that the teacher training academy in Eisenstadt (*Stiftung Pädagogische Akademie Burgenland*) does not provide teacher training in Hungarian, due to a lack of demand. Many teachers of Hungarian have been trained in Hungary.

305. The federal teacher training institute in Burgenland (*Pädagogisches Institut des Bundes im Burgenland*) offers further training activities in co-operation with neighbouring countries. The Committee of Experts particularly welcomes positive initiatives such as a co-operation project in the framework of which 8 Austrian teachers and 8 teachers from Sopron, Hungary, meet ten times per semester.

306. Nevertheless, the representatives of the Hungarian speakers and the Regional School Board agreed that there was a serious shortage of Hungarian-speaking teachers in Burgenland. This situation is likely to be aggravated due to the increasing demand for Hungarian-language education in connection to the enlargement of the EU.

307. The Committee of Experts considers that this undertaking is not fulfilled at present.

The Committee of Experts encourages the Austrian authorities to take the necessary measures to ensure the training of Hungarian-speaking bilingual teachers and to provide the necessary facilities for their initial and further training.

“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.”

308. In accordance with Article 15 of the Minority Schools Act for Burgenland, a special division responsible for bilingual education was set up within the Regional School Board (*Landesschulrat*) for Burgenland with specialised inspectors qualified to inspect bilingual schooling. There is a specialised inspector for Hungarian-language teaching in compulsory schools within this division. The Committee of Experts was not informed as to whether this inspector draws up periodic reports of her/his findings, which are made public. It cannot conclude therefore whether this undertaking is fulfilled, and looks forward to receiving more information in Austria's next periodical report.

Paragraph 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.”

309. The Minority Schools Act for Burgenland does not restrict the territorial scope for bilingual primary education to the Hungarian language area, but applies to the entire territory of Burgenland (Article 7).

310. There are no German/Hungarian bilingual schools outside the Hungarian language area in Burgenland, but the teaching of Hungarian as a subject is provided at several schools. Hungarian is also taught at four primary schools in Vienna in the framework of the 'Hungaricum' project (see paragraph 92 above). The Committee of Experts understands that there is a strong increase in the demand for Hungarian as an optional subject in Austria and invites the Austrian authorities to take the necessary measures to increase the offer accordingly.

311. The Committee of Experts considers this undertaking fulfilled.

Article 9 – Judicial authorities

Paragraph 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

312. The Ordinance regarding the use of Hungarian as an official language provides that Hungarian is to be admitted as an official language before the district courts of Oberpullendorf and Oberwart, as well as before the Eisenstadt Regional Court. This Ordinance only entered into force in 2000, however, so that there is no established practice with respect to the use of Hungarian before judicial authorities. The Austrian authorities informed the Committee of Experts that more detailed information will be provided in the next periodical report.

The Committee of Experts will therefore not conclude in the present monitoring cycle whether this undertaking is fulfilled.

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;

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

313. By virtue of the Ethnic Groups Act, and the Ordinance regarding the use of Hungarian as an official language, Hungarian can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in criminal proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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

314. The Ordinance regarding the use of Hungarian as an official language provides that Hungarian is to be admitted as an official language before the district courts of Oberpullendorf and Oberwart, as well as before the Eisenstadt Regional Court. This Ordinance only entered into force in 2000, however, so that there is no established practice with respect to the use of Hungarian before judicial authorities. The Austrian authorities informed the Committee of Experts that more detailed information will be provided in the next periodical report. The Committee of Experts will therefore not conclude in the present monitoring cycle whether this undertaking is fulfilled.

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

if necessary by the use of interpreters and translations;

315. By virtue of the Ethnic Groups Act, and the Ordinance regarding the use of Hungarian as an official language, Hungarian can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in civil proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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

316. According to the initial periodical report, Hungarian is admitted as an additional official language before the Burgenland Independent Administrative Senate (*Unabhängiger Verwaltungssenat*), which corresponds to an administrative tribunal, by virtue of Articles 13ff of the Ethnic Groups Act and Article 4 of the Ordinance regarding the use of Hungarian as an official language. The Committee of Experts was informed by the Austrian authorities that Hungarian has not been used before the Senate in practice since the entry into force of the Ordinance regarding the use of Hungarian as an official language. The Committee of Experts will therefore not conclude in the present monitoring cycle whether this undertaking is fulfilled and would welcome further information in the next periodical report..

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

if necessary by the use of interpreters and translations;”

317. By virtue of the Ethnic Groups Act, and the Ordinance regarding the use of Hungarian as an official language, Hungarian can be used when conducting a court case before the specified courts. Austrian law does not contain any provisions stipulating that documents or evidence in administrative proceedings may be submitted only in a specific language. The Committee of Experts considers this undertaking fulfilled.

“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.”

318. Article 22 of the Ethnic Groups Act provides, *inter alia*, that the costs and fees arising from translations due to the use of a language admitted as an official language have to be borne *ex officio*. The Committee of Experts considers this undertaking fulfilled.

Paragraph 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;”

319. The Austrian legal system does not restrict the validity of legal documents by reference to the language in which they are drafted. The Committee of Experts considers this undertaking fulfilled.

Article 10 – Administrative authorities and public services

Paragraph 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;”

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

Paragraph 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;”

Paragraph 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;”

320. The Ordinance of the Federal Government regarding the use of Hungarian as an official language defines the municipalities (*Gemeinde*) of Burgenland where the use of Hungarian is admitted before local administrative authorities (Article 2, paragraph 1). These municipalities are in the districts (*Bezirke*) of Oberpullendorf (one municipality) and Oberwart (3 municipalities).

321. Article 3 of the Ordinance provides that Hungarian is admitted before the district administrative authorities (*Bezirkshauptmannschaften*) of Oberpullendorf and Oberwart. Pursuant to Article 4 of the same Ordinance, Hungarian is admitted before the administrative authorities of the Federation or of the *Land*, which have their seat in Burgenland and whose district partly or fully coincides with these two districts.

322. The Committee of Experts noted during the “on-the-spot” visit that the representatives of the Hungarian speakers were of the view that the situation regarding the use of Hungarian before administrative authorities has not noticeably changed since the entry into force of the Ordinance. According to them, there has not been increased attention to the Hungarian skills of civil servants, and no encouragement to use Hungarian in official situations, such as the development of bilingual or Hungarian-language forms. They were also of the opinion that Hungarian was practically nonexistent at the *Land* government level.

323. The Ordinance regarding the use of Hungarian as an official language only entered into force in October 2000. Consequently, it is difficult to evaluate its application in practice at present. The Committee of Experts is therefore not in a position to evaluate Austria’s compliance with its undertakings under Article 10, paragraphs 1 to 4 of the Charter in the present report and looks forward to receiving detailed information about the implementation of the Ordinance with respect to administrative authorities in Austria’s next periodical report.

Paragraph 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.”

324. In keeping with the Personal Status Act and the Personal Status Ordinance, the Austrian legislation allows for the registration of non-German names in their original spelling, including diacritic signs. The Austrian Law on Name Changes (*Namensrechtsänderungsgesetz*) allows changing one’s family name. A fee of €511 is incurred by the applicant, unless the name in question is historically linked to the person making the demand, in which case the change is free of charges and levies. The Committee of Experts considers this undertaking fulfilled.

Article 11 – Media

Paragraph 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;”

325. The Committee of Experts observes that the present undertaking concerns the encouragement and facilitation of the broadcasting of radio programmes in the private sector. It understands that the regional radio station of the ORF broadcasts a five-minute news programme daily at 18.55, as well as a 30-minute Hungarian programme on Sundays at 19.30 and a trilingual programme on Mondays which includes 15 minutes of Hungarian. Although the Committee of Experts acknowledges the positive impact of the existing radio provision,

it notes that this concerns public service broadcasting, which is covered under Article 11, paragraph a.iii of the Charter.

326. The Committee of Experts is aware that the Hungarian speakers are co-operating with the Burgenland-Croatian and Romany speakers to negotiate with the authorities an increased radio provision in regional or minority languages in Burgenland, and hopes that the outcome of these talks will improve the radio provision in Hungarian.

327. The Committee of Experts understands that there are at present no radio programmes in Hungarian on private radio stations in Burgenland. It considers therefore that this undertaking is not fulfilled. The Committee of Experts encourages the Austrian authorities to take the necessary steps to encourage or facilitate the broadcasting of radio programmes in Burgenland-Croatian on private radio, without this affecting the existing level of public radio provision.

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

328. The Committee of Experts observes that the present undertaking concerns the encouragement or facilitation of the broadcasting of television programmes in Burgenland-Croatian in the private sector. The broadcasting of television programmes in Hungarian is limited to only a 25-minute programme ‘Adj’lsten magyarok’ on the regional television channel of the ORF on Sundays at 13.05 six times a year. There is also a 45-minute programme in four languages (‘Servus/Szia/Zdravo’) which includes some Hungarian and which is broadcast on the same channel four times a year. This however concerns public service broadcasting, which is covered under Article 11, paragraph a.iii of the Charter. The Committee of Experts understands that there are no television programmes in Hungarian on private television channels. It considers therefore that this undertaking is not fulfilled. The Committee of Experts encourages the Austrian authorities to take the necessary steps to encourage or facilitate the broadcasting of television programmes in Hungarian on private television, without this affecting the existing level of public television provision

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

329. The Austrian authorities stated in the initial periodical report that the Federal Government’s support scheme for ethnic groups subsidises such works in Hungarian. The Hungarian speakers consider the support for audio and audiovisual works as being too low. The Committee of Experts does not have sufficiently detailed information at its disposal at present to evaluate whether this undertaking is fulfilled, and would welcome further information in the next periodical report.

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

330. There are no daily or weekly newspapers in Hungarian in Burgenland. Neither has the Committee of Experts been informed of any initiatives to encourage or facilitate the creation of a daily or weekly newspaper in Hungarian. The Hungarian speakers only publish a monthly magazine, with some financial assistance under the general ethnic group promotion scheme of the Federal Chancellery. The Committee of Experts considers this undertaking not fulfilled.

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

331. According to the Hungarian speakers, the audiovisual works in Hungarian are not considered as particularly worthy of promotion in the framework of general promotion programmes for audiovisual productions. The information that the Committee of Experts received from the Austrian authorities does not allow it to conclude whether this undertaking is or is not fulfilled. The Committee would welcome further information in the next periodical report.

Paragraph 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.”

332. The Austrian legislation does not contain any restriction regarding the freedom of reception of radio and television broadcasts from Hungary, and the Committee of Experts is not aware of any restrictions regarding this undertaking with respect to Hungarian-language written press. The Committee of Experts considers this undertaking fulfilled.

Article 12 – Cultural activities and facilities

Paragraph 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;”***

333. The Austrian authorities consider that this undertaking is dealt with under the Federal Chancellery’s support scheme for ethnic groups. For the purposes of this funding scheme, promotion of the language of an ethnic group is the decisive criterion of eligibility. The Austrian authorities informed the Committee of Experts that the funds allocated to the Hungarian ethnic group (around €330 000 in 2003) are mainly used for cultural activities promoting the Hungarian language.

334. The Hungarian speakers consider these funds as disproportionately small for their ethnic group (see paragraph 64 above) and their allocation process as very bureaucratic and often unpredictable. The Committee of Experts was informed by the Austrian authorities that detailed statistical information regarding the use of these funds will be provided in Austria’s next periodical report. It is therefore not in a position to evaluate Austria’s compliance with this undertaking in the present report.

- “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;”***

335. The Committee of Experts has no information as to how the Austrian authorities ensure that the bodies responsible for organising or supporting cultural activities make appropriate allowance for Hungarian in their domains of activity. The Committee of Experts therefore cannot evaluate whether this undertaking is or is not fulfilled, and invites the Austrian authorities to provide this information in the next periodical report.

Paragraph 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.”

336. It is stated in the initial periodical report that the promotion of cultural activities in Hungarian is not limited to the Hungarian language area in Burgenland and that language-specific projects of Hungarian-speaking organisations located in the *Länder* of Tyrol, Upper Austria and Styria have been granted financial assistance under the Federal Chancellery's ethnic groups support scheme. The Committee of Experts considers this undertaking fulfilled.

Paragraph 3

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

337. The Austrian authorities informed the Committee of Experts that Austria makes provision for the Hungarian language and culture notably in the framework of the Alps Adriatic Working Community (ARGE Alpen-Adria), of which the *Land* Burgenland is a member. The Committee of Experts has no information at its disposal about the way in which the central authorities comply with this undertaking.

338. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad (e.g., cultural exchanges, reference to the minority languages spoken in Austria and to their cultures in the context of European or international exhibitions or events, documentation on the country aiming at an international public, use of bilingual place-names on the official maps and in the official brochures and guides used to promote the image of the country abroad, *inter alia* for touristic purposes, etc.). Indeed, the spirit of this undertaking is in particular to encourage a country to present or promote itself abroad, or in front of an international audience, in a manner other than as a monolingual or a monocultural country.

339. The Committee of Experts has at present insufficient information to evaluate if the undertaking is fulfilled, and looks forward to receiving further information in Austria's next periodical report.

Article 13 – Economic and social life

Paragraph 1

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

- a** *to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;*
- b** *to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;*
- c** *to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;*
- d** ***to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”***

340. The Austrian authorities consider that Austria fulfils this undertaking as a result of the prohibition of discrimination of the speakers of regional or minority languages and the constitutional right to use regional or minority languages in private life and in commerce pursuant to Article 66, paragraph 3 of the State Treaty of St. Germain.

341. The Committee acknowledges that the scope of this provision is rather open and that it does not give much indication as to what kind of measures should be taken. It can indeed be confirmed that the measures envisaged should be positive, and not only to eliminate or discourage negative practice. The measures envisaged could for example be to facilitate and/or encourage the use of the regional or minority language on buildings, the oral use of the language in public areas, such as in railway stations or airports, use of bilingual brochures in tourism, giving rewards to companies that are effectively using the regional or minority language, initiating a campaign of bilingualism etc.

342. The Committee of Experts was not informed by the Austrian authorities of any positive measures within the meaning of this undertaking, and would welcome further information in Austria’s next periodical report.

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.”***

343. The initial periodical report states that co-operation within the meaning of this undertaking takes place within the framework of the Alps Adriatic Working Community, of which Burgenland is a member, and the Austrian Institute of East and Southeast European Studies. The Committee of Experts was not informed, however, of specific projects or activities for the benefit of the Hungarian language. It is therefore not able to conclude whether this undertaking is fulfilled and looks forward to receiving more detailed information in Austria’s next periodical report.

Chapter 3. Findings

- A. The protection and promotion of regional or minority languages has a long tradition in Austria. The ratification of the Charter by Austria both reflects and complements this tradition. However, contrary to the common practice in Austria, the participation of the Advisory Councils for ethnic groups and the regional or minority language speakers in the ratification process and in the preparation of Austria's initial periodical report appears to have been very limited.
- B. The Committee of Experts observes that the protection and promotion of the regional or minority languages in Austria is characterised by the existence of two distinct categories. The objective situation of the languages for which there is a specific legal framework, i.e. the Slovenian, Burgenland-Croatian and Hungarian languages in their respective language areas in Carinthia and in Burgenland, is considerably better than that of the other regional or minority languages. This distinction is also closely reflected in Austria's instrument of ratification.
- C. Although Part II languages benefit from general promotion measures for the ethnic groups, the lack of a structured and coherent policy specifically furthering their use in public and private life hampers their effective protection and promotion. Such a policy is needed in Vienna, where a large number of regional or minority language speakers are concentrated, as well as for the Slovene-speakers in Styria and for the Romany speakers on the whole territory of Austria. By contrast, Austrian regional or minority language policy with respect to Part III languages is characterized by a very extensive and exemplary legislative framework. However, there are certain gaps with respect to the implementation of existing legal provisions.
- D. The Committee of Experts is particularly concerned about the message conveyed by the lack of implementation of Constitutional Court rulings regarding the use of the Slovene language in Carinthia. The present state of affairs creates considerable tension, which could negatively affect mutual understanding and tolerance towards regional or minority languages in Austria.
- E. The Committee of Experts welcomes the recent positive steps taken with respect to the Slovene language in Styria which has been neglected for decades. However, the continued existence of the Slovene language in Styria depends on the adoption of more determined measures, notably in the fields of education and the media.
- F. There have been positive developments regarding the Romany language in Burgenland in recent years, such as the codification of the dialect spoken by the Burgenland Roma. However, much needs to be done to improve the situation of the Romany language in Austria, which the Committee of Experts considers as a non-territorial language in accordance with the Charter's definition of non-territorial languages.
- G. Regarding education, the provision of regional or minority language teaching in Vienna is in considerable need of development. There is no provision of Burgenland-Croatian teaching, and Hungarian is only taught at the primary school level. Although the Komensky School provides Czech-medium education at all appropriate levels, its financial future is insecure. The Komensky School also provides bilingual education in Slovak and German, although the existing situation is not considered satisfactory by the Slovak speakers due to the predominant position of the Czech language.
- H. With respect to the teaching of Part III languages, the Committee of Experts welcomes as a very positive element the fact that the structure of regional or minority language education in Burgenland, and to a lesser extent in Carinthia, is open to monolingual German speakers living in areas where bilingual education is provided in accordance with Austrian law. It understands, however, that the varying language skills of school children create practical difficulties for the teaching. The responsible authorities are aware of these difficulties and several studies to identify solutions are under way. The Committee of Experts hopes that lasting solutions will be found in the near future.

I. The fact that the Minority Schools Act for Burgenland does not specify the number of hours devoted to teaching in regional or minority languages in bilingual schools constitutes a problem for the teaching of the Burgenland-Croatian language. The practice seems to vary between schools, and at some schools teaching in these languages is too limited for those schools to be considered bilingual.

J. The situation in Carinthia regarding Slovene-language education is on the whole satisfactory since the introduction of Slovene-language teaching in the 4th grade of primary education as a result of a ruling of the Constitutional Court. There are concerns, however, that recent changes such as making small schools into external branches (*Expositur*) of bigger schools and the appointment of non-bilingual headmasters to bilingual schools pose a threat to the maintenance of the existing situation.

K. There are shortcomings with respect to teaching materials and teacher training. There is a general shortage of teaching materials in regional or minority languages produced in Austria. In addition, materials imported from abroad are not covered by the federal promotion scheme for ethnic groups. With regard to teacher training, further measures are needed to ensure that the increasing demand for teachers competent in regional or minority languages can be met, and that teachers have adequate language skills.

L. The Committee of Experts finds that despite the existence of legal provisions allowing the use of Burgenland-Croatian, Slovenian and Hungarian before judicial and administrative authorities, there are problems in implementation which hamper the fulfilment of Austria's undertakings under Articles 9 and 10 of the Charter. In many locations, the infrastructure to implement the legal provisions (such as regional or minority language-speaking judges/civil servants or access to translators and interpreters) is not present. A general lack of linguistic competence in regional or minority languages within the courts and the administrations concerned particularly impedes the written use of the regional or minority languages. The Committee of Experts also observes that the users of the regional or minority languages concerned are often reluctant to avail themselves of this right for fear of causing delays or being seen as "trouble-makers" by the authorities.

M. Regarding administrative authorities, the Committee of Experts observes that in certain areas the use of regional or minority languages in official situations is possible in practice, especially at the municipal level and in oral communication. However, the right to use regional or minority languages before administrative authorities is not systematically encouraged by the responsible officials. The Committee of Experts understands that the Constitutional Court ruling of 4 October 2000 (V 91/99-11) implies that Slovene should be permitted as an official language in some municipalities in Carinthia in addition to those defined in the relevant Ordinance. Steps need to be taken to make this right effective.

N. With regard to the media, the Committee of Experts commends the Austrian authorities on the 2001 amendment to the ORF Act which includes regional or minority language broadcasting in the public service mission of the ORF and allows co-operation with private broadcasters to fulfil this mission. However, the Committee of Experts is concerned about possible negative effects the amendment may have on the broadcasting in regional or minority languages in the public sector. Steps need to be taken in order to render this amendment effective and to increase regional or minority language radio and television broadcasting in Austria.

O. With regard to the broadcasting media, the Part III undertakings chosen by Austria at the time of ratification correspond to the encouragement or facilitation of radio and television programme broadcasting by private broadcasters, whereas the information provided in the initial periodical report mostly concerns public service provision. The Committee of Experts is pleased to note the existing public broadcasting media provision, which is a very positive element for the visibility of the languages concerned among the general public and which should therefore be maintained. However, it is necessary to improve broadcasting media provision in the private sector in order for Austria to fulfil its undertakings with respect to the provision of private radio programmes (in Burgenland-Croatian and Hungarian) and private television programmes (all Part III languages).

P. The Committee of Experts observes that regional or minority language speakers in Austria are very active in the field of the written press, especially the Burgenland-Croatian and Slovene speakers. However, no encouragement or facilitation for the creation of a Hungarian newspaper has been reported. The Committee of Experts understands that changes are being implemented regarding general press promotion measures which could reduce the existing support for regional or minority languages in the print media.

Q. The regional or minority language speakers seem to be very active with regard to cultural activities and an important part of the funds allocated to the ethnic groups is used for cultural activities promoting regional or minority languages.

R. Four out of six regional or minority languages identified at the time of ratification by Austria are official languages of new member States of the EU. In the context of the enlargement, there has been increased interest in these regional or minority languages among the majority speakers. This is an important opportunity for the promotion of these languages and all regional or minority languages spoken in Austria in general, notably in the fields of education, culture, as well as economic and social activities.

The Austrian government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to Austria. At the same time it emphasised the need for the Austrian authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 912th meeting on 19 January 2005, the Committee of Ministers adopted its Recommendation addressed to Austria, which is set out in Part B of this document.

Appendix I: Instrument of Ratification



Austria :

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

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

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

Burgenlandcroatian in the Burgenlandcroatian language area in the Land Burgenland :

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

Slovenian in the Slovenian language area in the Land Carinthia :

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

Hungarian in the Hungarian language area in the Land Burgenland :

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

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

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

individual requirements laid down in Part III of the Charter.

With regard to Czech in the Land Vienna :

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

With regard to Slovakian in the Land Vienna :

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

With regard to Romany in the Land Burgenland :

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

With regard to Slovenian in the Land Styria :

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

With regard to Hungarian in the Land Vienna :

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

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

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

Period covered: 1/10/2001 -

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

Appendix II: Comments by the Government of Austria

Ad Item C:

For decades, as internationalization with its ethnic, linguistic and cultural diversity has further expanded, this has been reason to react accordingly and to step up initiatives to intensify language learning on the level of the compulsory schools. This applies, in particular, to primary schools. Here, pupils are offered that amount of language training that enhances their skills without imposing any stress on their general development.

In these efforts, the languages of our neighboring countries, as well as the languages of those nationals who live in Austria are given special attention. Multilingual children are always given support that helps them to become integrated, which means that they attend regular school classes and are assisted by additional teachers who specifically develop their skills of the German language, i.e. their second language, as well as by teachers of their mother-tongue.

The education offered to pupils in their mother tongue has gone through a many-year development process, removing it from a marginalized position - characterized by relying on the curricula and teachers (consulting teachers) of the home countries – and integrating it into the national curricula, thus making it part of the regular education.

The possibilities offered to teachers and education experts in the broader sense by CERNET, the Language Center at the Federal Pedagogical Institute in Vienna, deserve special mentioning.

In a nutshell this means that with the CERNET project, the Vienna School Board has greatly promoted cross-border cooperation with our neighboring regions, i.e. Brno, Bratislava and Győr, since 1996. It has therefore been possible to organize more than 120 partnerships between schools, as well as a multitude of seminars, meetings and conferences. A special focus is on intensifying the communication competences of the future EU citizens in this region of CENTROPE. In this connection, one should mention the development of the common Central European language portfolio, which is made available to pupils so that they can document their language skills.

Ad Item E:

The criticism expressed in the expert report, i.e. that promoting the Slovenian language in Styria "has been neglected for decades" must be rejected vehemently.

As far as the curriculum is concerned, education in school can be offered in the Slovenian language in primary schools, both as a mandatory and/or optional exercise. It has always been possible to offer courses in Slovenian as a second foreign language at the upper-level secondary general schools (Allgemeinbildende Höhere Schule). Slovenian may also be offered as a first language at lower-level secondary schools (Hauptschule) und upper-level secondary general schools (Allgemeinbildende Höhere Schule). The regional school board may also provide for the teaching of Slovenian as a possible optional subject from its resources.

A requirement for implementing these options is that the teachers have the necessary qualifications and that pupils are interested in attending these courses. In Styria, there are teachers who can teach Slovenian at upper-level secondary general schools (Allgemeinbildende Höhere Schule), since the Department for Slavic Languages at the University of Graz offers a teacher-training program for Slovenian.

The bilingual school calendar for 2005, which shows the projects that have been launched and those that are planned, is currently in its preparatory phase. The calendar is a product of the EUREGIO (Styria – Slovenia) network. The newspaper "Kleine Zeitung" is integrated into this network. Since 1999, 53 school partnership projects have been supported in the framework of the Comenius Campaign 1 (multilateral school partnership projects), with one Austrian and one Slovenian school participating in each project.

EUREGIO, as the body representing the interests of the regions located along borders, accepts the following tasks: general coordination with the partner country, establishing links to the other structures, as required for the bilateral cooperation, providing a common platform for cross-border projects, as well as public relations and information.

As a result, the "INTERREG-SLO/A Project" was developed, which is a cooperation project between *Technozentrum Celje* and *Handelsakademie Graz* (upper-level commercial school).

The education authority promotes measures whereby schools develop their regional profile. In this connection, the languages of the new EU Member States are being especially promoted. The many years of cooperation between schools, such as the upper-level federal secondary schools at Bar Radkersburg and Gornja Radgona, the primary schools of Graz and Maribor, the school choir of Velenje and *Handelsakademie Deutschlandsberg* (upper-level commercial school), the celebrations along the border at Gamlitz, are examples of sustainable cooperation projects. The cooperation was also published and documented in the media.

In addition to school activities, cultural events should also be mentioned, such as the "Fest an der Grenze" (Celebrating along the Border), international encounters (dancing and performing groups), as well as musical, literary and educational events in Styria.

Reports about the aforementioned cooperation projects can be found in the print media.

Ad Item F:

Within the competences of the Regional School Board for Burgenland, the possibility to teach lessons in ethnic languages is expanded from year to year, provided that staff is available to teach the classes.

During the 2004/05 school year, Romany is taught at the primary schools of Oberwart and Unterwart, as well as the lower-level secondary school at Oberwart. A total of 28 pupils attend these courses.

Ad Item G:

The "HUNGARICUM" project: In keeping with the provisions regarding school curricula, i.e. to provide additional mother-tongue courses, the pupils with Hungarian as a first or second language can consolidate and expand their language skills or experience basic elements of their culture through play-acting, as well as to link these to their present, new cultural environment. The German-speaking pupils acquire elementary language skills, which help them with verbal communication, on account of the curriculum provisions on "Hungarian as a living foreign language".

The "HUNGARICUM" project especially takes account of the aspects of inter-cultural learning. The idea is to provide the target groups with insights into the differences but also the common features of our cultural heritage by play-acting with, and speaking to each other. The project is being offered as an additional facultative feature (as part of an optional exercise) by five primary schools at different locations, as well as two middle-level and one upper-level school in Vienna.

The EPS Project (European Primary School): Establishing the European primary school is a multi-country educational project that was developed jointly by primary-school experts from the four neighboring regions of Győr, Brno, Bratislava and Vienna. The project is being implemented in all four regions in keeping with the regional possibilities.

The goal of this school project is to particularly promote an attitude favorable to a common Europe. This is done, on the one hand, by primarily communicating those skills that promote a life together, namely an expanded supply of language courses. The European primary school offers an expanded range of foreign-language classes.

Resorting to the use of "native speakers" is the other aspect. The European primary school offers the possibility of acquiring skills in one further foreign language as of primary school level II. The languages of the neighboring regions, in particular, i.e. Czech, Hungarian and Slovak, are offered, in particular.

At the European middle-level (secondary) school, the European/inter-cultural dimension of education is supported in a project that is unique in Europe, especially by specifically promoting the languages of our eastern neighbors that have lesser diffusion and are taught to a lesser degree.

The goals of the European middle-level (secondary) school are: to communicate the global education in the mother-tongue and in English, on the basis of the curriculum for upper-level secondary schools, using the most modern teaching methods. The language skills are intensified by applying them at all times during classes, the everyday school life and during leisure times. The awareness for Europe is developed and promoted in the course of European studies. Intercultural learning is communicated, and pupils are educated to exercise tolerance and open-mindedness towards the world (cosmopolitanism).

As of the 2004/05 school year, teachers for Romany have been assigned to teaching mother-tongue courses at primary schools. Acquiring language skills at an early stage is considered to be part of the overall project, i.e. first measures are taken which, however, are then also continued on secondary school levels I and II.

At present, the school law applying to ethnic groups does not encompass the scope of responsibility of the Vienna School Board. As a result, the resources, regulations and overall conditions under that law are not available.

As far as the Burgenland Croatian language is concerned, the Vienna School Board has offered to provide two bilingual teachers to conduct bilingual classes in Burgenland Croatian and German at a primary school for a minimum of 13 mother-tongue pupils.

Ad Item H:

The report of the committee experts recognizes the bilingual education and the related methodological and didactic questions to a large extent, taking account of issues regarding quality assurance and school development.

The statement "very positive element" should be an incentive to further develop a regional education program which presents bilingual teaching and education (classes offered to preserve and strengthen membership in the Slovenian ethnic group) as an open system that is accessible to all, which contains future-oriented elements in this specifically European region. The language action plan of the European Commission 2004 to 2006 (promoting language learning and the diversity of languages) provides further stimuli in this connection.

Ad Item I:

The locations of the bilingual primary schools in Burgenland can be found in the autochthonous settlement area of the Burgenland Croats. However, the development is taking a course as a result of which increasingly fewer children with mother-tongue Croatian are attending schools in some areas, especially in the northern regions of the country. This is primarily due to the fact that a growing number of inhabitants from urban areas are settling in the mixed-language communities of the northern Burgenland.

It is therefore the rule in those schools that one will find in one class children with Burgenland-Croatian as mother tongue, children without any previous knowledge of Croatian, children with low-level language skills and children with a passive understanding of the language, who are all taught at the same time. The teachers have to make sure that they comply with their pedagogical responsibility in order to support and teach the children in the best-possible manner also in this area.

The teachers comply with their tasks in keeping with the curriculum regulations for primary schools for ethnic groups and for minority-language teaching in primary and middle-level schools in Burgenland (Federal Law Gazette No. 118/1966 in its applicable version), chapter 7: "...Educational and teaching tasks, teaching material: The provisions of the respective curriculum for primary schools, chapter seven, apply to the teaching of the technical subjects, German, reading, mathematics, music education, art education, writing, handicrafts and physical education, with the proviso that classes (except for German, reading and writing) should be taught in

the Croatian and German languages to an approximately equal degree, to the extent possible, in accordance with the previous knowledge of the children."

Ad Item K:

Regarding the training of teachers it should be mentioned that students are provided the possibility, as of their first study year, to acquire practical experience in parallel.

A textbook commission is responsible for obtaining the teaching materials. Associations that are specifically set up for the task are commissioned to produce the teaching aids. In the nineties, textbooks were also exported to Slovenia for the secondary commercial schools that were newly established in our neighboring country.

In addition to teaching aids, one should also mention that, in cooperation with the Foreign-Language Center Graz, the Federal Ministry for Education, Science and Culture has developed a full range of specific materials (series of publications "Zoom"), also for the languages of the neighboring countries.

Ad Item L:

The Federal Ministry of Justice wishes to emphasize with respect to courts and judges that in those juridical districts, where, in addition to German, the use of Hungarian, Slovenian or Croatian is admitted, presently

12 staff (including all heads of the pertinent District Courts) are proficient in Slovenian,

7 staff in Hungarian and

5 staff in Croatian, respectively.

The impression conveyed in particular by the statement that "A general lack of linguistic competence in regional or minority languages within the courts ... concerned particularly impedes the written use of the regional or minority languages" in Chapter 3.1, letter L, does not adequately reflect realities on the ground and is therefore misleading. "

Ethnic Groups and Broadcasting

On 1 January 2002 an amendment of the ORF Act entered into force which took account of one of the concerns of the ethnic groups regarding media coverage in the languages of the ethnic groups. The ORF Act now stipulates in § 5 that the ORF (Austrian Broadcasting Corporation) is obliged to provide adequate program shares in the languages of the ethnic groups for which there is an ethnic group advisory board. It is up to the ORF to decide how it meets this obligation. It can comply with this obligation independently, but to some extent also in cooperation with the private radio stations of the ethnic groups. However, this does not affect its obligation to broadcast programs in the languages of the ethnic groups in a commensurate scope. Any interventions by the Federal Government are barred, already on account of the independence of broadcasting stations, as ensured in the constitution.

Programs broadcast by the ORF for the ethnic groups

In the past two years, the ORF has continued to expand the activities that it offers to the ethnic groups, and it offers a diversity of programs for the six ethnic groups in its radio and television programs, as well as on the Internet and the teletext program. On the one hand, these are programs in the respective languages of the ethnic groups and, on the other hand, these are programs offered in German which are intended to bring topics of specific relevance to an ethnic group closer to the German-speaking population. In addition, the ORF organizes activities for the ethnic groups on an ongoing basis in the course of a number of off-air events.

The following is available to the Slovenian ethnic group:

The radio programs offered by the ORF have been considerably expanded by its cooperation, begun on 21 March 2004, with "Agora & Korotan Lokalradio GmbH" (this is the name of the Slovenian private radio station).

Ever since, the ORF has been producing an eight-hour information and entertain program in the Slovenian language, which is broadcast in the course of the day on the frequency of the Slovenian private radio station in the time frames 06.00 to 10.00 hrs, 12.00 to 13.00 hrs. and 15.00 to 18.00 hrs. It is also available on the Internet and can be downloaded.

The time frames 10.00 to 12.00 hrs. and 13.00 to 15.00 hrs. are the responsibility of "Radio dva" and/or "Radio AGORA" which produce on the same private radio frequency; for the time frame from 18.00 to 06.00 hrs. "Radio AGORA" produces and broadcasts programs. As a result there is a 24-hour full program on the private radio frequency in Carinthia for the Slovenian ethnic group, which has met with a positive response from the Slovenian ethnic group. The ORF news programs in the German language are taken over from the regional studio for Carinthia at every full hour from 06.00 to 18.00 hrs. (exception: 12.00 hrs.). News programs in the Slovenian language are broadcast at 6.30 hrs., 7.30 hrs., 8.30 hrs., 9.30 hrs., 15.30 hrs. and 16.30 hrs. By the way, the information programs of the ORF broadcast on the frequency of the private radio station are also available on the Internet and can be downloaded.

"Radio Carinthia" continues to broadcast a magazine in the Slovenian language every Wednesday from 21.03 to 22.00 hrs.; every Sunday and on holidays a very popular Slovenian-German morning program is offered, always from 6.06 to 07.00 hrs. The magazine "Servus – Srecno – Ciao" in three languages (German, Slovenian, Italian), which supports the idea of the Alps-Adriatic Sea region has been extended by one hour every day, beginning on 22 March 2004, and has since been broadcast on "Radio Carinthia" from Monday to Friday from 16.03 to 19.00 hrs., with the news being broadcast in all three languages always at 18.30 hrs.

"Radio 1476" continues to take over the programs for the ethnic groups from the regional studio for Carinthia, as this has been the case ever since the summer 2003, in order to offer members of the ethnic group outside the broadcasting range the possibility of receiving these programs for the ethnic group, namely by receiving them via the "ORF digital" and the live streams on the Internet. In addition, a broadcasting slot is reserved on "Radio 1476" for programs in the Slovenian language, namely every Saturday and Sunday from 18.00 to 20.00 hrs.

Part of the ORF television programs features the television magazine "Dober dan, Koroska" of the regional studio for Carinthia in the Slovenian language every Sunday from 13.00 to 13.30 hrs., which is shown as a separate local program in Carinthia on the channel "ORF 2". This program is broadcast a second time on Mondays on the "ORF 2" night program, which can be received throughout Austria; it is also available on the Internet as a real video which can be downloaded. As a result, members of the ethnic group living outside of Carinthia also have access to these programs, in addition to receiving them via "ORF digital". (The television channels of RTV Slovenija also re-broadcast the ORF program "Dober dan, Koroska".)

In 2002, the programs available to the ethnic groups that live in Burgenland were expanded considerably. In addition to supplying the ethnic groups with programs in their mother tongues, topics of relevance to the ethnic groups are frequently program components in all broadcasting channels of "Radio Burgenland" so that audiences that are only German-speaking are also informed about topics concerning the ethnic groups. Moreover, in 2004 a Euregio magazine, integrated into the area-wide program of "Radio Burgenland", deepens the connections to and the understanding for the new regions neighboring Burgenland and tries to eliminate possible prejudices. In the off-air segment, "Radio Burgenland" frequently launches initiatives to the benefit of the ethnic groups (CD productions, events, etc.).

The following is available to the ethnic group of the Burgenland Croats:

"Radio Burgenland" offers two minutes of news in the Burgenland Croatian language from Mondays to Saturdays, always at 12.38 hrs. From Mondays to Sundays (always at 18.15 hrs.), the program features an evening magazine in the Burgenland Croatian language, followed (always at 18.25 hrs.) by a thirty-minute magazine program in the Burgenland Croatian language. Every week (always on Mondays from 20.04 to 21.00 hrs.) features in the Burgenland Croatian language are broadcast in a three-language magazine. In the four-

language program "Servus Szia Sdravo Deltuha", broadcast on four dates during a year (always on Sunday from 14.20 to 15.05 hrs.), contributions in the Burgenland Croatian language always are a regular feature.

In June 2003 the radio broadcasts in the Burgenland Croatian language were further developed in form and substance; they are now even more specifically geared to the target group, they consist of new materials and have a new layout, and they are presented by new moderators. They are very well received by the ethnic group.

Since July 2003, the programs produced by "Radio Burgenland" for the ethnic groups have been re-broadcast on medium wave on "ORF-Radio 1476". As a result, members of the ethnic group living outside the broadcasting range of "Radio Burgenland" can receive terrestrially the programs of "Radio Burgenland" for the ethnic groups, in addition to receiving them via "ORF digital" and via live stream. In the time frame from 21.00 to 21.30 hrs., always on Tuesdays and from Thursdays to Sundays, programs are broadcast for the ethnic groups in the Burgenland Croatian language; one further magazine in the Burgenland Croatian language is broadcast on Fridays from 19.30 to 20.00 hrs.

As an element of the ORF's television programs, the regional studio for Burgenland broadcasts a TV magazine "Dobar da, Hrvati" in the Burgenland Croatian language every Sunday from 13.30 to 14.00 hrs., which is shown on "ORF 2" locally in Burgenland. This program is re-broadcast on Mondays on the night program of the ORF that can be received throughout Austria; it is also available on the Internet as a real video which can be downloaded. As a result, members of the ethnic group living outside Burgenland also have access to this program, in addition to receiving it via "ORF digital", and they have the possibility to record this program.

The following is available to the ethnic Hungarian group:

"Radio Burgenland" offers five minutes of news in the Hungarian language every day at 18.55 hrs., and it broadcasts a thirty-minute magazine every Sunday at 19.30 hrs. The range of programs is supplemented by a weekly magazine in three languages which is broadcast on Mondays from 20.04 to 21.00 hrs. and also features Hungarian subjects. In addition, the four-language TV magazine "Servus Szia Zdravo Deltuha", broadcast four times per year always on a Sunday from 14.20 to 15.05 hrs., also features contributions in the Hungarian language.

Since July 2003 the programs for the ethnic groups that "Radio Burgenland" produces are re-broadcast on medium wave by "ORF-Radio 1476". As a result, members of the Hungarian ethnic group living outside the broadcasting range of "Radio Burgenland" can also receive terrestrially the program for the ethnic groups of "Radio Burgenland", in addition to the possibility of receiving them via "ORF digital" and via live stream on the Internet. In the time frame from 21.00 to 21.30 hrs., every Monday, programs for the Hungarian-speaking ethnic group are broadcast, and on Wednesdays, 15-minute programs in Hungarian are broadcast.

As part of the television program, the Hungarian magazine "Adj'isten magyarok" is broadcast six times per year on ORF 2 locally in Burgenland, on Sundays at 13.05 hrs.. On four further dates every year, the regional studio broadcasts the four-language TV magazine "Servus Szia Zdravo Deltuha", always on Sundays from 14.20 to 15.05 hrs., which also comprises Hungarian contributions. Both magazines can also be accessed via the Internet as real videos.

For the ethnic group of the Roma, a broadcasting slot was also created at the beginning of the year to provide members with radio and television programs in their mother tongue: "Radio Burgenland" broadcasts a weekly three-language magazine on Mondays from 20.04 to 21.00 hrs., in which contributions in Romany are regular features of the program. On four further dates per year, the regional studio broadcasts the four-language TV magazine "Servus Szia Zdravo Deltuha", always on Sundays from 14.20 to 15.05 hrs., which also features contributions in Romany that can also be accessed via the Internet as real videos.

Another new element is a weekly magazine that has been broadcast by "Radio 1476" since the beginning of 2004. In addition, since July 2003 programs for the ethnic groups – which also includes programs in the Romany language – from the regional studio for Burgenland are re-broadcast on "Radio 1476".

The following is available to the Czech and the Slovak ethnic groups:

“Radio 1476” introduced two new magazines in early 2003 in the Slovak and Czech languages. On account of the positive reactions by the audience, the scope of the programs was considerably expanded in early 2004, and a fixed program slot has been introduced for the magazines in the Slovak and Czech languages (Mondays to Fridays, 19.05 to 19.30 hrs.).

It is also of significance for all ethnic groups that every Sunday (from 13.30 to 14.00 hrs.) "ORF 2" broadcasts a television program in German “Heimat, fremde Heimat” which serves the goal of making subjects that are specific of an ethnic group accessible to audiences that are the only German-speaking. In line with this approach, “Radio Vienna” broadcasts a radio version of “Heimat, fremde Heimat” in German every Sunday from 19.00 to 20.00 hrs.

Since May 2004, all ethnic groups have also been addressed by the online platform of the ORF, which is presented in a modern online design at “[volksgruppen.ORF.at](http://volksgruppen.orf.at)”. All regional radio stations of the ORF, as well as “Radio 1476” – and thus all programs for ethnic groups broadcast by “Radio Burgenland”, “Radio Carinthia”, “Radio Vienna” and “Radio 1476” – are also available on the Internet via live stream. (<http://volksgruppen.orf.at>, <http://1476.orf.at>, <http://burgenland.orf.at>, <http://kaernten.orf.at>). An especially developed content-management system also makes it possible to use diacritic signs.

In addition to the radio and television programs of topical interest, which the regional studios for Burgenland and Carinthia have made available on the Internet as real audios and/or real videos for downloading since the year 2000, information programs of the regional studio for Carinthia have been broadcast since 21 March 2004 on the frequency of the Slovenian private radio station as a real audio and can be downloaded.

All programs broadcast for the ethnic groups by “Radio Burgenland”, “Radio Carinthia”, “Radio Vienna” and “ORF 2” (including the local broadcasts in Burgenland and Carinthia and the teletext program) can be received via “ORF digital” throughout Austria, which ensures that members of the ethnic groups are also provided with the programs who live outside the autochthonous settlement areas.

O page 639 RF TELETEXT provides daily information on all broadcasts for the ethnic groups of the special relevant radio and television broadcasts, as well as – since 2003 – daily topical information on events of relevance to the ethnic groups.

B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by Austria

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2005) 1 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Austria

*(Adopted by the Committee of Ministers on 19 January 2005
at the 912th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

Having regard to the declarations submitted by Austria on 28 June 2001;

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

Having taken note of the comments made by the Austrian authorities on the contents of the Committee of Experts' report;

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

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

1. adopt a structural policy for the protection and promotion of all Part II languages and create conditions for their use in public life;
2. ensure that the ruling of the Constitutional Court relating to the use of the Slovene language before administrative authorities in Carinthia is implemented without delay;
3. ensure that bilingual teaching takes place in practice in all relevant schools in Burgenland;
4. ensure that changes to the status of schools or to the rules regarding the appointment of staff of schools in the Slovene language area do not negatively affect Slovene-language education in Carinthia;
5. ensure that the Burgenland-Croatian, Slovene and Hungarian languages can be used before the relevant judicial and administrative authorities in practice;
6. increase radio broadcasting in Burgenland-Croatian and Hungarian, and television broadcasting in Burgenland-Croatian, Slovene and Hungarian.