

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

COUNCIL OF EUROPE



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**Comments of the Government of Austria on the Fourth Opinion of the
Advisory Committee on the implementation of the Framework Convention for
the Protection of National Minorities by Austria - received on 5 May 2017**

Volksgruppen

**Statement
by the Republic of Austria**

**on the Opinion of the
Advisory Committee on the
Framework Convention for the
Protection of National Minorities during
the 4th monitoring cycle**

Vienna, April 2017

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Statement by Austria on the Opinion

Austria would like to thank the Advisory Committee for the transmission of its Opinion in the 4th monitoring cycle under the Framework Convention for the Protection of National Minorities. All remarks and recommendations will be studied in detail and taken into account in the further implementation of the Framework Convention. They will also be included in the national process of implementing all human rights recommendations (UN, Council of Europe) aimed at a comprehensive and systematic implementation of Austria's human rights obligations.

Austria will translate the recommendations from the 4th monitoring cycle into German and publish them – both in German and English – on the homepage of the Austrian Federal Chancellery. There will also be a link on the homepage to the relevant page of the Council of Europe.

Austria takes this opportunity to express her gratitude to the delegation of the Advisory Committee for the constructive dialogue on the occasion of its country visit. This dialogue shall be continued in the light of an ongoing implementation process regarding the Framework Convention.

The following statements are intended to clarify some issues and to report on new developments:

As to the “recommendations for immediate action”, in particular the recommendation to engage in a comprehensive process of modernising the legislative framework pertaining to national minorities [marginal no. 3]:

Austria takes note of the recommendation and will examine possibilities for an implementation. We do, however, beg to make the following statements: The amendment to the National Minorities Act in 2011 was based on a political agreement with the representatives of the Slovene minority. The fact that these provisions regarding official language and bilingual topographic signs were included in the Austrian Federal Constitution, has increased the legal security and guarantee of continuity of its members irrespective of the demographic development of the minorities concerned. That the language rights of these minorities are included in the Austrian Constitution constitutes an important progress, in Austria's view, both for the rights of the members of the minorities and for a better climate between the minority and the majority population in Carinthia, leading to a permanent solution of conflicts which lasted for decades.

As regards further amendments in accordance with a consultation draft from the year 2012, no political consensus could be achieved due to a lack of agreement between the minorities. Under this impression, the Austrian Federal Government has made no further efforts for the time being but stated that it would not ignore the unanimous wish of the National Minority Advisory Councils to amend certain provisions. There are no indications of a consensus at the moment.

As to the recommendation to involve the National Minority Advisory Councils more effectively in all relevant decision-making processes [marginal nos. 4, 5, 74, 76, 78]:

The National Minority Advisory Councils are not only involved in the decision on the funding recommendation. They also receive drafts of pertinent legal provisions for their comments in the consultation procedure, such as for example - most recently – the drafts on the education reform. Basically, the National Minority Advisory Councils can themselves require the convening of meetings and the consideration of specific items on the agenda. It is to be noted here that most recently a draft for amending the Carinthian State Constitution was introduced in April 2017 in the Carinthian Parliament, providing inter alia that the Slovene minority shall be mentioned by name and a state objective for the protection of the “developed linguistic and cultural variety” should be included in the Carinthian Constitution. Representatives of the Slovene minority were certainly involved in the formulation of these provisions.

As to the personal scope of application of the Framework Convention [marginal no. 8]

Although the Hungarian minority is not mentioned in the State Treaty of Vienna, there are also regulations for the Hungarian minority in Burgenland regarding bilingual topographic signs and official language (relating to marg. no. 8).

As to equal treatment and anti-discrimination [marg. nos. 13, 14]

Acting in response to criticism in State Reviews, Austria has subjected the national equal treatment legislation and the instruments for its implementation to a comprehensive evaluation. We are trying to find solutions to give victims of discrimination rapid and easy access to the competent bodies providing them with assistance and advice in the individual case.

As to the inclusion of Roma [marg. nos. 6, 20, 80]

As regards measures to improve the situation of Roma in Austria, reference can be made to the implementation of the EU Framework for Roma Integration. Until 2020 national measures will be continuously implemented in the key areas of education, employment, anti-discrimination, health and housing. A National Contact Point was established at the Federal Chancellery to coordinate these measures.

The Roma Dialogue Platform established in 2012 brings together on a regular basis representatives of the federal, regional and local levels with associations of the civil society, experts from science and research, thus enabling an open, inclusive dialogue. Every meeting of the Roma Dialogue Platform takes place under a specific topic. All in all, two Roma Dialogue Platforms are scheduled for 2017, the next meeting will be dedicated to the topic “remembrance work/Roma-Holocaust”.

All in all, the Roma Dialogue Platform enjoys a continuous increase in the number of participants from originally 30-40 to 70-80 on average in 2016. In March 2015 the Austrian Roma Dialogue Platform was presented at the 9th Roma Platform of the European Union in Brussels as a showcase model for the integration of the Roma civil society in the inclusion efforts of the Member States.

In the period from 28 September until 28 November 2016 the National Roma Contact Point carried out an ONLINE participation procedure on the need for action regarding the issue of Roma inclusion in Austria. Within the framework of the consultation process the Roma civil society was able to comment on and assess the draft of an updated Roma Strategy. The draft of the Roma Strategy is currently being revised on the basis of the submitted comments and suggestions. Many comments received from the civil society will be taken into account in the final strategy. As a result of the consultation process and in response to suggestions by Roma associations, special emphasis will be placed for example, on the policy areas of women and youth, and the participative element of the Roma Dialogue Platforms will be further extended. Another key issue will be increased efforts to fight anti-Gypsyism (for detailed survey results see: www.romadialogplattform.gv.at).

As far as employment is concerned, Austria supports for the first time Roma-specific labour market initiatives in the Operational Programme “Employment” ESF for the funding period 2014-2021. A total of € 1 million are earmarked for this ROMA priority issue each year. 50 per cent of that amount are allocated from the European Social Fund and 50 per cent from national assets. The national part of the co-financing project is derived from labour market policy funds of the federal budget. The civil society was invited in a call to present projects for an activation and stabilisation of Roma on the labour market through holistic interventions. An essential element in the selection of the 10 successful projects was the considerable involvement of members of the Roma Community in their development and implementation.

With reference to item 20 of the Opinion, we must make it clear that it was *at no time* intended to include personal data of project beneficiaries in the National Roma Strategy. The pertinent data query was contained in the [ZWIMOS funding data base of the national Austrian ESF managing authority](#) at the Ministry of Social Affairs, which serves the purpose of an electronic documentation and processing of projects within the framework of the European Social Fund and is based on EU Regulation no. 1303/2013.¹ In response to concerns by the Roma civil society, the Ministry of Social Affairs, as the national Austrian ESF managing authority, has informed the European Commission that upon a request by Austrian beneficiaries, it will abstain from requiring a disclosure of personal data in that data bank with regard to Roma projects.

Combatting racism and hate crimes and fostering a positive attitude towards integration and diversity [marg. nos. 36, 61]

For Austria, combatting racism and hate crimes and fostering a positive attitude towards integration and diversity is a special concern. Like in the past, numerous measures are being taken in that respect, the following are only a few examples of the whole range of efforts.

For further information reference is made to the [Fifth Report of the European Commission against Racism and Intolerance \(ECRI\) and the Statement by the Republic of Austria](#)² of August 2015 in response to the Report and the [Austrian Report pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination \(CERD\)](#)³ from the year 2012 and the [concluding observations of the Committee](#).⁴

¹ <http://www.esf.at/esf/foerderungen/esf-datenbank-zwimos/>

² <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Austria/AUT-CbC-V-2015-034-ENG.pdf>

³ http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fAUT%2f18-20&Lang=en

A key element in the “Updated Roma Strategy” is the fight against anti-Gypsyism. One of the defined aims in this context is entitled “The public administration is informed and sensitised”. In order to achieve this aim a sensitisation workshop will be offered already on 9 May 2017 as part of the further training programme of the Federal Administrative Academy, Such workshops are also included in the further training programme for the judiciary; in the field of education there will be further teacher training courses and expert discussions.

In March 2017 the Federal Ministry of Education sent a letter to all rectors at Austrian universities of teacher education drawing their attention to the fact that combatting hostility towards Roma was a priority target that should be taken into account in the planning of further and advanced training courses. Reference was made to material available on the pages ”erinnern.at“ (remembering) on the website www.romasintigenocide.eu and via the websites www.romane-thana.at and www.politik-lernen.at.

In spring 2017 the polis centre published the second revised and extended edition of the German version of the handbook of the Council of Europe [Bookmarks - A manual for combating hate speech online through human rights education](#).⁵ The publication contains background information on hate speech on the Internet as well as ideas and suggestions for activities in curricular and extracurricular education work.

From 23 April until 9 May 2017 the [“Political Education Action Days”](#) provide numerous opportunities for political education in and outside school.⁶

The Austrian Federal Government conducts the [campaign “Gegen Hass im Netz”](#) (“Against hatred in the net”).⁷ It plans to establish a Reporting and Counselling Centre for hate postings. The reporting and counselling centre shall act as a first contact point for users of online fora and social medial platforms who come across hate postings or are themselves affected by cyber mobbing. It is intended as a low-threshold contact point which provides information on whether postings are punishable under criminal law or may give rise to civil court proceedings, and provide assistance and advice in that respect. It is also important to establish a contact point for users affected by postings which are not punishable but defamatory or create a general feeling of discomfort.

⁴ <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoFZxvnsZjtq1Xnb4bcEJCrN1uPBxC9Hqs8hkN4%2byU5DmJrXMR5yOW5LY5Zjt8CM0zFDV%2bzk03gL2Dexl6bKogmFwbDq4XdjgYqhNxxhTMyKgnXyH8zOntTB3K%2f7NugQ%3d%3d>

⁵ <http://www.politik-lernen.at/site/shop/shop.item/106414.html>

⁶ <http://www.politik-lernen.at/site/aktionstage>

⁷ <https://www.bundeskanzleramt.at/vernetzungs-und-workshoptag-gegenhassimnetz>

These individuals will be offered advice how to delete such postings via the platforms or how to “defend themselves discursively”.

As to the official language [marg. no. 50]

Under Section 21 of the Minority Act the official language provisions shall apply mutatis mutandis insofar as notaries become active as court commissioners by order of a court where the language of the minority is admitted.

As regards the use of the official language at second instance, the following is to be said: The official language is permitted if it was used also at first instance or could have been used at first instance. The authority or court concerned must, as a prerequisite, have its seat within the respective Federal State. There are special provisions for appellate authorities located outside the Federal State.

As to the provision of education materials on the history and culture of the national minorities [marg. no. 60]

On 1 March 2017 the [“Minority School System touring exhibition”](#) was opened during a festive ceremony at the bilingual secondary school Oberwart/Burgenland.⁸ The topics ‘ethnic group’ and ‘minority’, the rights of minorities and their implementation are dealt with on 10 roll-ups and accompanying material for the age group of the 10 to 14-year-olds. The touring exhibition is available, upon request, to all schools not only minority schools.

As to the recommendation to increase substantially the subsidies for minority language media [marg. nos. 44, 46]

An amendment to the Press Promotion Act is being discussed at the political level.

As to the recommendation to improve the basic and further teacher training for the teaching and learning of minority languages [marg. no. 68]

In the academic year 2017/2018 the Teacher-training University Burgenland located in Eisenstadt also gives students an opportunity within the framework of the PädagogInnenbildung NEU (teacher-training NEW) to study Burgenland Croatian/Croatian.

⁸ <http://www.demokratiezentrum.org/projekte/minderheitenschulwesen.html>