

3rd Report of the Republic of Austria

**pursuant to Article 15 (1)
of the European Charter for
Regional or Minority Languages**

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Table of Contents

Introduction	7
I Part I	9
I.1 The Minority Languages Spoken in Austria	9
I.2 Current Political Developments	10
I.3 Legal Sources	13
I.4 Taking Account of the Recommendations by the Committee of Ministers	15
I.4.1 Comments on Recommendation No. 1	15
I.4.2 Comments on Recommendation No. 2	19
I.4.3 Comments on Recommendation No. 3	19
I.4.4 Comments on Recommendation No. 4	20
I.4.5 Comments on Recommendation No. 5	21

II	Language Protection acc. to Part II of the Charter	25
II.1	Recognition of Regional or Minority Languages (Article 7 (1) a))	26
II.2	Respect of the Geographical Area (Article 7 (1) b))	28
II.3	Resolute Action to Promote Regional and Minority Languages (Article 7 (1) c)).....	29
II.4	Facilitation of the Use of the Minority Languages (Article 7 (1) d))	33
II.5	Maintenance and Development of Links (Article 7 (1) e)).....	37
II.6	Teaching and Learning the Regional or Minority Languages (Article 7 (1) f), g), h)).....	38
II.7	Transnational Exchanges (Article 7 (1) i))	54
II.8	Elimination of Discrimination (Article 7 (2)).....	54
II.9	Promoting Respect and Understanding between the Linguistic Groups in a Country (Article 7 (3))	56
II.10	Taking into Consideration the Needs Expressed Encouraging the Establishment of Bodies (Article 7 (4))	59
II.11	Non-Territorial Languages (Article 7 (5))	59
III	Language Protection acc. to Part III of the Charter	60
III.1	Burgenland-Croatian in the Burgenland-Croatian Language Region of the Federal Province of Burgenland	60
III.1.1	Article 8 Education.....	60
III.1.2	Article 9 Judicial Authorities.....	75
III.1.3	Article 10 Administrative authorities and public services	77
III.1.4	Article 11 Media	82
III.1.5	Article 12 Cultural Activities and Facilities.....	90
III.1.6	Article 13 Economic and social life.....	92
III.1.7	Article 14 Transfrontier exchanges.....	92
III.2	Slovene in the Slovene language area of the Federal Province of Carinthia.....	94
III.2.1	Article 8 Education.....	94
III.2.2	Article 9 Judicial authorities.....	114
III.2.3	Article 10 Administrative authorities and public services	118
III.2.4	Article 11 Media	122
III.2.5	Article 12 Cultural activities and facilities	130
III.2.6	Article 13 Economic and social life.....	132

III.2.7 Article 14 Transfrontier exchanges.....	134
III.3 Hungarian in the Hungarian Language Region of the Federal Province of Burgenland.....	139
III.3.1 Article 8 Education.....	139
III.3.2 Article 9 Judicial authorities.....	157
III.3.3 Article 10 Administrative authorities and public services.....	159
III.3.4 Article 11 Media.....	163
III.3.5 Article 12 Cultural activities and facilities.....	169
III.3.6 Article 14 Transfrontier exchanges.....	176
III.4 The Czech Language in the Federal Province of Vienna.....	178
III.4.1 Article 8 Education.....	178
III.4.2 Article 11 Media.....	181
III.4.3 Article 12 Cultural activities and facilities.....	183
III.4.4 Article 14 Transfrontier exchanges.....	184
III.5 The Slovak Language in the Federal Province of Vienna.....	185
III.5.1 Article 8 Education.....	185
III.5.2 Article 11 Media.....	186
III.5.3 Article 12 Cultural activities and facilities.....	187
III.5.4 Article 14 Transfrontier exchanges.....	189
III.6 The Romany Language in the Federal Province of Burgenland.....	190
III.6.1 Article 11 Media.....	193
III.6.2 Article 12 Cultural activities and facilities.....	196
III.6.3 Article 14 Transfrontier exchanges.....	197
III.7 The Slovene Language in the Federal Province of Styria.....	199
III.7.1 Article 8 Education.....	199
III.7.2 Article 11 Media.....	201
III.7.3 Article 12 Cultural activities and facilities.....	204
III.7.4 Article 13 Economic and social life.....	206
III.7.5 Article 14 Transfrontier exchanges.....	207
III.8 The Hungarian Language in the Federal Province of Vienna.....	208
III.8.1 Article 8 Education.....	208
III.8.2 Article 11 Media.....	210
III.8.3 Article 12 Cultural activities and facilities.....	211
III.8.4 Article 13 Economic and social life.....	213
III.8.5 Article 14 Transfrontier exchanges.....	213

Annex: Comments by National Minorities.....215

Introduction

Austria signed the “European Charter for Regional or Minority Languages”, which the Council of Europe had drafted, on 5 November 1992. The Charter became effective for Austria under international law on 1 October 2001.

The purpose of the European Charter for Regional or Minority Languages is to protect and to promote the regional and minority languages in Europe as part of the European cultural heritage. It only covers the languages that are traditionally used by members of an ethnic minority in a specific part of a state. The Charter does not cover the dialects of a national language, nor the languages of immigrants.

For the ratification of Part II, Austria listed the languages of all six national minority groups, as defined in the National Minorities’ Act. With a view to the objectives and principles of the European Charter for Regional or Minority Languages, these six national minority groups are thus regarded as protected. For Part III of the European Charter for Regional or Minority Languages (i.e. that part where there must be compliance with a minimum of 35 criteria) Burgenland Croatian for the Burgenland-Croatian language region of Burgenland, Slovene in the Slovene language region in Carinthia, and Hungarian in the Hungarian language region of Burgenland were listed. Moreover, Austria also succeeded in meeting a number of criteria in Part III of the Charter for Czech in the Federal Province of Vienna, for Slovak in the Federal Province of Vienna, for Romany in the Federal Province of Burgenland, for Slovene in the Federal Province of Styria and for Hungarian in the Federal Province of Vienna.

According to Article 15 of the European Charter for Regional or Minority Languages the Parties shall present periodically to the Secretary General of the Council of Europe a report on their policy pursued to implement the Charter, as well as on the measures taken. On the basis of these periodical reports, as well as the comments by the non-governmental organisations the Committee of Experts pursuant to Article 17 of the Charter shall prepare an evaluation report, including proposals for recommendations by the Committee of Ministers to the Party.

The recommendations by the Committee of Ministers dated 19 January 2005 ended the first evaluation cycle, and the recommendations dated 11 March 2009 ended the second evaluation cycle. Austria is now submitting its third periodical report under the Charter. In keeping with the revised guidelines for presenting periodical reports (MIN-LANG (2009)⁸ dated 6 May 2009), the focus of the report is on the changes that have occurred since the previous periodical report and the Recommendations by the Committee of Ministers, as well as on the questions communicated by the Council of Europe (MIN-LANG (2009)²¹ - Questions submitted to the Government of Austria, requesting information to be included in its 3rd periodical report). Whenever there are no changes requiring reporting, reference is made to the 2007 Report.

Whenever this periodical report only refers to the male form when making a specific reference to persons, this equally applies to men and women.

I Part I

I.1 The Minority Languages Spoken in Austria

The following minority or regional languages are spoken in autochthonous settlement areas:

- Burgenland-Croatian in Burgenland
- Slovene in Carinthia and Styria
- Hungarian in Burgenland and Vienna
- Czech in Vienna
- Slovak in Vienna
- Romany in Burgenland

The results of the last census, conducted in 2001, in which the everyday language of the population was queried, are shown below in order to give an approximate indication of the numerical strength of the national minority groups. Please bear in mind that national minorities are defined by their respective mother tongues and that this concept is not identical with that of the everyday language, which is recorded for the census. The census is based on data provided by the interviewees; it was admissible to indicate two languages as everyday languages.

Table 1 Austria's population according to everyday language and nationality pursuant to the 2001 census

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

* Data in % refer to the total number of indications of a non-German everyday language.

** Variant of Slovene interspersed with German expressions.

Source: Statistics Austria

Please refer to the Second Periodical Report by Austria (pages 11 to 24) on the history and social situation of the national minorities speaking these languages.

I.2 Current Political Developments

Legal developments

The Programme of the Federal Government for the XXIVth Legislative Period (2008 to 2013) contains the following provisions concerning the national minority groups:

- To incorporate the grown linguistic and cultural diversity of the autochthonous national minorities in a catalogue of fundamental rights and to revise the National Minorities Act in cooperation with the national minorities' advisory councils;
- To provide the possibility – as part of the promotion of the national minorities – to take account of intercultural projects that pursue the goal of promoting the co-existence of the national minorities;
- To ensure regulations under constitutional law to implement the decisions of the Constitutional Court concerning topographical signs and inscriptions in the Federal Province of Carinthia on the basis of the broadest possible consensus with the national minority group, on the basis of the proposals made so far.

To launch the implementation of these items in the Government Programme, a hearing was held in Vienna on 3 December 2009 on the reform of the National Minorities Act, which was attended by members of the national minorities' advisory councils, as well as scientists, politicians and staff members of the administrative entities. In a next step three working groups were set up at a further conference on 14 April 2010, with the remit to work on specific issues of national minority groups, i.e. "Education and Language", "Regional and Economic Policies" and "Structural and Legal Issues". The goals were to prepare modern elements of a law pertaining to the national minority groups, including legislation on the national minorities' schools, as well as further measures in the area of language teaching and regional and economic politics. At the date of reporting, the final reports on the work achieved by the working groups were not yet available. To the extent that the results of the three working groups on the reform of legislation for the national minority groups require further legislative measures, they will be the subject of further legislative initiatives.

The arrangements on topographical signs under the National Minorities Act and in the implementing ordinances were repeatedly the subject of proceedings before the Constitutional Court, as well as of Constitutional Court decisions with nullifying effect. Acting upon instructions by the Federal Chancellor, the State Secretary in the Federal Chancellery, together with the Governor of the Federal Province of Carinthia, engaged in negotiations with all parties involved, i.e. the mayors of the municipalities concerned, the local-heritage societies, the political parties and the organisations of the Slovene population in Carinthia (i.e. the Central Association of Slovene Organisations, the Council of Slovenes in Carinthia and the Community

of Slovenes in Carinthia), in order to obtain a comprehensive and lasting legal solution to the so-called “topographical signs’ issue”, which would in essence be covered by constitutional law. On 26 April 2011 the aforementioned partners in this dialogue reached agreement on an overall package, for which the negotiating parties signed a “Memorandum” that serves as a basis for the new legislative provisions that have now been enacted:

It should be mentioned, by way of introduction, that no unambiguous answer can be obtained for the question when an administrative district with mixed population falls under the definition in Article 7 item 3 of the State Treaty of Vienna, by way of interpreting this provision. In particular, neither Article 7 item 3 of the State Treaty of Vienna, nor any practical application of international law help to obtain a specific percentage for the minority population that is decisive in order to speak of a “mixed population”. The bandwidth in international practice ranges from approximately 5 to 25%. In view of the broad range of opinions concerning the percentage that is decisive for a minority, a clarification was provided by the constitutional legislator, which was based on a broad political consensus, when the Austrian Parliament adopted an amendment of the National Minorities Act in July 2011, in order to secure a lasting and stable solution.

This amendment of the National Minorities Act first contains a list, incorporated under constitutional law, of those municipalities in the Federal Provinces of Burgenland and Carinthia where bilingual topographical signs and inscriptions must be put up. Moreover, constitutional-law provisions ensure that the Croatian, Slovene or Hungarian language may be used as an official language, in addition to the German language.

The list of municipalities where bilingual topographical signs and inscriptions must be put up comprises essentially three elements: first the municipalities contained in the valid Ordinance on Topographical Signs in Carinthia, Federal Law Gazette II No. 245/2006; secondly, all municipalities that were the subject of decisions by the Constitutional Court; thirdly, municipalities where the share of the mixed-language population reaches a minimum level of 17.5%, as a result of which also those municipalities are covered that were shown to have a percentage range between 15 and 20% in the census conducted by Statistics Austria (Special Census Evaluation of the results 1971 to 2001, everyday language in Carinthia). The sections of regions in Burgenland which are included in the annex correspond to the territorial sections that were already laid down in the Ordinance on Topographical Signs in Burgenland, Federal Law Gazette II No. 170/2000. Changes in municipal territory that have occurred in the meantime were taken into account. The names in the languages of the national minority groups were also specified in the annex. They correlate with the names in the Ordinance on Topographical Signs in Burgenland for the territorial sections located in Burgenland.

Developments in language teaching

Under the heading of language-learning policy one should report that between 2006 and 2008 Austria went through the “Language Education Policy Profile” (LEPP) process, launched by the Council of Europe. This very broad-based process dealt with German as an official language, English as an international language of communication, with the languages of the national

minorities, but also with the languages of the immigrant populations. Especially with a view to the higher demand for foreign-language skills (which also has a bearing on the members of the national minorities), the linguistic diversity in large metropolitan areas and the low settlement density of the autochthonous minorities in the larger urban metropolitan area of Vienna, a comprehensive approach appears to be meaningful and necessary, without thereby impairing the special position of the national minority groups. The findings obtained from the LEPP process, which have been summarized in the language profile, constitute important expert knowledge which is intended to be integrated into the language and language-teaching policy.

During the 2007/08 study year the teacher-training colleges started to operate. They were the successor resulting from the merger of teacher-training academies and the teacher-training institutes. The compulsory-school teachers for Croatian and bilingual-Hungarian are trained at the teacher-training college at Eisenstadt (Burgenland), and the compulsory-school teachers for bilingual-Slovene are trained at the teacher-training college in Klagenfurt (Carinthia). In addition, the teacher-training colleges are responsible for the further training and the continuous professional development of the compulsory-school teachers. One objective was, inter alia, to raise the training of compulsory-school teachers to an academic level, including a research mandate for the teacher-training colleges, as well as more cooperation with the universities. A working group at the Federal Ministry of Education, Arts and Culture is currently engaged in further considerations concerning a reform of the teacher-training programme. The efforts to improve the training of teachers must be seen, last but not least, against the background of the large social and linguistic plurality of the pupil population, which constitutes a major challenge for all teachers. Progress in the field of multilingual teaching and providing an intercultural education will have a positive impact on the quality of teaching the languages of the national minorities (and *in* the languages of the national minorities), as it provides stimuli in areas where there is demand for action (also concerning the national minority groups), i.e. how to deal with pupil populations of great linguistic heterogeneity.

One should mention one further development in Austria's educational system which has an impact on the national minorities, namely the introduction of a competence-oriented, standardised school-leaving examination, which was achieved by amending the School Education Act on 19 July 2010, Federal Law Gazette I No. 52/2010. At the principal examination dates, i.e. 2014 for the upper-level general secondary schools and 2015 for middle and upper-level vocational schools, educational institutes for nursery-school teachers, as well as educational institutes for social pedagogy) the school-leaving examinations must be conducted in this new form. For the standardised written school-leaving examination the questions asked at the examination will be standardised for all pupils in Austria and also corrected by applying a uniform key. The school-leaving examination in standardised form must be conducted in Slovene at the Slovene-Language Grammar School Klagenfurt and at the Bilingual Commercial School Klagenfurt, and in Croatian and Hungarian at the Bilingual Grammar School Oberwart.

I.3 Legal Sources

Situation under constitutional law

Please refer to the previous periodical report concerning the legal sources under constitutional law that have been in force to date.

On account of the amendment to the National Minorities Act, which the Austrian Parliament adopted in July 2011, relating to the new wording of the regulations on topography and official languages, Federal Law Gazette I No. 46/2011, the stipulations under constitutional law are supplemented by the below provisions:

§ 12 (1) to (3) read as follows:

“(1) The designations and signs of a topographical nature, which territorial corporations or other public-law corporations and institutions affix in the area of the territorial sections listed in Annex 1, shall be produced on the basis of the names in German, as laid down in Annex 1, and in the language of the national minorities in question.

(2) The obligation pursuant to paragraph (1) shall apply to the information signs “name of municipality” and “end of municipality”, but also for all other information signs in the area of the territorial sections listed in Annex 1 which refer to territorial sections covered by Annex 1. In the area of the territorial sections designated in Part II of Annex 1, where no information signs “name of municipality” and “end of municipality” need to be affixed, the mayors shall at least affix signs designating the municipality. The designations in the languages of the national minorities shall be affixed in the same shape and size as the designations in German.

(3) The responsible entities undertake to affix designations and signs of a topographical nature pursuant to paragraphs 1 and 2 without incurring any undue delay.”

§ 13 (1) reads as follows:

“(1) The office holders of the authorities and service units listed in Annex 2 shall ensure that in communications with the respective authority and service unit, the Croatian, Slovene or Hungarian language may be used, in addition to the German language, in keeping with the provisions of the present section.”

Following the heading to Section VI the below § 22a is added:

“§ 22a. In the event that territorial changes occur in the territorial sections listed in Annexes 1 and 2, especially by way of partitions or mergers of municipalities, these designations according to Annexes 1 and 2 may be adapted by way of an ordinance issued by the Federal Government, after hearing the regional governments of the respective federal provinces.”

The following paragraph (7) is added to § 24:

“(7) § 12 (1) to (3), § 13 (1) and § 22a, as well as Annexes 1 and 2 in the version of Federal Law Gazette I No. 46/2011 shall enter into force at the end of the day of their publication.”

Situation under legislation adopted by simple parliamentary majority

An earlier amendment to the National Minorities Act, Federal Law Gazette I No. 52/2009, introduced the promotion of intercultural projects that foster the co-existence of the national minority groups. The amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, that was adopted in July 2011 also contains provisions adopted by simple parliamentary majority, in addition to the aforementioned regulations on topography and official languages under constitutional law, which relate to an extended promotion of intercultural projects, the complementary, voluntary use of the languages of the national minorities by

authorities and service units, as well as the securing of the existing stock of bilingual topographical signs; The latter read as follows:

§ 13 (3) reads as follows:

“(3) Entities other than the authorities and service listed in paragraph (1) may use the Croatian, Slovene or Hungarian language in oral and written communications in addition to the German language, in keeping with the provisions of the present section, if this facilitates communication with persons.”

15. The following paragraph (8) is added to § 24:

“(8) The entry into force of Federal Law Gazette I No. 46/2011 must not be used to remove bilingual signs and designations of a topographical nature which exist at the time when the present federal law becomes effective and which territorial corporations or other public-law corporations and institutions have put up.”

Additional basic legal documents adopted by simple parliamentary majority are the following:

National Minorities School Act for Carinthia, Federal Law Gazette No. 101/1959 in the version of Federal Law Gazette I No. 35/2009

National Minorities School Act for Burgenland, Federal Law Gazette No. 641/1994, in the version of Federal Law Gazette I No. 2/2008

Ordinances based on the National Minorities Act:

First of all there is the Ordinance of the Federal Government on Advisory Councils for the National Minorities, Federal Law Gazette No. 38/1977 in the version published in Federal Law Gazette No. 985/1993.

In the amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, which was adopted in July 2011, it is stipulated that the content of the ordinances on topographical signs and official languages (see below) will be integrated into the National Minorities Act in the scope of the changes to be made thereby. As a result, the following ordinances will cease to be effective, as soon as the new provisions have become effective: the Ordinance on Topographical Signs – Burgenland, Federal Law Gazette II No. 170/2000; the Ordinance on Topographical Signs – Carinthia, Federal Law Gazette II No. 245/2006; the Ordinance on Topographical Signs – Carinthia, Federal Law Gazette II No. 263/2006, concerning its provision on the entry into force; the Ordinance on Official Languages – Hungarian, Federal Law Gazette II No. 229/2000, in the version of the announcement published in Federal Law Gazette II No. 335/2000; the Ordinance of the Federal Government, Federal Law Gazette No. 231/1990, in the version of the ordinance published in Federal Law Gazette No. 6/1991, determining at which courts, administrative offices and other service units the Croatian language may be admitted as an official language in addition to the German language; as well as the Ordinance of the Federal Government, Federal Law Gazette No. 307/1977, in the version of the announcement published in Federal Law Gazette II No. 428/2000, admitting the Slovene language as an official language in addition to the German language.

Case law

The Constitutional Court confirmed its case law on bilingual topographical signs in numerous decisions. The line of argumentation pursued in the case law can be summarized as follows:

- Bilingual topographical signs and designations do not primarily serve as orientation for the members of the national minority concerned; rather, they are meant to provide information to the general public that a relatively larger number of persons belonging to a national minority live in the area in question.
- When determining whether a region is one with a mixed population one may and – in the absence of other reliable data – must take a fairly rough statistical survey as a point of departure, in which connection one must primarily relate to the specific statistical surveys (i.e. on the number of Austrian citizens who use Slovene as their everyday language), as they are obtained in the course of a census.
- Mixed-language regions are regions in which a national minority group accounts for a minimum share of 10% in the population, as observed over a longer period of time.
- For the purposes of the topographical signs on signposts of municipalities, the share in the population of the respective community is decisive.

The Ordinance of the Federal Government, Federal Law Gazette II No. 245/2006, determining in which regional sections topographical signs and inscriptions must be put up both in the German and in the Slovene language (Ordinance on Topographical Signs in Carinthia), was quashed by way of a decision taken by the Constitutional Court on 25 February 2011, files number V 124/10 and others. New arrangements were put in place in July 2011 by way of the amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, which has been mentioned repeatedly.

I.4 Taking Account of the Recommendations by the Committee of Ministers

As a result of the second evaluation cycle the Committee of Ministers adopted recommendations on 11 March 2009 on the application of the European Charter on Regional and Minority Languages by Austria. The comments on these recommendations are given below.

I.4.1 Comments on Recommendation No. 1

The Committee of Ministers recommends that the Austrian authorities take account of all the observations of the Committee of Experts and, as a matter of priority:

Adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life;

Austria's policy and programme for the protection of languages spoken by national minorities is based on the provision national objectives, as contained in Article 8 (2) of the Federal Constitution Act. Both the structure of the National Minorities Act and the minorities' schools acts show that Austria's policy for the national minorities combines various approaches: On the one hand, there are the public-law measures which relate to official languages, bilingual topographical signs and the school system for the national minorities. These rights are specific of the respective national minorities and their application is restricted to defined bilingual areas. This legal basis correlates with international-law obligations under the State Treaty of Vienna (with regard to the Slovene and Croatian national minority groups), but also with the principle recognised by the European Charter for Regional or Minority Languages, i.e. that the number of inhabitants using the specific language must justify the measures. On the other hand, financial promotional measures for the national minorities have been put in place, which make it possible to pursue the specific objectives of a given national minority group (therefore also including measures to maintain the languages of the national minorities) under private economic administrative management. This permits a high degree of flexibility. As a result, associations of the national minorities operating outside the autochthonous settlement areas may also receive promotional funding for their activities to foster their languages.

In particular, there is also evidence that organisations of the national minorities will offer effective programmes to learn the national minority languages when receiving public-sector financial support. The following examples can be given in this connection: the Hungarian courses of the Central Association of Hungarian Organisations in Austria and of the Hungarian School Association, as well as the full range of educational programmes offered by the Komenský School Association (for the Czech and Slovak languages). The organisations of the national minorities also fulfil another important function, namely networking and providing information to the members of the national minorities about their language-learning programmes. Repeatedly, the school programmes in the languages of the national minorities were implemented in cooperation between the school authorities and the organisations of the national minorities. Examples in this context are the "Hungaricum Project" in Vienna and mother-tongue teaching in the Slovak language, which was set up in public schools upon an initiative of the national minority organisations.

In addition to these special measures for the national minority groups the members of the national minorities have discrimination-free access to all types of language-learning and language-promoting activities. Examples in this context are the mother-tongue classes that can be set up in all general schools, as well as the measures taken by the Municipal School Board for Vienna, which are a major contribution towards promoting the regional and minority languages such as the EU project "EdTWIN – Education Twinning for European Citizenship", the "Hrvatski integrativni Project" or the new school concept "Centrope Schooling". Details on these specific language options available at schools in Vienna can be found in the specific chapters of this periodical report.

In connection with Austria's language policy one must, of course, mention the Austrian Centre for Language Competence (Österreichisches Sprachen-Kompetenz-Zentrum = ÖSZ) (www.oesz.at), set up at the Federal Ministry of Education, Arts and Culture (Bundesministerium für Unterricht, Kultur und Kunst = BMUKK), as well as the Austrian Language Committee (Österreichisches Sprachenkomitee = ÖSKO). They both integrate the national minorities into their activities. This was demonstrated in connection with the "Language Education Policy Profile" (LEPP) process of the Council of Europe, for example, where the Austrian Centre for Language Competence provided the organisational input, and which received the support of the partners of the Austrian Language Committee.

Austrian Centre for Language Competence (Österreichisches Sprachen-Kompetenz-Zentrum = ÖSZ)

The Austrian Centre for Language Competence (ÖSZ) is domiciled in Graz and promotes the further development of language learning in connection with the priorities in Austria's educational policy, as well as those of the Council of Europe and the European Union. The main tasks of the Austrian Centre for Language Competence are to conduct projects which support the practical implementation of language-policy measures, to coordinate the information and networking structures in order to promote language learning and to support language-policy measures, as well as to participate in application-oriented language research and to participate in the preparation educational programmes.

Austrian Language Committee (Österreichisches Sprachenkomitee = ÖSKO)

The Austrian Language Committee (ÖSKO) is a participatory language-policy platform. Its objectives are to facilitate interdisciplinary and inter-institutional exchanges in connection with language-policy developments, to monitor, initiate and coordinate development processes, and to enhance the internal and external visibility of the topic "languages and multilingualism". The results of the LEPP process are its point of departure, and it provides impulses for the sustainability of the LEPP process.

LEPP Process

From 2006 to 2008 Austria participated in the Language Education Policy Profiling (LEPP) process of the Council of Europe. The primary result is the Austrian language profile, published in 2009, for Austria's language and language-learning policy. It outlines the perspectives and fields of action and thus lays the foundation for specific action in order to further develop language education in Austria. (Bilingual publication, G/E, download: www.oesz.at/download/publikationen/Themenreihe_4.pdf). Chapter 7 of the country profile deals specifically with the autochthonous minority languages and their promotion at school. However, other priority topics in the LEPP profile are also of relevance to the languages of the national minorities, i.e.

- ▶ early language learning (Chapter 3)
- ▶ teacher training and research into language teaching (Chapter 4), and

- ▶ continuity – the problem of interfaces for the transition from one educational institution to the subsequent one (Chapter 5)

The relevance to the languages of the national minority groups: The problem of continuity finds expression, for example, in the fact that for several reasons some of the pupils will not continue learning their mother tongue when moving from primary school to secondary school. This can also be observed in the area of application of the Minorities Schools Acts for Carinthia and for Burgenland.

Competition “European Language Innovation Seal (ESIS)”

Launched by the EU, this competition for being awarded the Language Innovation Seal is conducted annually by the Austrian Centre for Language Competence. Quite regularly, the awards are also granted to language projects covering the autochthonous minority languages (www.oesz.at/esis).

The European Language Portfolio

The European Language Portfolio is an instrument developed by the Council of Europe which guides language-learners towards conscientiously reflecting, documenting and designing more efficiently the acquisition of language skills. It is equally suited for use in heterogeneous groups of pupils and in extra-curricular contexts. The Austrian Centre for Language Competence was instructed by the Federal Ministry of Education, Arts and Culture to take account of Austrian curricula when developing, together with a team of experts, the Austrian versions of the European Language Portfolio, i.e. one each for primary school (ages 6 to 10), the middle level (ages 10 to 15), and for young adults (age 15+). The language portfolio is also suited for use in the bilingual classes of the minority school system. Schools in the regions of the national minorities, which the competent school authorities nominated, also took part in the implementation initiative (www.oesz.at/esp).

It can therefore be stated by way of summary that Austria’s language policy combines three approaches:

- ▶ The area governed by public law, i.e. official languages, bilingual topographical signs and bilingual teaching as part of the minorities’ schools laws
- ▶ Promotion of the national minority groups which is organised under the private administrative management of the Federal Government
- ▶ All other areas of language promotion, where the languages of the national minorities are also taken into consideration for the purpose of mainstreaming.

The working groups set up with the Federal Chancellery deal with further considerations on how to develop the legislation applicable to national minorities. In this connection, also see item II.1 of the present report.

I.4.2 Comments on Recommendation No. 2

Ensure that the ruling of the Constitutional Court relating to the use of the Slovenian language before administrative authorities in Carinthia is implemented without delay;

The new arrangements in the provisions on official languages and topographical signs were implemented by way of the amendment to the National Minorities Act, which Parliament adopted in July 2011 (for details please see Chapters I.2 and I.3 above).

I.4.3 Comments on Recommendation No. 3

Ensure that the increasing demand for regional or minority language education is met with an adequate offer for both speakers and non-speakers of the languages;

Education and language training are the essential basis for preserving the national minorities, on the one hand, and for creating the basis for a multilingual society, on the other hand.

It is therefore necessary to provide offers for all those who have already acquired very good language skills in the respective minority language, while at the same time teaching the language to those that only grew up monolingually in their families and have none or only very limited language skills. This is also a major challenge for the legislator, for school operators and especially for the teachers on site.

The current data material (for the 2009/2010 and 2010/2011 school years) for the Federal Province of Carinthia, for example, shows that bilingual and multilingual educational offers are increasingly being seen as an asset that is readily accepted. Pupils increasingly avail themselves of the bilingual classes and/or the Slovene classes. During the 2010/2011 school year, a total of 4,051 pupils attended the bilingual classes and/or Slovene classes in Carinthia. One should mention, in particular, the enrolment figures for bilingual classes at primary schools in Carinthia. Many parents, also those without a Slovene-language background, regard a bilingual or multilingual education as a better job opportunity in the Alps-Adriatic region. However, the options available in the Carinthian school system for a bilingual education decrease as of the first secondary-school level, as a result of which fewer pupils attend Slovene classes and courses in the lower-level secondary schools and grammar schools. However, as continuity is very important when learning two or several languages, the education experts engage in major efforts to design new concepts that will guarantee language learning in the languages of the national minority group up to the level of the school-leaving exam, as well as to reduce the so-called continuity problem.

For quite some time scientific research has been conducted in Austria on learning in heterogeneous groups. Experts accompany and evaluate various nursery-school and school projects on a scientific basis. You will find more details in the respective chapters of the present periodical report.

Moreover, a working group “Education and Language”, which has been set up in the Federal Chancellery and is being coordinated in terms of content by the Federal Ministry of Education, Arts and Culture, is looking into the question of how the largely very heterogeneous pupil populations can be best assisted by individual support measures in the languages of the national minorities. In this context, education experts place major emphasis on promoting the teaching quality with regard to language didactics and social communication, as well as on instruments to assess the language competence of pupils.

One basic requirement for successfully teaching and learning the languages of the national minorities is “diversity management”, which means that language didactics must take account of the different earlier language skills, interests and motivations of children. When learning the language of a national minority, local resources can be utilized; this is different from learning a foreign language. In Austria, especially projects and cooperation on an extra-curricular basis (for example parents, associations, or the business community) have been crowned by success. Modern intercultural encounter programmes provide the necessary prerequisites in the course of which partnerships are launched with classes in the neighbouring countries for the purpose of “tandem learning”, for language exchanges and intercultural learning.

In this connection, the basic and further training of teachers is of major importance. In recent years new curricula have been designed for the training of bilingual teachers, both at the teacher-training colleges in Carinthia and Burgenland. In this context, attention is paid to innovative methods and didactics, sustainable and long-term further-training concepts, further-training measures for active teachers in the direction of “immersion”¹ and transfrontier further training events.

I.4.4 Comments on Recommendation No. 4

Ensure that the Burgenland-Croatian, Slovenian and Hungarian languages can be used before the relevant judicial and administrative authorities in practice;

The legal arrangements ensure that the languages of the Burgenland-Croatian, the Slovene and the Hungarian populations can be used before the courts and administrative authorities in question. Whenever bilingual officials are not available, an interpreter must be called in or – as is the case in Carinthia – the translation services available at the Office of the National Minority Group are used. Violations of the provisions concerning official languages are sanctioned by nullity under procedural law. However, practical experience shows that members of the national minority groups frequently prefer to use the German language in their written communications

¹ “Immersion” refers to the method of “sub-merging in a language a longer period of time“, for example by way of a multi-day excursion or a longer-term project for enhancing one’s language skills.

with the authorities. The languages of the national minorities are well received as official languages in oral communications.

I.4.5 Comments on Recommendation No. 5

Increase television broadcasting in Hungarian and secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian.

The Austrian Broadcasting Corporation (ORF) offers the six autochthonous national minorities a wide range of broadcasts in its radio and television programmes, both terrestrially and via satellite, as well as on the Internet, on the video platform ORF-TVthek and as teletext.

The programmes are offered in the languages of the various national minorities, on the one hand, and in German, on the other hand, in order to also bring national-minority topics closer to the German-speaking majority population. Moreover, the ORF continuously engages in activities for the national minorities with numerous off-air events.

Since the ORF Act went into force in 2001, the ORF has continually expanded and optimized the programmes offered to the national minorities on the radio, television, the Internet and as teletext, which correlates with the ORF's specific mandate pursuant to § 5 of the ORF Act. The new ORF law updates this specific mandate and/or expands it explicitly by offering on-line products. One should therefore particularly mention the expansion and/or improvements in this area.

The ORF is required – as part of the public-law programmes offered by it – both to produce and disseminate specific broadcasts in those languages for which there is a national-minority advisory council, and to generally take account of the interests of these national minorities in its programmes (see § 4 (5a) of the ORF Act). The scope of the programme and product shares are determined in every annual broadcasting outline or annual programme offer outline after hearing the listeners'/viewers' representatives. The programme offered by the ORF to Austrian national minorities in 2011 increases the volume of broadcasts over the 2010 scope.

The ORF's annual reports and the programme outline for the national minorities also contain the recommendations of the Council of Europe to Austria concerning the expansion of the television broadcasts in Hungarian, which was implemented in 2009:

- Since 2009 the Hungarian TV magazine “Adj’Isten magyarok” has been broadcast simultaneously by ORF 2 Burgenland and ORF 2 Vienna.
- Since 2009 the radio magazine for the Hungarian national minority, “Színes Kultúránk”, has been five minutes longer and now also includes topics relating to this national minority group in Vienna. Radio Burgenland can be received in Vienna at the VHF frequency 94.7.
- With the launch of the video platform, ORF-TVthek, in November 2009 members of the national minorities throughout Austria and everywhere in the world now have the possibility

to view the ORF's television magazine for the national minorities via Internet. After being shown on television, the broadcasts are uploaded to ORF-TVthek and can be downloaded as videos-on-demand for a period of one week.

Table 2 ORF-TVthek – <http://TVthek.ORF.at>

Programme	ORF broadcasting time	Length of broadcast	Language
Dober dan, Koroška	Sunday, 13.30	00:30	Slovene
Dobar dan, Štajerska	Sunday, 13.30	00:30	Slovene
Dobar dan, Hrvati	Sunday, 13.30	00:30	Burgenland-Croatian
Adj'Isten magyarok	Sunday, 6 x p.a., 13.05	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	Sunday, 6 x p.a., 13.05	00:25	German, Hungarian, Burgenland-Croatian, Romany
České Ozvěny, Slovenské Ozveny	Sunday, 6 x p.a., 13.05	00:25	Czech, Slovak

Source: Austrian Broadcasting Corporation, ORF General Directorate

- The on-line platform of the ORF, volksgruppen.ORF.at, now also offers special information broadcasts to the Czech, the Slovak and Roma national minorities, in addition to the existing broadcasts (news topics, information about events and programme content), both in the respective national-minority language and in German. The ORF website for national minorities provides a multilingual overview with the most important current events of the day on its welcome page. From this page interested users can enter directly both the pages in the national-minority languages and the German pages. Moreover, at volksgruppen.ORF.at all radio broadcasts for the national minorities are offered as live-stream and on-demand options. The current television magazines for the national minorities can be accessed as video-on-demand as of the broadcasting date.

Further details concerning the programmes broadcast by the ORF will be given in the individual chapters of this periodical report.

The recommendation of the Council of Europe, i.e. to adequately promote newspapers in Burgenland-Croatian, Slovene and Hungarian, is taken into account by applying more lenient conditions to promoting the newspapers of the national minorities (see § 2 (2) of the 2004 Press Promotion Act). Certain minimum requirements such as a minimum number of sold copies, a minimum number of full-time journalists, or a lower limit for the sales price, which other newspaper must observe in order to have the possibility to obtain promotional funding, do not apply to daily and weekly newspapers that are published in a language of one of the national minority groups. Organisations of the national minorities also have access to promotional funding for periodical publications (1984 Promotion of Publications Act). This provision applies to periodical print media that are published four times per year as a minimum.

A detailed list of the newspapers and publications that receive promotional funding is given in the individual chapters on the Burgenland-Croatian and Slovene languages of the present periodical report.

In addition, publications also receive financial support from the federal budget for the promotion of the national minorities. The Hungarian national minority, for example, receives promotional funding for newspapers in Hungarian or two languages, but also for association journals, association bulletins, news bulletins, bimonthly publications and/or yearbooks.

The following publications which received financial support in 2010 are listed by way of example:

- “Új Magyar Kronika” – a bilingual newspaper in Hungarian and German
- “Bécsi Napló” – a bimonthly Hungarian magazine
- “Bécsi Posta” – a newsletter in Hungarian
- “Rikkancs” – a bilingual Hungarian association journal
- The year book in Hungarian of the association “Europa” Club
- The year book in Hungarian of the association Kaláka Club
- The bilingual Hungarian association newsletter of the Hungarian Workers’ Association in Vienna
- “Gráci Magyar Újság” – a bilingual Hungarian newsletter
- “Másokért Együtt” – a news bulletin in Hungarian
- “Erdélyi Szemmel” – a bilingual Hungarian news bulletin

II Language Protection acc. to Part II of the Charter

Part II of the Charter deals with the general objectives and principles which the Parties shall use as a basis for their policy, legislation and practice concerning the regional and minority languages. Part II of the European Charter for Regional or Minority Languages is to be applied to *all* languages spoken by the national minorities domiciled in Austria in the regions where these languages are being used. In keeping with Austria's declaration on the occasion of the ratification of the Charter, these languages are Burgenland-Croatian, Slovene, Hungarian, Czech, Slovak and the Romany spoken by the Austrian Roma minority.

The margin notes given below relate to the questions communicated by the Council of Europe in 2009 (MIN-LANG (2009)21 - Questions submitted to the Government of Austria, requesting information to be included in its 3rd periodical report), which – in turn – correspond to the margin notes in the evaluation report drawn up by the Committee of Experts in connection with the second monitoring cycle.

Concerning margin note 19 – Which steps did the authorities take in order to clarify the traditional presence of the Polish language in Vienna? – the following information is provided:

As early as 2001 the Federal Chancellery looked into the question, i.e. whether the Polish-speaking minority in Vienna can be regarded as an autochthonous national minority group according to the stipulations of the National Minorities Act. However, it was established that the overwhelming majority of the Polish population arrived in Vienna at a recent date. § 1 (2) of the national Minorities Act defines that national minorities are groups of Austrian citizens who live and are domiciled in parts of the federal territory and use another language but German as their mother tongue and have their own folklore and traditions. This means that a certain settlement density (i.e. groups) is just as important as a continuous presence over several generations (i.e. having a native location). During the parliamentary procedure the period required for “creating a native location” was understood to be approximately 100 years. The requirements for setting up an advisory council for the Polish minority are therefore not met.

Article 7 (1) of the European Charter for Regional or Minority Languages

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:

II.1 Recognition of Regional or Minority Languages (Article 7 (1) a))

Article 7 (1) a) of the European Charter for Regional or Minority Languages

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

In 2000 Austria integrated into a provision on national objectives into its Constitution which is a clear commitment to the autochthonous national minorities. According to this provision, the language and culture, existence and preservation of these autochthonous national minority groups must be respected, secured and promoted. (Article 8 (2) of the Federal Constitution Act)

Article 8 (2) of the Federal Constitution Act

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

The recognition of and appreciation for the national minorities and their languages finds expression, amongst others, in the fact the Federal Government has set itself the goal to revise the legislation on the national minorities in cooperation with the advisory councils for the national minorities, and to adjust it to the changed overall conditions in society, taking account of the obligations under the Framework Convention for the Protection of National Minorities, as well as of the European Charter for Regional or Minority Languages. To this end, the overall legal provisions, as well as the general regional, economic and educational policies need examination. So far, the following steps have been taken:

Hearing at the Federal Chancellery on 3 December 2009:

The European challenges concerning the protection of national minorities were highlighted in a discussion with high-level representatives from science and research, politicians and the advisory councils for the national minorities, as well as examined in the light of the Austria's legislation on the national minorities. In addition, the special areas of conflict were identified, and the objective was thus determined for an intensive discussion of the subject "Reform of the National Minorities Act".

Kick-off Conference on 14 April 2010:

Three working groups were set up in the course of a kick-off conference, i.e. a working group "Education and language", a working group "Regional and Economic Policies" and a working group "Structural and Legal Issues":

Working Group “Education and Language”:

The working group has so far met on 18 May 2010, 28 June 2010, and 1 July 2010, as well as 20 to 21 September 2010 and 16 November 2010. The discussions focused, amongst others, on conditions conducive to multilingualism, especially the interaction between didactics and language prestige and multilingualism in public life, as well as needs and possibilities for improving the minorities’ school system. The final report has not yet been presented.

Working Group “Regional and Economic Policies”:

So far this working group met on 28 June 2010, 23 September 2010 and on 8 November 2010. Its work dealt, amongst others, with the topics of national minorities and social diversity as a potential for regional and economic policies; national minorities as a regional ferment for interculturality and intercultural competences, an environment conducive to making the regional economy more international. The final report has not yet been presented.

Working Group “Structural and Legal Issues”:

The working group has so far met seven times, i.e. on 30 September 2010, 4 November 2010, 25 November 2010, 16 December 2010, 25 February 2011, 28 March 2011 and on 19 May 2011. The composition and the tasks of the advisory councils for the national minorities were discussed from the perspective of the laws governing organisations, as well as the composition and tasks of a forum of the advisory councils for the national minorities, and the composition and tasks of dialogue groups for mixed-language regions. The discussions on guidelines dealt intensively with such topics as elements that define national minorities, intercultural dialogue/interculturality, bans on discrimination, fundamental rights, protection of rights, as well as such as issues as the law governing legal actions by associations or representative bodies in the form of self-governing institutions. This working group will continue its activities during the second half of 2011.

“First Day of the Austrian National Minorities”

The “First Day of the Austrian National Minorities” was held in Parliament on 18 October 2010, which was organised by the Centre for Austria’s National Minorities and attended by a large audience. By making available this both representative and highly symbolic location, the President of the National Council gave expression to her appreciation for the national minorities, as well as the languages of the national minorities.

National Minorities Congress

Every year the Federal Province of Carinthia expresses its recognition of and appreciation for the Slovene minority, inter alia, by holding a National Minorities Congress (so far 20 congresses have been held).

Internet Presence

A number of bilingual municipalities have a bilingual website, either by referring to the share of the national minority in its population in the website text, or by giving the bilingual name in the website address (for example: <http://www.schachendorf.at>; http://www.guettenbach.at/front_content.php?idcat=234; <http://www.zagersdorf.at/>). The authors are pleased to note that individual municipalities have designed fully or partially bilingual websites, for example: <http://www.schandorf.at/>; <http://www.grosswarasdorf.at/>; <http://zellparre.at/>; <http://www.globasnitz.at/>; <http://www.bad-eisenkappel.info/1-2-home.html>

The Office of the Carinthian Regional Government uploads pages in Slovene to its website.

Concerning the issue raised by the Council of Europe under margin note 24, i.e. to apply Part II of the Charter to all regional or minority languages spoken in Vienna, the following information is provided:

Of course, Part II of the European Charter for Regional or Minority Languages applies to all languages spoken by the national minorities in Vienna, irrespective of whether Vienna is an autochthonous settlement area or not. However, the low settlement density does not justify the introduction of provisions concerning official language, topographical signs or bilingual schools throughout the region, as these can be found in Burgenland or Carinthia, for any of the national minority languages. The main instruments to promote the languages of the national minorities in Vienna are therefore financial support to the organisations of the national minorities and providing courses at the state-run schools on a selective basis. Moreover, there is a wealth of opportunities to learn the languages at adult-education institutes (especially at the adult education colleges), as well as study courses offered by the universities. These options will be presented in detail in the respective chapters of the present report.

II.2 Respect of the Geographical Area (Article 7 (1) b))

Article 7 (1) b) of the European Charter for Regional or Minority Languages

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;

Austria's administrative structure does not constitute an obstacle to the protection of the minority languages. As mentioned here, it is therefore at least neutral. Promotional measures are also place for certain languages such as the determination of specific authorised districts in the minority school system. One should mention in this context the case law of the Constitutional Court (file number VfSlg. No. 9224/1981) which stipulates that a new definition of the voting districts that aims at discriminating a minority would be incompatible with the principle of equality, as enshrined in constitutional law.

II.3 Resolute Action to Promote Regional and Minority Languages (Article 7 (1) c))

Article 7 (1) c) of the European Charter for Regional or Minority Languages

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

Section III of the Federal Law of 7 July 1976 on the Legal Position of the National Minorities in Austria, Federal Law Gazette 396/1976 (National Minorities Act) in the currently valid version is the legal basis for the promotion of the national minorities.

§ 8 of the National Minorities Act

The Federal Government shall promote – irrespective of general promotional measures – all measures and projects that serve to preserve and secure the existence of the national minorities, their folklore and traditions, as well as their specific characteristics and rights.

In keeping with § 9 (2) of the National Minorities Act “associations, foundations and funds that – according to their purpose – serve to preserve and secure a national minority group, its specific folklore and traditions, as well as its specific characteristics and rights (organisations of the national minorities)”, as well as pursuant to paragraph (3) “churches and religious denominations and their institutions” qualify for receiving pecuniary benefits from the budget for the promotion of the national minorities.

According to § 9 (5) of the National Minorities Act territorial corporations qualify for receiving pecuniary benefits under the National Minorities Act for measures that are necessary to implement the provisions on topographical signs and official languages and that exceed the economic potential of the respective territorial corporation.

The goal of the promotional measures, as defined in the National Minorities Act, is to preserve and secure the existence of the national minority groups. The statutory system for the promotion of the national minority groups thus consists of promotional measures related to organisations; it supports specific offers, activities or services by organisations of the national minorities. However, within this statutory range of options Austria primarily supports language-promoting activities which thus have an immediate impact on strengthening the position of the national minority languages.

In the implementation of this objective in connection with the promotion of the national minorities, the federal administrative authorities depend on the applicants for these measures, as it is the responsibility of the individual organisations of the national minorities and/or the advisory councils for the national minorities to determine the specific content and objectives of the projects when applying for financial support. Both in the past and today, these organisations enjoy a maximum of autonomy in setting their priorities.

At the beginning of every year the Federal Chancellery sends forms to apply for promotional funding for the national minorities to the organisations of the national minorities that are known to it, and it also publishes the application forms on the website of the Federal Chancellery. In keeping with § 10 (2) of the National Minorities Act, the relevant advisory council for a national minority group must submit proposals to the Federal Chancellor by 15 March of every year on the use of the budget earmarked for promotional funding. The federal authorities, acting under private administrative management, grant promotional funding on the basis of these recommendations for promotional funding, taking account of the General Guidelines for the Granting of Promotional Funding from the Federal Budget, Federal Law Gazette 51/2004 in its currently valid version. In keeping with § 11 of the National Minorities Act, the recipients of such financial support are required by contract to report on the use of the promotional funding and to document the amounts of their expenditure. The reports by the recipients of promotional funding must be brought to the attention of the relevant advisory council of the national minority concerned.

Between 1995 and 2008 the amount of money made available under the respective budget law for the promotion of the national minorities remained the same. Since 2009 an additional sum of € 100,000 per year has been available to promote intercultural projects. One should mention the positive fact that the total budget earmarked for the promotion of the national minority groups was never cut, which is in contrast to many other budget items. Whenever unused funds are returned, they are spent on other projects and thus increase the amount of money available for promotional measures.

The budget to promote the national minority groups was initially set to amount to about € 210,000.00 in 1976, and it was raised up to 1995 in line with specific requirements, i.e. primarily at times when a new advisory council for a national minority group was actually set up:

- ▶ from **1977** up to and including **1988**: appr. € 363,364.00 per year;
- ▶ **1989**: € 1.042 million;
- ▶ **1990**: € 1.478 million;
- ▶ **1991**: € 1.744 million;
- ▶ **1992**: € 2.47 million;
- ▶ **1993**: € 2.747 million;
- ▶ **1994**: € 2.892 million;
- ▶ **1995**: € 3.768 million (every year, up to and including **2008**)
- ▶ from **2009**: € 3.868 million, on account of an additional amount of € 100,000.00 to promote intercultural projects)

In 1977 the names of the advisory councils for the national minorities were laid down in the Ordinance on Advisory Councils for the National Minority Groups, Federal Law Gazette No. 38. The size of the Advisory Council for the Hungarian National Minority was doubled by way of an amendment to the ordinance, Federal Law Gazette No. 425/1992, in connection with the decision to regard Vienna also as an autochthonous settlement area of this national minority group. The size of the Advisory Councils for the Czech and the Slovak National Minority

Groups was also determined in that amendment, and the amendment to the Ordinance, Federal Law Gazette No. 895/1993 created the Advisory Council for the Roma Population.

Whenever the promotional funding was increased on the occasion of establishing new advisory councils for national minority groups, funding was not only made available to the new applicants for promotional funding from these national minority groups, but the funds for the national minority groups that had previously received financial support were also raised, whenever possible.

The distribution of financial support among the national minority groups has therefore grown historically, and to this very day it is also subject to shifts that will take account of the different needs and possibilities of the national minority groups. In recent years, in particular, financial support for the Hungarian national minority group, as well as for the national minority group of the Roma was raised, while funds for the budget item “promotion of national minority groups – other grants” had to be cut.

Table 3 Promotional Funding in 2010 by the Federal Chancellery to the National Minority Groups upon the Recommendations of the Advisory Councils for the National Minority Groups

National minority group	Recommendation of the advisory council in €	Number of supported associations
Croatian national minority group	1,133,000.00	43
Slovene national minority group	1,179,385.00	84
Hungarian national minority group	403,810.00	34
Czech national minority group	389,900.00	12
Slovak national minority group	96,700.00	3
National minority group of the Roma	386,820.00	7
Total	3,589,615.00	183

In addition to the promotional funding provided by the Federal Chancellery, the regional and municipal authorities also provide financial support for the specific purposes pursued by the national minority groups. The Federal Ministry of Education, Arts and Culture supports projects of the national minority groups that are related to education. Moreover, the organisations of the national minority groups must not be discriminated against when applying to all other sources for promotional funding, for example in the field of culture, sports or labour-market measures.

Together with the amendment of the National Minorities Act, Parliament also adopted a “Federal Law to award federal grants and other promotional funding on the occasion of the 90th anniversary of the referendum in Carinthia”, Federal Law Gazette I No. 48/2011, in July 2011, whereby the Federal Government grants the Federal Province of Carinthia financial support for the years 2011 to 2015 in a total amount of € 4 million for promoting the Slovene-speaking population, for supporting projects that serve the harmonious co-existence and for confidence-building measures, as well as for measures promoting municipal life, as well the economic and cultural development of municipalities.

Moreover, Parliament also adopted a “Federal Law to award project-specific grants to the Federal Province of Burgenland on the occasion of the 90th anniversary of its affiliation to Austria”, Federal Law Gazette I No. 47/2011, as a result of which the Federal Province of Burgenland received a one-off project-related grant from the federal budget in the amount of € 4 million to be used, amongst others, for measures to secure the future with regard to employment, the economy, the social system and the young generation, as well as for cultural and educational projects that will strengthen identity and diversity in Burgenland.

In keeping with margin note 31 the following comments are presented on the developments concerning the legal situation with regard to official languages and bilingual topographical signs and inscriptions, as well as on the issue raised in margin note 33 concerning the implementation of the case law of the Constitutional Courts:

As was reported previously, the provisions on topography in the National Minorities Act and in the ordinances on its implementation were repeatedly the subject of proceedings before the Constitutional Court and of squashing decisions issued by this court. Please refer, in particular, to the genesis of the so-called “topographical signs issue” and the solution found on 26 April 2011 concerning an overall package (“Memorandum”), as described in sections I.2 and I.3 above.

In connection with the “Memorandum” it is mentioned here additionally that it contains further agreements on essential issues such as the creation of a “dialogue forum for the development of the mixed-language region”, or a systemic solution to the financing problems of the Slovene Music School (and thus to securing its existence on a lasting basis), on the credit units for the Slovene grammar school, as well as on the elaboration of standards for allocating financial support to multilingual nursery schools, which will integrate the Advisory Council of the Slovene National Minority. Moreover, it was also agreed in the “Memorandum” that the working groups on the reform of legislation pertaining to the national minorities will be continued, a number of legal issues and measures are still unresolved and outstanding.

Concerning the issue raised in the report of the Committee of Experts of the Council of Europe (margin note 35), as to which measures were taken by Austria in order to protect and to promote the languages covered by Part II of the Charter, the following comments are submitted in addition to the information provided in detail in the individual chapters:

On account of rising interest, the educational offer for Croatian and Hungarian within the scope of competencies of the Regional School Board for Burgenland is being expanded on a year-to-year basis. The department in charge of national minorities at the Regional School Board for Burgenland made presentations to several meetings with parents, both in the autochthonous settlement area and in the non-autochthonous area, on the options available in the languages of the national minorities (Burgenland-Croatian, Hungarian, and Romany). In addition, a decree was issued, containing this information in written form, which was sent to all general compulsory schools. Moreover, the head of the department for the national minorities repeatedly provided information at meetings of school principals and directors on the available options and offered her assistance on various issues. Information was also provided on the

phone whenever there were inquiries. Both children with and without any previous knowledge may use the options available in the languages of the minority languages. The organisational requirements are satisfied by the authorities both by providing information on the content and by hiring qualified teachers.

The National Minority Office, set up with the Office of the Carinthian Regional Government, acts as a service point for all matters of the Slovene minority living in Carinthia. Reference is made especially to its citizens' services (oral contacts and written communications). The information and the content provided on the website of the National Minority Office (www.volksgruppenbuero.at) are a further service element. Moreover, in 2005 the website of three district authorities, i.e. Völkermarkt, Greater Klagenfurt and Greater Villach were linked to the Internet site of the National Minority Office. Thus, one may access, for example, directly the bilingual forms available on-line for submissions to authorities.

Concerning the request contained in the report by the Committee of Experts of the Council of Europe (margin note 38) which invites the Styrian authorities to develop a structured policy especially for the educational sector in order to promote the Slovene language, the following information is provided:

Initiatives by schools to promote the Slovene language in Styria are promoted by the Styrian Regional School Board in every respect. In the light of the first sentence of Article 7 (1) of the European Charter for Regional or Minority Languages, further measures do not seem to offer much chance for success, especially when considering the de-facto situation of the national minority language, the demand for educational offers, the low settlement density and/or the small number of persons belonging to the national minority, and the extent to which the organisations of the national minority engage in specific activities for the national minority. In addition to the Federal Chancellery, the Styrian Regional Government also supports the Article VII Cultural Association.

II.4 Facilitation of the Use of the Minority Languages (Article 7 (1) d))

Article 7 (1) d) of the Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe with regard to developments and long-term measures to optimise the presence of the national minority languages in public media, as well as cooperation between the ORF and private providers, and the decision by the Federal Communications Senate (margin note 53), the following information is provided:

Pursuant to applicable law the Austrian Broadcasting Corporation (ORF) is obliged, as part of the programmes it offers under its public-law mandate, both to produce and disseminate specific broadcasts in those languages for which there is an advisory council and to take account, as a matter of principle, in its overall programmes of the interests of these national minorities (see § 5 (5a) of the ORF Act). The scope of the shares in the broadcasts and programmes offered are determined in the respective annual broadcasting outline or the annual programme outline after hearing the viewers'/listeners' representatives.

According to the ORF's Annual Report for 2009² the ORF offered the following **programmes for the national minorities** in 2009:

- in Burgenland: 35 radio broadcasts and one television broadcast every week, supplemented by 12 television magazines per year in Burgenland-Croatian, Hungarian and Romany;
- in Vienna: 35 radio broadcasts every week, supplemented by 12 television magazines per year in Hungarian, Czech and Slovak;
- in Carinthia: every day eight hours of programme broadcasting in Slovene on ORF Radio DVA –AGORA, supplemented by 12 radio broadcasts and one television programme per week;
- in Styria: every day eight hours of broadcasting in Slovene on ORF Radio DVA-AGORA, supplemented by one television programme every week;
- ORF 2: weekly television broadcasts “Dobar dan, Hrvati”, the television magazine in Burgenland-Croatian, by the Regional Studio Burgenland, and “Dober dan, Koroška”, the television magazine in Slovene of the regional studio in Carinthia, which can both be received throughout Austria;
- ORF-TVthek: on-line options of the ORF television magazines for the national minorities, which can be received throughout the world, always available up to the subsequent scheduled broadcasting;
- Teletext: Information about all ORF radio and television programmes for the national minorities, as well as daily information on current events and activities of relevance to the national minorities on page 414 (“Ethno-Tipps”);
- Internet: Daily mother-tongue information on current events in society, politics and culture with special relevance to the national minorities; transmitted also outside the respective broadcasting area; live stream from Radio Burgenland, Radio Carinthia and Radio DVA-AGORA – can also be received via mobile Internet when using an UMTS mobile telephone

² http://zukunft.orf.at/rte/upload/texte/veroeffentlichungen/2010/jahresbericht_2009.pdf

with a suitable, installed player; on demand: all broadcasts of the Burgenland Regional Studio in Burgenland-Croatian, Romany, Hungarian, Czech and Slovak, as well as the Slovene programmes of the Carinthian and Styrian regional studios, and the information broadcasts by ORF Carinthia on “Radio DVA-AGORA”; reporting and reports about current events in the Croatian and Hungarian national minority magazines, available as podcast options for computers, mp3 players and for subscribers;

- Digital satellite: The full range of programmes, as listed above, broadcast by Radio Burgenland and Radio Carinthia can be received freely throughout Europe via digital satellite Astra; the television programmes – including the local sections in Burgenland, Carinthia, Styria and Vienna – as well as teletext can be received freely via digital satellite Astra.

It is the task of the **ORF’s Audience Council** to protect the interests of listeners and viewers of the ORF programmes. It complies with its task primarily making recommendations on programme design. In addition, the Council appoints six members to the ORF Foundation Council.

Pursuant to § 28 (11), in conjunction with paragraph (4) of the ORF Act, the Federal Chancellor appointed Ing. Karl Hanzl in February 2010 to be the member of the Audience Council with responsibility for the national minorities. Ing. Hanzl was a member of the Audience Council already during the preceding mandate period, and in this function he actively advocated the concerns of the six national minority groups. As he also serves as the Chairman of the Advisory Council for the Czech National Minority, he was also in a position to inform the members of his own, as well as of the five other national minorities and/or to bundle their concerns and to present them to the ORF’s Audience Council. In this connection one should mention, in particular, that the ORF’s Regional Studio Burgenland was established as a so-called “centre of competence” for the region of Vienna, Lower Austria and Burgenland. It had been demanded for many years that the radio broadcasts be shifted from medium wave to ultra-short wave, which was achieved, also in the light of the decision by the Federal Communications Senate of 27 June 2008. The Bisamberg transmitter station was closed, which had broadcast the medium-wave broadcasts in the languages of the national minorities in Vienna.

The public mandate of the ORF consists of a supply mandate and a programme mandate. The supply mandate ultimately determines the number of television and radio programmes which the ORF has to provide. The supply mandate also includes the operation of an on-line service and the delivery of broadcasts to the autochthonous national minorities.

In connection with the specific programme design of the ORF for the national minorities the **decision of the Federal Communications Senate** of 27 June 2008 also set the direction; it is considered to be a reference decision by a regulatory authority for radio stations in a European context.

It is stated, by way of explanation, that the Federal Communications Senate is the legal regulatory authority (acting as a first and final instance) for the ORF, as well as its administrative penal authority. It takes a decision on whether the ORF Act has been violated

whenever a person files an application and maintains to have suffered immediate damage by a violation of the law, or on the basis of a “popular complaint”, provided the complaint is supported by a minimum of 120 persons. Moreover, the Federal Communications Senate also takes action when affected companies file a complaint (complaint concerning competitors), as well as upon applications by specific entities (such as the Audience Council). What is of particular significance in this connection is that the question is examined whether the ORF has paid due attention to the principles of objectiveness and impartiality in reporting, of the diversity of opinions and of fairly balancing its programmes.

In 2007 a person filed a complaint, i.e. that the ORF had not complied with its programme mandate during the period between 1 January 2006 and 30 June 2007 with regard to the broadcasting of adequate shares in its radio and television programmes in the languages of the national minorities, to which the Federal Communications Senate states the following its direction-setting comment:

“During the period between 1 January 2006 and 30 June 2007 the Austrian Broadcasting Corporation (ORF) did not produce adequate shares in the languages of the national minorities, i.e. Slovene, Slovak, Czech and Hungarian, in the framework of the programmes broadcast pursuant to § 3 of the ORF Act. A complaint for violation of the programme mandate pursuant to § 5 of the ORF Act cannot be extended at random into the past. The protective purpose of the rule to particularly preserve the language and culture of those national minorities that have settled in certain regions of the federal territory – as autochthonous minorities – permits one to conclude that the mandate of the ORF relates essentially to the autochthonous settlement areas. When examining whether adequate services are provided, one must primarily look into the dissemination of radio and television programmes in regional television and radio programmes, as well as into the adequate provision of these autochthonous settlement areas. The provision according to § 5 (1) of the ORF Act does not require the ORF to either to include broadcasts in the languages of the national minorities in specific or even all programmes under § 3 (1) of the ORF Act or to assign special broadcasting slots to these programmes. If programme content and broadcasting times were to be determined, this would constitute an unjustifiable interference with the ORF’s freedom to design its programmes.”

In view of the importance of this decision for social and media policies it was regarded as appropriate to order that the decision be announced throughout Austria in all news broadcasts during the principal broadcasting periods – which is around 19.30 hrs. for television and between 12.00 and 13.00 hrs. for the radio. As § 5 (1) of the ORF Act especially refers to the languages of the national minorities with regard to programme shares, it was also required that the decision on the violation of this rule be published in the relevant languages.

Concerning the information that the Council of Europe has requested on the possibility to receive broadcasts in the Slovene language from Carinthia in Styria (margin note 50)

it is commented that, in addition to the aforementioned options of the on-line platform volksgruppen.orf.at and the video platform ORF-TVthek, the broadcasts offered to the national minorities on Radio Burgenland and Radio Carinthia can be heard throughout Europe and free-to-air via the digital satellite Astra, as well as that the television broadcasts – including the local

sections in Burgenland, Carinthia, Styria and Vienna –can be received throughout Austria via teletext.

Every day, up-to-date mother-tongue information from society, politics and culture can be downloaded from the Internet in the respective languages of the six recognised national minorities, as well as in German. The Slovene-language broadcasts of the regional studios in Carinthia and Styria and the information broadcasts of the regional studios in Carinthia and Styria can be accessed on demand at Radio DVA-AGORA.

II.5 Maintenance and Development of Links (Article 7 (1) e)

Article 7 (1) e) of the European Charter on Regional and Minority Languages

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;

Members of national minorities frequently belong to organisations of the national minorities (associations). These are, to a large extent, providers of activities that are specific of the respective national minority group, for which they receive financial support from public funds. The contacts among the organisations of the national minorities are well established. It happens frequently that invitations to events are extended to other organisations of the national minorities. Contacts to the majority population are also maintained, for which a few examples can be given here: A series of events that has already become a tradition, and which is explicitly dedicated to contacts with German-speaking neighbours, always takes place in several Carinthian villages on Austria's national holiday ("Dober večer, sosed"). The Roma "butschu", which is organised by a Burgenland association called Roma-Service, is addressed both to the national minority group and the majority population. Burgenland-Croatian tamburica groups are often invited, also by German-speaking organisations, to play at festivities. The Burgenland-Croatian Centre in Vienna can be named as one example for contacts with groups that use the language in a similar form. It particularly maintains contacts to recently immigrated Croats, as well as to Croats in Croatia. The association KUGA at Großwarasdorf in Burgenland offers language courses in Hungarian which are taught in the Burgenland-Croatian language. Since the year 2009 additional funds have been provided from the budget earmarked for the national minorities to promote intercultural projects. The invitation material to cultural activities, which are prepared in two languages, for example, also received funding from this budget, as they promote the mutual understanding. Meetings between members of the German-speaking majority and the national minority groups also take place in connection with church activities. A special form of contacts deserving promotion is the joint attendance of school by children of the national minorities and children with a migration background from neighbouring countries who speak the same language. This gives a major boost to interest and competence in the language on the part of children from a national minority. This can be observed at the schools

of the Komenský School Association in Vienna (for example in relation to Czech and Slovak), as well as in many schools in Burgenland which are attended by children from Hungary. In Carinthia numerous young people and students from Slovenia obtain their education together with members of the national minority.

II.6 Teaching and Learning the Regional or Minority Languages (Article 7 (1) f), g), h))

Article 7 (1) of the European Charter on Regional and Minority Languages

- f) the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- 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;
- h) the promotion of study and research on regional or minority languages at universities or equivalent institutions;

The perspective for country's future is inseparably linked to the quality of its educational system. In order to further improve the Austrian school system, the educational policy must take stock of the current situation, implement effective reforms and then evaluate the changes. This requires an educational policy based on facts, as well as a systematic development of the schools.

On 1 January 2008 the National Council has therefore set up the Federal Institute for Research into Education, Innovation and Development of the Austrian School System (BIFIE). This institute deals, amongst others, also with the subjects of interculturality and multilingualism. BIFIE also provides consultancy services and accompanies the current changes concerning the planned introduction of a standardised, competence-oriented school-leaving examination (*Matura*), which is also of major importance for the languages of the national minority groups.

As was mentioned before, the working group of "Education and Language" also dealt very intensively with the languages of the national minorities and the future of the school system for the national minorities in Austria, as part of the planned reform of the National Minorities Act. The working group underlined that the basis for the planned further development is to teach the national language and the language of the national minority from nursery school up to the end of secondary level II, with the goal of obtaining competence level C2 of the European Framework of Reference for Languages in both languages. Moreover, it is proposed to introduce compulsory teaching of a neighbouring language of the respective national minority from the primary level to the end of secondary level II. In view of the different situations of the

individual national minorities it is felt to be necessary to develop a plan for the regional languages and/or multilingualism.

It is a general observation that the importance of mother-tongue education has been largely recognised and that efforts are made to professionalise mother-tongue education.³ This is not only important for children with a migration background, but is also gaining in importance for children who speak one of the languages of the national minorities. Mother-tongue education is offered in Vienna, inter alia, in Romany, Burgenland-Croatian, Hungarian, Czech and Slovak, for example.

The goal of a mother-tongue education is to acquire mother-tongue language skills, which creates continuity and supports personality development, on the basis of belonging to the linguistic and cultural environment of the parents. A positive approach to one's mother tongue and to bicultural processes is thus supported. In this context, pupils are in a position to experience in the class-room the basically equal status of their mother tongue and of the German language.

According to the primary-school curriculum, mother-tongue education covers the following three tasks:

- ▶ to reinforce the mother tongue as a basis for the educational process in general, as well as for acquiring further languages
- ▶ to communicate knowledge about culture and literature
- ▶ to address the bicultural process

In Austria teachers are taught at different institutes and on different educational levels. Nursery-school teachers are trained at secondary level II (Federal Institute for Nursery-School Pedagogy = BAKIP) and complete their studies with a school-leaving and diploma examination, while teachers for the compulsory schools are trained on the post-secondary level at teacher-training colleges, and the teachers for general and vocational middle-level and upper-level secondary schools are trained at universities. The needs of the national minorities, the promotion of multilingualism and attention to intercultural learning are taken into account on all levels at which teachers are trained.

In the course of the European LEPP process (Language Education Policy Profile), which is an initiative of the Council of Europe to promote multilingualism, Austria regularly receives impulses for optimising its language policy profile and to participate pro-actively in numerous European projects. These impulses also have a positive effect on the configuration of Austria's educational system concerning languages, which in turn has a positive impact on the school system for the national minorities.

³ Language Conference 2008 in Graz: Our society is multilingual – is our education also multilingual? Measures for an overall language education plan for Austria

Special attention is paid to good language skills among nursery-school teachers and teachers for the languages of the national minorities, as well as to the importance of intercultural teaching and didactics in the field of multiculturalism.

The report by the Committee of Experts of the Council of Europe also inquires about the education offered in the Burgenland-Croatian language in Vienna (margin note 56).

According to information by the Federal Ministry of Education, Arts and Culture, the following information can be provided: At the primary school in the fifteenth district of Vienna at Benedikt-Schellinger-Gasse 1-3, it has been possible since the 2009/2010 school year to obtain a mother-tongue education in "Burgenland-Croatian". Two teachers with Burgenland-Croatian as their mother tongue and one teacher from Croatia have been assigned to this initiative. On the basis of a statement of consent by the parents, pupils can participate in the group courses in the afternoon; the other models are carried out on an integrative basis during the school day (For details please refer to the comments on margin note 75).

In the report by the Committee of Experts the Council of Europe expresses its concern (margin note 69) that continuity is not being ensured in the field of mother-tongue options in Romany.

From the perspective of the Regional School Board for Burgenland the current situation is as follows: Provided that there are a larger number of members of the Roma community (district of Oberwart), the offer to teach in Romany will be made every year. The Regional School Board for Burgenland/Department for the National Minorities has good contacts to representatives of the national minority of the Roma, who plan and carry out the teaching, so that the parents are motivated to enrol their children. As soon as the statutory number, i.e. "five" (5), for commencing teaching has been reached, the classes are taught.

On account of special efforts it has been possible again to set up Romany teaching for one group (5 children) at the primary school at Unterwart during the current school year. The problem is the low pupil population so that no groups can be formed at various locations. Children from two locations must therefore be put together into one group and the classes are held for several school locations. The pupils are taught the language of the Burgenland Roma in oral and written form.⁴ Materials such as the monolingual children's magazine "Mri Nevi MiniMulti", story books in Romany, DVDs, CDs and the teaching material that has been developed especially for Romany are being used in these classes.

Moreover, associations such as Roma-Service, the adult education college of the Roma, the association Ketani, etc. also organise language courses in Romany which are supported with public funding. Pupils who cannot attend any optional exercise at their primary school, because

⁴ The exact figures on pupils are given in the chapter "The Romany Language in the Federal Province of Burgenland".

the minimum pupil number is not reached, as well as students and members of the older generation attend language courses in Vienna, Graz, Linz, Oberwart and Deutsch Kaltenbrunn. During the reporting period 2008 to 2010 hundreds of persons attended the courses in the aforementioned locations.

Concerning the question about the teaching materials used in Slovene classes in Styrian schools (margin note 72)

the information is provided that, in the course of a current survey conducted by the Regional School Board for Styria (status: mid-February 2011), the following results were obtained: On the one hand, teachers at almost all primary schools and lower-level secondary schools in question use the teaching materials which they have produced themselves (including also such tools as language games). On the other hand, the materials commonly used when teaching Slovene in Carinthia are being used, especially textbooks or the magazine "Mladi rod". At present, there are no comparable specific textbooks for teaching Slovene in Styria. A major increase in demand (i.e. higher pupil numbers for the Slovene classes) would be required to implement and, in particular, to finance such projects.

The following comments are given concerning the issue raised by the Council of Europe on the language options in Romany offered outside Burgenland (margin note 94):

Many of the aforementioned language courses take place outside the autochthonous settlement area of the Roma. Romany is also taught at Austrian schools outside Burgenland, for example as part of the mother-tongue education at Vienna's compulsory schools (please refer to the comments on margin note 75 for further details).

Moreover, Roma school assistants support children in coping with the school and language challenges. The association Romano Centro, domiciled in Vienna, for example, employs three Roma school assistants at currently five schools in Vienna. These Roma school assistants have the following tasks:

- ▶ to support the relations between school and parents and to communicate between the teachers and the Roma parents, especially in case of problems or conflicts
- ▶ to provide information, as well as to advise and accompany parents in school and educational matters (multilingual), for example by obtaining free rides to school, or access to counselling centres
- ▶ to act as contact person (in several languages) for Roma pupils and parents, as well as for teachers in case of problems with/caused by Roma pupils (support at parent-teacher meetings and on parents' information days)
- ▶ to accompany teaching excursions in order to ensure the participation of the Roma pupils
- ▶ to support the Roma pupils in the class-room during lessons, especially by communicating with them in their mother tongue
- ▶ to broker additional teaching options and/or promotional possibilities for Roma children
- ▶ to provide knowledge about Roma culture and history to pupils and teachers

Taking the observed learning difficulties of Roma children at school as a point of departure, the association Romano Centro, Vienna, has been providing learning assistance to Roma children since 1995. Roma children attending compulsory school are the primary target group. The assisted learning takes place in the families, which often leads to multi-dimensional assistance. Every year about 120 to 130 Roma children make use of this special learning assistance offered by the aforementioned association. The association Roma at Oberwart in Burgenland also offers learning assistance to Roma children. These projects to support Roma children in their school and language achievements are also promoted with financial support from the budget for the promotion of the national minorities of the Federal Chancellery.

Another interesting project which goes beyond the boundaries of Burgenland is the project “RomBus” which is carried out by the association Roma-Service. The RomBus project serves a number of functions:

- ▶ “Class-room on Wheels” (teaching the Romany language)
- ▶ Mobile space for counselling services (e.g. on learning issues)
- ▶ Infothek (books, films, CDs, CD-ROMS, etc.)
- ▶ Information centre (workshops, lectures)
- ▶ Communication centre
- ▶ Learning assistance – intensive support

The project began in May 2005. The RomBus also facilitates Romany teaching, organised by associations, directly in the Roma settlements. There are close contacts to parents and teachers. The RomBus travels according to a schedule and regularly visits more than 20 communities and villages in Burgenland, Lower Austria and Vienna.

Success in acquiring language skills is often closely linked to liking a language and to learning it by playing and/or playing games. It is therefore regarded as a positive outcome that a Roma music school took up its operation in Vienna in 2011. The association Romano Centro commissioned a study on the subject of “A music school for Roma and Sinti music in Vienna” with money from the budget to promote the national minorities. This study comprises qualitative and quantitative investigations, a description of known models and suggestions for implementation. In April 2011 the association Romano Centro launched the pilot operation of the music school for Roma and Sinti music under the name of “Vienna Gypsy Music School”. Regular music-school operations will start in September 2011.

In the report by the Committee of Experts the Council of Europe inquires about the steps that were taken in order to create better conditions for the use of the languages of the national minorities in Vienna, Burgenland and Styria (margin note 75).

The situation of persons belonging to national minorities, who live in **Vienna**, differs fundamentally from those living in Carinthia and Burgenland, especially since the members of national minority groups only account for a very small share in the total population in the Vienna metropolis. Offering a bilingual school system throughout the Vienna region, as is the case in the autochthonous settlement areas in Burgenland and Carinthia, would not be correspond to the actual conditions in Vienna, where a multitude of languages is being spoken.

On account of this situation it appears to be more target-oriented to create and/or to support focused and specialised educational and language options for the national minorities.

The schools of the Komenský School Association are of central significance for the Czech and also the Slovak national minority groups. The number of pupils at the schools of the Komenský School Association is rising steadily. In the meantime it has been ensured that the full educational cycle from nursery school to school-leaving examination can be followed in Czech-German and/or Slovak/German. With the help of special promotional funding granted by the Vienna Region and the Federal Ministry of Education, Arts and Culture in an amount of one million euros each, it was possible to begin with the refurbishment and conversion of a school building in Vienna, which houses the secondary school level II. The personnel costs for the teachers are funded from the public budget, with the teachers of the compulsory schools being paid by the Vienna Region and the teachers for the senior grades of upper-level secondary school being paid from the federal budget. The Komenský School Association receives considerable grants from budget earmarked for the national minorities to cover the additional staff and operating costs.

Courses in Hungarian and Burgenland-Croatian are being offered by the organisations of the national minorities with public-sector financial support. During the last year a course in Burgenland Romany was also conducted by an association in Vienna. Depending on available funding, the organisations of the national minorities in Vienna may also obtain money from the funds earmarked for the national minorities for extra-mural language courses in all languages of the national minority groups.

Moreover, it is also possible – if there is sufficient demand – to organise mother-tongue teaching in the language of the national minorities at the state-run schools, which is provided in an integrative mode and parallel to class-room teaching. During the period under review, i.e. between 2007 and 2011, a major rise in the available options was observed, especially with regard to the Czech, the Slovak and the Hungarian languages. During the 2010/2011 school year seven mother-tongue teachers have already been assigned to teach in Hungarian, five teachers for Slovak and four for the Czech language, all at different locations.

As was mentioned before, the Vienna School Board has offered the possibility at the “Sir Karl Popper School” to obtain a mother-tongue education in “Burgenland-Croatian” since the 2009/2010 school year. Two teachers with Burgenland-Croatian as their mother tongue and one teacher from Croatia have been assigned to this initiative.

The objective of the bilingual model at the “Sir Karl Popper School” with the title “HIP - Hrvatski integrativni project” is to integrate the Croatian language as a working language into the class-room, in addition to the German language. The priority goal of this project is, on the one hand, to provide a basic school education for pupils according to the Austrian syllabus and, on the other hand, the Vienna School Board wants pupils to obtain language skills in the Croatian language, which can hardly be taught in the course of the traditional mother-tongue teaching at schools. The basic cultural techniques – reading, writing and mathematics – are acquired both in German and in Croatian. This is also the case for other subjects, in the form of team teaching. For the practical implementation of this immersion programme, Croatian is integrated as a working language into general classroom teaching in an amount of 7 hours per week as of

the first grade. By assigning mother-tongue teachers, who cooperate with the classroom teacher, the linguistic implementation is ensured. The pupils receive a school certificate with a note stating that they participated in the “HIP - Hrvatski integrativni projekt” project. As of the third grade, English is offered as a compulsory exercise, so as to ensure a smooth transition to secondary schools.

The project began in the 2004/2005 school year, which is the base year. The project aims especially at pupils who are capable of easily following classes held in German as the language of instruction, on the one hand, and who have some previous experience with Croatian as a language of communication, on the other hand, and live in the neighbourhood of the school location, to the extent possible. Pupils are admitted after intensive counselling and orientation discussions with the parents and the child, when the child is enrolled in the school. The project “HIP - Hrvatski integrativni projekt” has been offered by the school for five years; at present, though, there is still little participation on the part of the national minority.

Romany is also taught at Vienna’s compulsory schools as part of mother-tongue teaching. According to the information by the Vienna School Board, three teachers have been assigned to teaching in Romany during the 2010/2011 school year. Two of the instructors are mother-tongue Romany teachers, and one instructor teaches mathematics and mother-tongue classes in Romany. In three municipal districts of Vienna (3rd, 11th and 15th district) 250 children receive coaching in Romany, their mother tongue, at primary schools, cooperative middle schools and one special pedagogical centre.

The teaching, being a bicultural process, is oriented to the tasks determined in the curriculum for mother-tongue teaching. The objective is to foster biculturalism and development, as well as to consolidate bilingualism, to generate continuity and to support personality development, taking the affiliation to the linguistic and cultural background of the parents as a point of departure. The goal is to foster a positive approach to one’s mother tongue and to bicultural processes. The pupils must be in a position to experience in the class-room the basically equal status of their mother tongue to the German language, as this makes it possible for pupils to become aware of the significance of bilingualism and biculturalism.

Intercultural learning as a teaching principle must also be taken into account when giving mother-tongue instruction (for details see the comments on margin note 81). The overwhelming part of the teaching consists of instruction in the form of team teaching, in coordination with the respective class-room teachers.

The Federal Government and the City of Vienna will continue to make efforts in order to expand and improve teaching in the languages of the national minorities in the federal capital. In the fall of 2009, for example, the pilot phase of a project was launched, which is intended to improve mother-tongue instruction in Romany in Vienna. As part of the international project “QualiRom”, where “Treffpunkt Sprachen” (Meeting Point Languages) of the University of Graz and the association Romano Centro, located in Vienna, have been selected as the Austrian partners, mother-tongue teachers of the Roma are to be trained in how to handle teaching materials for Romany, as well as the European Language Portfolio.

Furthermore, detailed comments on the efforts undertaken by the City of Vienna to create favourable conditions for the languages of the national minorities were already presented in the section covering Article 7 (1) a).

In **Burgenland** children with or without any previous knowledge of the languages of the national minorities may attend the activities offered in these languages. The authorities provide the organisational framework both by supplying information on content and by employing qualified teaching staff. Details and statistics on the conditions for language use in Burgenland can be found in chapter II.1 on Burgenland-Croatian and chapter II.3 on Hungarian.

Moreover, it must be underlined that Austria is paying particular attention to the educational situation of Roma children and is making efforts to integrate them into the regular school system in the best possible manner. As there is awareness that a good educational background is the foundation for becoming integrated into society and opens up job opportunities, there are major efforts on different levels to make it possible for Roma children to get a good school education and thus a good head start into professional life.

As far as the autochthonous national minority of the Roma is concerned, these educational efforts have paid off. While in the 1980s many Roma children could still be found in special schools, one can say today – and this is corroborated by feedback from the Federal Ministry of Education, Arts and Culture and scientific investigations – that this is a problem of the past and that the autochthonous Roma children have been integrated into the standard schools. Thanks to the many educational initiatives of the past two decades, the educational situation has improved greatly. Moreover, primarily the initiative of several Roma associations and the contribution by academe (such as, for example, the research work undertaken by the University of Graz, in close cooperation with Roma associations) have led to these improvements, which have clearly enhanced the self-confidence of Austria's Roma population. Projects such as “Roma Learning Support” and “Roma Assistants”, which act as go-betweens between schools and families, have contributed to a major improvement of the situation. These positive initiatives received financial support both from the Federal Government (Federal Ministry of Education, Arts and Culture, Federal Chancellery) and the Federal Provinces of Burgenland and Vienna.

In **Styria** credit units are given for the holding of a Slovene class as an optional subject. However, as demand by pupils in Styria is too small, the courses are hardly ever scheduled.

According to information by the Styrian Regional Government, Slovene courses are held regularly at the general compulsory schools in the school districts of Deutschlandsberg, Leibnitz and Radkersburg. During the 2011/2011 school year Slovene is also taught at the general compulsory schools of the school districts of Feldbach and Voitsberg.

It is more difficult at the higher schools in Styria to obtain the enrolment figures required to launch a Slovene course. The senior grades of the federal modern-language grammar school (BORG) at Bad Radkersburg should be mentioned as an upper-level secondary school that teaches Slovene on a regular basis.

Styria also serves as an example for the fact that the languages of the national minorities are also taught outside of the autochthonous settlement areas. Classes in Hungarian, for example,

are offered at the general compulsory schools of the school districts of Graz-City and Bruck an der Mur. Hungarian has been taught already for several years at the upper-level secondary schools in the district of Bruck an der Mur. During the 2010/2011 school year, pupils in Graz may already attend two so-called multi-school courses in Hungarian which are each held in a grammar school. Moreover, modern standard Croatian, which is the sister language to Burgenland-Croatian, is being offered in Styria in the school districts of Bruck an der Mur, Graz-City, Gröbming, Judenburg, Knittelfeld, Leoben, Liezen, Murau, Mürzzuschlag and Weiz. At a primary school in Graz a pilot project for Croatian has been conducted already for the fourth year. Pupils at commercial colleges and upper-level general secondary schools may also attend courses in Croatian.

As far as the situation of the Komenský School in Vienna is concerned, which is mentioned in the report by the Committee of Experts (margin note 60), the following information can be provided:

In addition to the aforementioned support and promotional measures by the City of Vienna, the Federal Ministry of Education, Arts and Culture, as well as the Federal Chancellery concerning the expansion and ongoing operation of the Komenský schools, one should also mention the efforts to establish also a Slovak and a Hungarian nursery-school group alongside the Czech nursery-school groups. These efforts by the Komenský School Association have always been appreciated and supported by the Department for the National Minorities in the Federal Chancellery. Two years ago a Hungarian nursery-school group was set up alongside the Czech and Slovak nursery-school groups under the responsibility of the Komenský School Association. In the year 2010, for example, the Federal Chancellery granted the following financial support to the staff costs of the nursery-school and day-care groups of the Komenský School Association:

- ▶ for Czech and/or Slovak-speaking day-care and nursery-school teachers
- ▶ for a Slovak and/or bilingual nursery-school teacher and
- ▶ for a Hungarian and/or bilingual nursery-school teacher

A total of 110 children attended the bilingual nursery school of the Komenský School Association in 2010.

The number of pupils per class, which the Council of Europe also mentioned, was oriented by the numbers given for Austria's standard school system. According to the School Organisation Act, Federal Law Gazette No. 242/1962, last amended by the version published in Federal Law Gazette I No. 44/2009, the following rules apply:

- ▶ The indicative value for pupils in a primary school class is 25 and must not be less than 10 pupils.
- ▶ The indicative value for pupils in a lower-level secondary school class is 25 and should not be less than 20.
- ▶ The indicative value for pupils in an upper-level general secondary school class must not exceed 25 in the junior grades and 30 in the senior grades and should not fall below 20 per class in each case.

As far as the number of pupils per class in the Komenský schools is concerned, reference is made to the “Centropo Schooling” school concept launched in the 2010/2011 school year and especially developed by the Vienna School Board. It provides for consistent bilingual teaching from the first to the twelfth grade. For Czech and Slovak this model has already been launched for a first-grade class; it is planned to expand it to Hungarian. This cooperative educational model takes adequate account of the language diversity and the different level of language skills; during specific periods two teachers per class are available. The children/parents may decide whether they choose these languages as their first or second language. According to information by the competent school board, and in keeping with feedback from the school, this new bilingual educational model meets with a positive response from pupils and parents. An application for a pilot project on this basis will therefore under preparation.

At other schools in Vienna, where one of the languages of the national minorities is taught (as described above), the number of pupils to launch an “optional exercise” is twelve children. This number may decrease to nine in the course of a semester.

The report by the Committee of Experts by the Council of Europe (margin note 77) calls upon Austria to take account both of the needs of those pupils who already speak a specific national minority language and to provide options for those pupils who only have the wish to start learning a specific national minority language.

For years there have been scientific investigations in Austria into learning in heterogeneous groups. Experts accompany and scientifically evaluate various school projects. In this connection, reference is made to the research project at the Alps-Adriatic University of Klagenfurt with the title: “Languages every day: Experience with bilingual teaching and learning in heterogeneous classes” launched in 2010. This research project deals with exploring the bilingual education offered at the Hermagoras primary school in Klagenfurt. Interviews, observations, photo documentations, as well as video and audio recordings are made, and studied from the perspective of implementing the model “One day – One language”.

The working group “Education and Language” set up at the Federal Chancellery discussed the question, amongst others, in the fall 2010 how the often very heterogeneous pupil groups can be supported in the best possible manner by individual promoting measures. Education experts pay special attention to promoting the language-didactic and socio-communicative teaching quality and to tools that determine the language competences of pupils.

In this connection – **and as a reply to the question raised by the Committee of Experts concerning measures that are being taken in the various regions** – one should primarily mention the efforts of the Vienna School Board, which have been successful for many years, to raise the language skills in Czech, Slovak and Hungarian, which are the languages of the neighbouring countries as well as of national minorities. Particular mention is made of the EU project “EdTWIN – Education Twinning for European Citizenship”. This is a project for language and cultural encounters at schools in Vienna:

“Borderless Neighbourhood” (6 – 10 years)

Teachers (with Slovak, Czech or Hungarian as mother tongue) come to primary schools and carry out a four-day project, together with the class-room teacher, in the course of which the pupils get acquainted with the language and culture of the specific country in a playful manner. As a result, more than 2,000 pupils in Vienna between the ages of six and ten have been put into contact with the languages of the neighbouring countries.

Table 4 Pupils (age 6 to 10) 4 days to get to know the language and culture

School year	Czech	Slovak	Hungarian
2008/10	660	660	660
2009/10	570	750	690
2010/11 ¹	appr. 1,000	appr. 1,000	appr. 1,000

¹ As of January 2010 this project will be expanded by hiring three further teachers.

Source: Vienna Municipal School Board

“Experience the Language Days” (pupils aged 10 and 14 years)

Since the 2010/2011 school year, groups of 15 pupils (aged 10 to 14 years) take part in a meet-the-language day (the language and culture of a country). In the course of a day trip through the region, the newly acquired skills are used under practical conditions.

It was possible to reach more than 420 pupils in Vienna with this option during the 2009/2010 school year.

Table 5 Number of pupils (aged 10 to 14 years) involved in the “Experience the Language Days”

School year	Czech	Slovak	Hungarian
2009/10	150	135	135
2010/11	300	300	300

Source: Vienna Municipal School Board

“Language Workshops” at the BiC Auerspergstraße (pupils aged 15 to 19 years)

Pupils from senior grades attend a three-day intensive language course at the “BildungsraumCentropo” (BiC) comprising 8 learning units per day. They then spend one day in the respective neighbouring region and apply the language skills that they have acquired in meetings with local pupils.

During the 2009/2010 school year a total of 660 pupils from Vienna came into contact with the languages Slovak, Czech and Hungarian on account of this initiative and experienced a day in Bratislava, Brno or Sopron.

Table 6 Number of pupils attending Language Workshops (aged 15 to 19 years)

School year	Czech	Slovak	Hungarian
2009/10	220	220	220
2010/11	220	220	220

Source: Vienna Municipal School Board

“We are Learning our Neighbours’ Language” – Language study courses for education experts

In these study courses, teachers from all school types, school principals and other education experts have the possibility to acquire language skills on the A1 – B1 level (European Framework of Reference for Languages), as well as to get to know the culture and the region of that language. With this language initiative, more than 120 education experts got to know the languages of the neighbouring countries.

Table 7 Number of participants in Language and Culture Study Courses

Language and level	Summer semester 2009	2009/10 school year
Czech I	23	26
Czech II	15	29
Hungarian I	24	24
Hungarian II	11	15
Slovak I	16	16
Slovak II	08	12
Total	97	122

Source: Vienna Municipal School Board

“CentroLING” – Language learning (optional exercise) at schools in Vienna:

Learning, teaching and using the languages of the Centrope region is promoted in the course of the CentroLING project.

During the 2009/2010 school year Slovak, Czech and Hungarian are offered at compulsory schools as optional exercises for a period of 2 hours per week each. The language course may be attended as a living-foreign language or as a mother-tongue class.

Table 8 Number of locations and groups of the “CentroLING” project

Location	Czech	Slovak	Hungarian / Hungaricum project
VS – primary schools	4 locations / 11 groups	1 location / 3 groups	9 locations / 11 groups
KMS – cooperative middle schools		1 location / 1 group	5 locations / 9 groups
SPZ – special pedagogical centres			1 location / 1 group

Source: Vienna Municipal School Board

One group consists of approximately 15 pupils.

With regard to the quality of teaching, especially in connection with children having different previous language skills, the efforts in **Burgenland** should also be mentioned. Classes in the languages of the national minorities are being offered in all those places where the numbers are reached which are required by law to start a course. For the further and continuous training of teachers the Teacher-Training College Burgenland offers seminars and courses for teachers, which should support them in their work in heterogeneous classes.

Quality improvement and quality assurance account for a major part of the work. One special focus in this direction was the project “Immersion and Rotation”, which was conducted at bilingual primary school classes at nine primary schools where Croatian is being taught. The project was carried out between the Burgenland Regional School Board and the Croatian Culture and Documentation Centre. The goal was to carry out longer stretches of teaching in one language in order to check whether this will contribute towards securing the input provided by teachers and the quality of teaching. The primary purpose was to strengthen communication competences. As a visible result a folder with guidelines “Jedan dan – Hrvatski dan ... 1000 and 1 proposals for immersion into the Croatian language” was produced and made available to all bilingual teachers.

In **Carinthia** the demand for a bilingual education, both on the pre-school level (elementary school level) and at primary schools (primary school level) continues to rise. However, the percentage of pupils who – according to the evaluation by their teachers – have no or only little skills in the Slovene language when entering primary school continues to be high: at the beginning of the 2010/2011 school year 68.95% of the children had no knowledge of the Slovene language, 16.57% had very limited language skills, and only 14.46% had good Slovene language skills. As a result, one needs to assume that on all educational levels, i.e. from nursery school to college and/or university, there is often considerable heterogeneity with regard to the Slovene language skills. While differentiating and individualising teaching methods are indispensable when teaching languages and educational contents, which must be applied as a matter of course, every internal and external differentiation has its limits. An external distinction (separate groups and/or classes on the basis of the language skills) is not the objective, for reasons of principle, or it may be implemented only for a limited time only and only when a sufficiently large number of pupils is available. At the primary-school level, small schools are a characteristic feature in Carinthia (small number of classes, small number of

pupils), which occasionally also leads to the setting up of so-called “school branches” (*Expositurklassen*).

In the first classes and/or grades of higher schools with Slovene as the language of instruction approaches can be found for an external differentiation in connection with initiatives developed autonomously by the schools. Breaking up groups was and is partly facilitated by allocating resources for specific purposes, and partly by internal resource shifts within schools. Deploying language assistants (as part of the bilateral Slovene-Austrian exchange of foreign-language assistants) offers further opportunities for a positive development of the Slovene-teaching quality. It was possible to raise the number of language assistants (Slovene) to five during the 2010/2011 school year. Three assistants have been assigned to higher schools with Slovene (or Slovene and German) as language of instruction, two to higher schools where Slovene is an optional subject (including also the Training Institute for Nursery-School Pedagogy) or as an optional compulsory subject.

In connection with the languages offered and the measures taken in the various regions, one must also refer to the **special situation in southern Styria**. The legal situation has not changed. However, there is an intensive dialogue and good cooperation on the regional level.

At present, no up-to-date figures are available on optional subjects or optional exercises at Styrian schools. Below is a list of data and activities, by way of example, concerning schools in southern Styria:

Concerning the lower-level secondary schools during the 2009/2010 school year:

- International school partnerships with Slovenia are maintained by the following lower-level secondary schools: Arnfels, Gamlitz, Strass, Bad Radkersburg, Deutsch Goritz, Mureck, Straden, Preding, Kirchberg a.d. Raab, as well as with the Ferdinandeum - Lower-Level Secondary School for EDP at Friedberg.
- Slovene is taught as a second living foreign language at the following lower-level secondary schools: Arnfels and Leibnitz II, Mureck, Voitsberg (in these four schools it is an optional and an elective subject), Ehrenhausen, Gamlitz, Lebring-St.Margarethen, Straden (only as an elective subject).
- The lower-level secondary school at Mureck and the lower-level secondary school/new middle school at Voitsberg offer Slovene as a foreign-language focus and also offer a combination of subjects.

At the higher schools:

- BG (federal grammar school)/BRG (federal modern-language grammar school) Leibnitz:
 - ▶ Slovene as an optional subject is offered every year, together with the BHAK (federal commercial college) Leibnitz, credit units are made available by the regional school board. However, in most years the minimum number of pupils required for launching a course is not reached.

- ▶ Every year joint projects are carried out with the 1st Grammar School in Maribor.
- BHAK (federal commercial college)/BHAS (federal commercial school) Leibnitz:
 - ▶ Every year Slovene is offered as an optional subject, together with the BG (federal grammar school)/ BRG (federal modern-language grammar school) Leibnitz. However, in most years the minimum number of participants required for launching a course is not reached.
- BORG (senior grades of a modern-language grammar school) Bad Radkersburg:
 - ▶ Close cooperation with Slovenia on all levels (e.g. neighbour schools) in the form of a cross-border neighbourhood since 1980.
 - ▶ Slovene: 2 hours per week each, from the 6th to 8th grade as additional optional compulsory subject, Slovene can be chosen as a second living foreign language and as an optional subject.
 - ▶ Numerous pupils come from Slovenia (28 pupils during the 2008/2009 school year)
 - ▶ Transfrontier projects such as the Mur Project with Apace in 2010

BAKIP (federal institute for nursery-school pedagogy) Mureck:

In past school years, pupils of the fifth grade of the federal institute for nursery-school pedagogy have always taken part in a one-week practical training at the bilingual nursery school Tatjana Marinić.

In addition two pupils and two teachers participated in the XXIIIrd International Project Week of the Alps-Adriatic College in Zadar, Croatia.

HLW (higher teaching institute for commercial occupations) Mureck:

Every year Slovene is offered as an optional subject. Credit units are made available by the regional school board. However, in most years the minimum number of participants for launching a course is not reached.

Since 1997 there has been a school partnership with Ekonomska šola Ptuj; joint projects are carried out regularly, e.g. on the European Day of Languages.

Teaching and research at university level

An important requirement for offering attractive and high-quality teaching in the languages of the national minorities is the adequate **training** of teachers **at university**. As was already mentioned in Article 7 (1) a) that Austria's universities and teacher-training colleges offer a great variety of options with regard to the languages of the national minorities.

In addition to various offers to study the languages of the individual national minorities at the universities of Klagenfurt, Graz and Wien, the various university institutes also stand out because of their research activities, in addition to their teaching activities, in the field of language research.

The Institute for Slavic Studies at the University of Vienna is the world's largest research and teaching facility for the Slavic languages, literatures and cultures. The research priorities focus on the following areas:

- ▶ Research into the language, the literature and the cultural contacts
- ▶ Contact and socio-linguistics
- ▶ Slavic dialectology, including Burgenland-Croatian and Slovene in Carinthia
- ▶ Comparative Slavic literatures and their relation to the German-language literature
- ▶ Slavic Mediavistic (Slavic of the early Middle Ages, including ancient Slavic)
- ▶ Slavic substrate in Austria
- ▶ Comparative Slavic linguistics
- ▶ History of the Slavic written languages

On account of the broad range of its research subjects, the institute for Slavic Studies at the University of Vienna enjoys top international prestige and belongs to the leading research institutes worldwide in the research fields of historical and comparative Slavic linguistics. It provides a particularly important contribution to those areas which are otherwise clearly under-represented on an international level and in the German-speaking world such as, for example studies into the Slovak and the Bohemian languages.⁵

The Alps-Adriatic University Klagenfurt offers the following study options relating to the languages of the national minorities:

- ▶ BA / MA⁶ in Slavic studies: focusing, amongst others, on Bosnian/Croatian/Serbian, Russian and Slovene
- ▶ BA / MA in applied business management: associated elective subject "foreign business language" with the option to choose "Slovene"
- ▶ BA in economics and law: associated elective subject "foreign business language" with the option to choose "Slovene"
- ▶ BA in applied cultural science: compulsory subject "languages" with the subordinated subject "Slavic languages" and the option to choose "Slovene"
- ▶ "Strategic cooperation management": with "German and Slovene" as the language of instruction of the study course
- ▶ Study course to become a Slovene teacher
- ▶ Courses for all students (central teaching): Slovene, Croatian, etc.
- ▶ Study course in Slovene at secondary level I: This study course is taught at the Teacher-Training College Carinthia in cooperation with the Alps-Adriatic University Klagenfurt.

⁵ Bohemian studies is the name given to the science dealing with the Czech language and literature.

⁶ BA – Bachelor, MA - Masters

II.7 Transnational Exchanges (Article 7 (1) i))

Article 7 (1) i) of the European Charter for Regional and Minority Languages

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.

In the framework of its cultural activities abroad, the Federal Ministry for European and International Affairs strives to achieve an adequate representation of the languages of the minority languages.

Moreover, several federal provinces, as well as several towns and municipalities also engage in intensive transfrontier cooperation projects with those neighbouring countries where the languages of Austria's national minorities are also official languages. In Carinthia, for example, a cooperation agreement with the "Alps-Adriatic Centre for Transfrontier Cooperation" has been in place for some time, which continuously intensifies cooperation with the neighbouring countries of Slovenia and Italy.

The activities of the regional school boards (Carinthia, Styria and Burgenland) and of the European Office of the Vienna Regional School Board are of particular importance with regard to transfrontier exchanges in the languages of the national minorities. Here, specific transfrontier projects are being implemented.

Details on all aforementioned transfrontier cooperation initiatives will be given under the respective articles. Please refer also to Part III.

II.8 Elimination of Discrimination (Article 7 (2))

Article 7 (2) of the European Charter for Regional or Minority Languages

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.

As the legislation on equal treatment has been amended since the last report, these changes are discussed in detail below.

Please refer to the Second Periodical Report concerning further legislation against discrimination.

The historical nucleus of the Federal Law on Equal Treatment (in brief: Equal Treatment Act), which goes back to the year 1979, was the equal treatment of men and women in the working environment. With 1 July 2004 as the effective date, the Equal Treatment Act was expanded to include ethnic affiliation, religion or ideology, age and sexual orientation as grounds of discrimination (Federal Law Gazette I No. 66/2004) With 1 August 2004 as the effective date, Directive 2004/113/EC of the Council implementing the principle of equal treatment between men and women in the access to and the supply of goods and services was transposed and published in Federal Law Gazette I No. 98/2008. As a result, discrimination on grounds of sex in the access to and the supply of goods and services has been banned in Austria since 1 August 2008. Moreover, the amendment contained the following new features, which also have an impact on cases of ethnic discrimination:

- ▶ Expansion of the scope of application of the Equal Treatment Act and of the facts that constitute discrimination, in the course of adjusting to Directive 200/113 and thus, in parallel, the possibility to claim multiple discrimination on the basis of ethnic affiliation and sex concerning the access to and the supply of goods and services.
- ▶ Expansion of the authorization to take positive measures to the entire working environment and thus to the entire scope of application of the Equal Treatment Act.
- ▶ Raising the claim to minimum damages in cases of discrimination when entering into an employment relationship from one to two monthly remunerations.
- ▶ Raising the claim to minimum damages in cases of harassment from 400 euros to 720 euros.
- ▶ Clarification that the protection against discrimination in case of termination of an employment relationship also applies to the non-extension of a time-limited employment relationship and/or to a termination during a trial relationship period.
- ▶ Clarification that when determining the amount of remuneration for a personal impairment suffered, attention must be given to possible multiple discriminations.
- ▶ Clarification that the global exemption provision on “nationality” is limited to alien law.
- ▶ Extension of the period of time lapse from six month to one year when claiming harassment on grounds of ethnic affiliation, religion or ideology, age or sexual orientation in the area of the working environment
- ▶ Deletion of the possibility to shorten the three-year period of time lapse, which is applicable to certain facts constituting discrimination, by means of collective bargaining agreement.
- ▶ Providing for the interruption of deadlines for filing court actions when initiating proceedings before the Equal Treatment Commission, also in cases of discrimination on grounds of ethnic affiliation in other areas.
- ▶ Expansion of the ban on unfair treatment in cases of discrimination on grounds of ethnic affiliation in other areas to persons who appear as witnesses or informants.

The most recent changes came with the amendment published in Federal Law Gazette I No. 7/2011 and comprise the following new features that are of relevance with a view to ethnic discrimination:

- ▶ Obligation to indicate the minimum wages under collective bargaining agreements in job advertisements, as well as the possibility to receive more than the collective bargaining remuneration.
- ▶ Ban on discriminating forms of advertising housing facilities
- ▶ Clarification that the protection afforded by the Equal Treatment Act also covers persons who are in a close relationship to persons with a potentially discriminating feature.
- ▶ Raising the claim to minimum damages to 1000 euros in cases of harassment.

Equal Treatment Ombudsman

Pursuant to § 3 (4) of the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudsman, the Equal Treatment Ombudsman is responsible to advising and supporting persons who feel discriminated. According to paragraph (5) of the aforementioned law, the Equal Treatment Ombudsman can also conduct independent investigations concerning discrimination issues and publish independent reports and make recommendations on all issues relating to discrimination. It has the right to appeal decrees in administrative penal proceedings concerning discriminating job or housing advertisements. The Ombudsman is free from any instructions when performing his tasks.

Equal Treatment Commission

§ 12 (1) of the Equal Treatment Act stipulates in connection with the examination of specific cases that the competent senate of the Equal Treatment Commission shall investigate whether the equal treatment requirement was violated in a specific case, either ex officio, on application by an employee, an employer, a works council, a professional association represented in the respective senate of the Commission, the person concerned in case of a discrimination outside the working environment, or by the Equal Treatment Ombudsman. The decisions of the Equal Treatment Commission have the status of expert opinions and must be published on the website of the Federal Chancellery.

II.9 Promoting Respect and Understanding between the Linguistic Groups in a Country (Article 7 (3))

Article 7 (3) of the European Charter for Regional and Minority Languages

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.

In its report the Committee of Experts of the Council of Europe paid tribute to the efforts of Austria with regard to intercultural learning and asked for detailed information on the practical implementation of this general educational objective (margin note 81).

As early as in the nineties “intercultural learning” was introduced in Austria as a teaching principle in order to take account of the increasingly heterogeneous composition, in terms of language and culture, of many school classes. In 2003 a compendium with the title “Intercultural learning – between institutional framework, school practice and social communication principle” was published which summarizes the significant developments in day-to-day school practice (*Bildungsforschung*, volume 18).

“Interculturality and Multilingualism – an Opportunity!”

A campaign to promote multilingualism and intercultural learning at Austria’s schools

Target-oriented initiatives are needed in order to integrate the teaching principle “intercultural learning” into everyday school life. For several years the school campaign “Interculturality and Multilingualism – an Opportunity!” therefore supports pupils and teachers when productively tackling language and cultural diversity. During the 2008/2009 school year, for example, more than 4,600 pupils throughout Austria confronted the issue of cultural and linguistic diversity in their own environment and life in the course of a project promoted by the Federal Ministry of Education, Arts and Culture.

The submitted projects contribute towards consolidating intercultural learning as a teaching principle. A jury of experts selects about 70 projects every year from the submitted ideas which each receive up to 700 euros of financial support. It is recommended to integrate local cultural and social facilities, as well as experts or artists into the implementation of the project. An accompanying documentation of the project from its design to its completion is mandatory.

The submitted applications may relate to

- ▶ getting to know other living environments and languages
- ▶ eliminating prejudices and discrimination mechanisms
- ▶ promoting interest in language diversity in the class-room and/or at school
- ▶ promoting multilingualism
- ▶ promoting mother-tongue competences
- ▶ promoting the pleasure of being able to read in more than one language

The objective is to promote an integrative approach to linguistic and cultural diversity in the sense of equal chances of access for all, as well as an inter-linkage of interculturality and multilingualism. When evaluating the quality and expressiveness of the submitted projects, the framework conditions and the possibilities afforded by the respective school location are taken into account. In addition the jury pays attention to the best possible balance between different types of schools, levels of schools and federal provinces.

The consistent effect of this school campaign is confirmed by the steady rise in the number of submitted projects, the great volume of positive feedback by the participating teachers, as well

as by the results of an accompanying study conducted by the Institute for the Rights of Children. The final report on this campaign will be published in 2011.

More information about this school campaign can be found on the website www.projekte-interkulturell.at, where the contributions by all participating schools can be accessed via a project data base.

In addition to concrete intercultural projects in schools, great attention is also paid to the further training of teachers in multilingualism and intercultural learning. Under the slogan "Interculturality and Multilingualism in Practice at Schools" two further-training events across school types and throughout Austria were conducted in 2010 in cooperation with the teacher-training colleges in Upper Austria and Vienna. In 2011 this series will be continued in Graz and Salzburg. The seminars serve to provide the participating teachers with further qualifications, on the one hand, and they also aim, on the other hand, at winning those teachers over to the topics of multilingualism and interculturality whenever they have done only little work in this field so far.

With regard to the question as to whether the Roma are taken into account in connection with intercultural learning (margin note 81), here one should mention that time and again, for example, the Burgenland Regional School Board sends out information to schools about new products of the Roma associations and about exhibitions, as well as about possibilities to ask for speakers on topics concerning all national minorities.

Since 2009 the Federal Chancellery has also made available separate funds for **intercultural projects** from the budget to promote the national minorities. This is in line with the goals and principles of the European Charter for Regional and Minority Languages. By promoting intercultural projects, respect and understanding for the regional or minority languages is fostered. Special importance attaches to the intercultural dialogue between the national minorities and the majority population. In 2009 and 2010 educational, cultural and research projects were therefore promoted, as well as publications and discussion events. The following intercultural projects are mentioned below by way of example:

- "Sponsoring Multilingualism" (Community of Slovenes in Carinthia)
- "Living Multilingualism: A qualitative investigation into the school experiences of graduates from the multilingual Kugy branch of the Federal Grammar School/Federal Modern-Language Grammar School for Slovenes and their approach to multilingualism" (Parents' Association at the Federal Grammar School and Federal Modern-Language Grammar School for Slovenes in Klagenfurt)
- "Intercultural teaching package for school projects on the topic of 'Our Colourful Burgenland'" (Croatian Culture and Documentation Centre in Burgenland)

II.10 Taking into Consideration the Needs Expressed Encouraging the Establishment of Bodies (Article 7 (4))

Article 7 (4) of the European Charter for Regional and Minority Languages

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.

In Austria the advisory councils for the national minorities serve this function. An advisory council has been set up with the Federal Chancellery for each of the six national minorities. Their task is to advise the Federal Government and the Federal Minister and – when so requested – the regional governments. Any legislative initiative affecting the national minority groups is forwarded to the advisory councils for their opinion. One of their essential tasks is to make recommendations on the financial support of projects. The working group on structural and legal issues deals with the status of the advisory councils for the national minorities, especially their composition, competences and working methods. Please refer to item II.1 for further details.

II.11 Non-Territorial Languages (Article 7 (5))

Article 7 (5) of the European Charter for the Regional and Minority Languages

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.

As was already explained in the Second Periodical Report this provision has little practical bearing on the Republic of Austria.

III Language Protection acc. to Part III of the Charter

III.1 Burgenland-Croatian in the Burgenland-Croatian Language Region of the Federal Province of Burgenland

III.1.1 Article 8 Education

Please refer to the detailed presentation of the legal, organisational and language-didactic overall conditions for the bilingual educational options concerning Burgenland-Croatian/German in the First and Second Periodical Report and the positive feedback by the Committee of Experts of the Council of Europe.

For the reporting period 2007 to 2010 one must also mention that, within the scope of responsibility of the Regional School Board for Burgenland, the educational options in Croatian have been expanded on an annual basis, as there is growing interest in this area. The options available in Hungarian are also used increasingly, as can be seen from the table below.

Table 9 Global overview: Pupil numbers – Number of children learning Croatian, Hungarian or Romany in Burgenland, 2010/2011 School-Year

School type	Croatian	Hungarian	Romany
General compulsory schools	1,745	2,545	5
General higher schools	322	200	-
Federal Training Institute for Nursery-School Pedagogy	27	9	-
Vocational middle and higher schools	135	244	-
Total	2,229	2,998	5

Source: Federal Ministry of Education, Arts and Culture, 2011

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) ii).

Article 8 (1) of the European Charter for the Regional or Minority Languages

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

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

The law on child care and education in Burgenland (2009 Burgenland Child Care and Education Act, Regional Federal Law Gazette No. 7/2009 in the version published in Regional Law Gazette No. 67/2009) lists in its § 7 (1) that municipalities in Burgenland and their local administrative units with a Croatian, Hungarian or mixed population where bilingual nursery schools must be operated. Moreover, the Croatian or Hungarian minority languages may also be used in addition to German at child-care facilities of municipalities in Burgenland if a minimum of 25% of the parents so wish when enrolling their children. The ordinance of the Burgenland Regional Government on the type and scope of the use of the languages of the national minorities and the recruitment of assistant nursery-school teachers or assistant nursery-school pedagogues in mixed-language child-care facilities, Regional Law Gazette No. 13/2007, stipulates that the federal province must make available to the municipalities – against a cost refund – a bilingual assistant nursery-school teacher if the nursery-school teacher employed by the municipality does not have the necessary language competences. The law on the service and remuneration rights of nursery-school teachers and tutors at day-care centres to be employed by the federal province, a municipality or a corporation of municipalities, Regional Law Gazette No. 30/1993 in the version published in Regional Law Gazette No. 8/2009, stipulates that nursery-school teachers who run a bilingual nursery-school group deserve an extra remuneration. The law on the qualifications required for the employment of nursery-school teachers and tutors, Regional Law Gazette No. 1/1998 in the version published in Regional Law Gazette No. 6/2008, defines what proof nursery-school pedagogues must provide for their language qualification as bilingual nursery-school pedagogues.

In Austria a compulsory nursery-school year, as well as the early promotion of languages, was stipulated by law in 2009. This new provision for the pre-school sector can also be used for the languages of the national minorities and, in general, has a positive impact on the pre-school promotion of language skills in children.

Compulsory nursery-school year and early language promotion

In 2009 an important step was taken in Austria in the direction of fair educational opportunities for all children – irrespective of their socio-economic background. With the agreement pursuant to § 15a of the Federal Constitution Act on the introduction of a half-day of gratuitous and compulsory early promotion at institutional nursery-school facilities, a compulsory nursery-school year and the early language promotion of children one year before their school entrance has been introduced.

Objective of this agreement:

- ▶ Children are to be required to attend a suitable institutional child-care facility for a minimum of 16 to 20 hours on a minimum of four days per week one year before

commencing their compulsory schooling in order to offer all children the best possible educational opportunities and a pole position for their later professional life, irrespective of their socio-economic background.

- ▶ The half-day attendance for 20 hours per week in suitable institutional child-care facilities in the year before commencing compulsory schooling shall be free of charge in order to further ease the financial burden on families.

The educational tasks that form part of this compulsory nursery-school year include, amongst others, also support in reaching maturity for school attendance and early language promotion for children. Both measures are necessary to obtain fair access to education and fair educational opportunities – irrespective of the origin and socio-economic family situation of children. The goal of creating a nation-wide pre-school education plan is an important step towards launching a nation-wide quality standard for pre-school child care and education.

Concerning the question raised by the Council of Europe on the measures taken for the further and continuous training of bilingual nursery-school pedagogues in Burgenland, the following information can be provided:

Great value is attached in Burgenland on bilingual and/or multilingual education, beginning already at an early age of the child. The Child Education and Care Act stipulates in § 7 which municipalities and/or which child-care facilities must provide bilingual services. Moreover, every municipality in Burgenland has the possibility of offering the language of a national minority in its nursery-school, in addition to German.

In Burgenland continuous development activities take place regularly for mixed-language nursery-school pedagogues (Croatian and Hungarian). In autumn 2011 a study course in Croatian will be launched that will last four semesters. This study course is intended for all those nursery-school pedagogues who already work in bilingual settings, but have not taken any examination for Croatian. Methodology, didactics, literature, grammar, networking and exchange of experience are the priorities of this study course. It is organised by the Teacher-Training College in Eisenstadt, in cooperation with the Burgenland Regional Government (nursery-school inspector). The study course is also financed by the Burgenland Regional Government – after consulting first with the nursery-school inspector.

Primary school education

Austria has accepted the obligation pursuant to Article 8 (1) b) ii).

Article 8 (1) b) of the European Charter for Regional and Minority Languages

- ii) to make available primary education in the relevant regional or minority languages;

Concerning the question raised by the Council of Europe with regard to the criteria that are applied in order to establish the long-term demand for bilingual classes (margin

note 109), the Regional School Board for Burgenland provided the following information:

At least once per school year, at the regularly scheduled meetings of school principals, the regional school inspector for the minority school system provides information about the organisational options available in the national minority languages. On these occasions it is also indicated that schools in non-autochthonous settlements areas can also offer courses in Croatian or Hungarian, in addition to the bilingual schools, i.e. as an optional exercise, as an optional subject, as a optional compulsory subject or in the form of bilingual classes.

Upon inquiries from parents or school principals, information is also provided at meetings of the parents' associations. Whenever parents show an interest in this respect, and the minimum number of pupils for starting a new course is reached, the offered option is implemented.

The following table shows the current pupil figures in Croatian-bilingual primary schools:

Table 10 Bilingual primary schools and classes and/or classes with Croatian as a compulsory subject

School	Number of children	Class/Compulsory subject
Neudorf	20	
Pama	49	
Parndorf	175	
Bez. Neusiedl (3)	244	
Hornstein	98	
Klingenbach	47	
Oslip	56	
Siegenderdorf	117	
Steinbrunn	102	
Trausdorf	61	
Wulkaprodersdorf	60	
District Greater Eisenstadt (7)	541	
Eisenstadt (2 classes)	23	Classes
District Eisenstadt-City (1)	23	
Antau	32	
Draßburg	45	
Hirm (2 classes)	29	Compulsory subject (1 class)
Bez. Mattersburg (3)	106	
Frankenau	9	
Großwarasdorf	13	
Kaisersdorf	23	
Kleinwarasdorf	7	
Kr. Geresdorf	19	
Kr. Minihof	9	
Nebersdorf	10	
Nikitsch	15	
Unterpullendorf	18	
Weingraben	12	
Bez. Oberpullendorf (10)	135	
Dürnbach	36	
Weiden b. R.	31	
Großpetersdorf (2 classes)	20	classes
Oberwart (1 class)	9	Class
District Oberwart (4)	96	

School	Number of children	Class/Compulsory subject
Güttenbach	19	
Neuberg	19	
Stinatz	52	
St. Michael (1 class)	11	Compulsory subject
Dt. Tschantschendorf (1 class)	7	Compulsory subject
District Güssing (5)	108	
Total	1,253	

Source: Federal Ministry of Education, Arts and Culture, 2011

The following table shows the current number of pupils who receive schooling in Croatian in the form of an optional exercise at German-language primary schools.

Table 11 German-language primary schools where Croatian is taught

School	Number of pupils
R.k. Neusiedl/See	11
Eisenstadt	9
Kleinhöflein	7
Großhöflein	9
Hirm	18
Lackenbach	6
Oberwart	9
Bad Tatzmannsdorf	10
Markt Neuhodis	9
Stadtschlaining	9
Untervart	10
Dt. Tschantschendorf	18
Hackerberg	12
St. Michael	26
Total	163

Source: Federal Ministry of Education, Arts and Culture, 2011

Concerning the questions raised by the Council of Europe (margin notes 110 to 113) about bilingual learning at primary schools in Burgenland (German/Burgenland-Croatian) and about the varying language skills of pupils at the end of the bilingual primary schools, the Federal Ministry of Education, Arts and Culture would like to state the following:

As a matter of principle, classes are taught in two languages at all bilingual primary schools. The curriculum also provides that “classes (except for German, reading and writing) shall be taught in both Croatian and German in a roughly balanced proportion, in keeping with the existing language skills of the children”.

Time and again, the school inspectorate refers school principals to this requirement. As the situation is very different at the individual locations, one cannot expect results of a similar nature. As teachers are free to choose their teaching method, they are responsible for planning and implementing the use of the languages in order to achieve a more or less balanced use of the language.

Secondary school education

Austria has accepted the obligation pursuant to Article 8 (1) c).

Article 8 (1) c) of the European Charter for Regional and Minority Languages

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

The following tables summarise the current pupil numbers in secondary schools.

Table 12 Lower-level secondary schools where Croatian is taught

School	Number of children	Subject
HS Oberpullendorf-NMS	26	optional compulsory subject
HS Oberpullendorf-NMS	8	optional exercise
HS Stegersbach	19	optional compulsory subject
HS Rechnitz-NMS	6	optional compulsory subject
HS Mattersburg-NMS	17	optional compulsory subject
HS Theresianum	21	optional subject
HS Eisenstadt Rosental-NMS	12	optional exercise
R.K. HS Neusiedl/See	5	optional exercise
HS Neufeld-NMS	7	optional exercise
HS Purbach-NMS	10	optional exercise
HS Siegendorf-NMS	18	optional exercise
HS Schattendorf-NMS	7	optional exercise
HS Stoob-NMS	8	optional exercise
HS Deutschkreutz-NMS	5	optional exercise
HS Großpetersdorf	6	optional exercise
HS Kohfidisch	8	optional exercise
HS Rudersdorf-NMS	7	optional exercise
Total	190	

HS = lower-level secondary school; NMS = new middle school

Source: Federal Ministry of Education, Arts and Culture, 2011

Table 13 Lower-level secondary schools where Croatian is taught in additional forms of teaching

School	Number of pupils	Subject
HS Großwarasdorf - NMS	52	bilingual school
HS St. Michael	68	optional compulsory subject and bilingualism in certain subjects
HS Großpetersdorf	19	optional compulsory subject and bilingualism in certain subjects
Total	139	

HS = lower-level secondary school; NMS = new middle school

Source: Federal Ministry of Education, Arts and Culture, 2011

Croatian is taught in various teaching formats at several general upper-level secondary schools (grammar schools) in Burgenland.

Table 14 Croatian classes at general upper-level secondary schools, Burgenland, 2010/2011 school year

Type of course	School	Number of pupils
optional subject	G Diözese Eisenstadt	7
	ORG Theresianum Eisenstadt	20
	BG Mattersburg	18
	BAKI Oberwart	27
	Total	72
optional exercise	BG Oberschützen	-
	Total	-
compulsory subject	BG Oberpullendorf	24
	BG Eisenstadt	21
	Total	45
optional compulsory subject	BG Oberpullendorf	-
	ORG Theresianum Eisenstadt	5
	Total	5
school pilot project	BG Eisenstadt	49
	BG Oberpullendorf	44
	Total	123
bilingual school	BG Oberwart	104
	Total	104
Total		349

G = grammar school, BG = federal grammar school, ORG = senior grades of modern-language grammar school, BAKIP = Federal Institute for Nursery-School Pedagogy

Source: Federal Ministry of Education, Arts and Culture, 2011

Attendance of Croatian classes at middle and upper-level vocational schools in Burgenland is as follows:

Table 15 Croatian classes in middle and upper-level vocational schools, Burgenland, 2010/2011 school year

Type of course	School	Number of pupils
optional subject	HLW Theresianum	14
	BHAK Eisenstadt	11
	BHAK Mattersburg	24
	BHAK Oberpullendorf	15
	Total	64
compulsory subject	BHAK Frauenkirchen	-
	Total	-
optional compulsory subject	BHAK Stegersbach	71
	BHAK Oberwart	-
	BHAK Mattersburg	-
	HBLW Oberwart	-
	HLW Pinkafeld	-
	Total	71
Total		135

HLW = Higher Teaching Institute for Commercial Occupations; BHAK = Federal Commercial College, HBLW = Higher Federal Teaching Institute for Commercial Occupations

Source: Federal Ministry of Education, Arts and Culture, 2011

Concerning the question raised by the Council of Europe (margin note 115) on the development of the Pannonia Grammar School at Oberpullendorf, the Federal Ministry of Education, Arts and Culture provides the following information from its perspective:

One class per grade is set up at the Pannonia Grammar School at Oberpullendorf, which is attended by pupils who have chosen Croatian or Hungarian as a optional compulsory subject. Every year pupils from these classes take part in the foreign-language competition for Croatian and Hungarian and some take their written or oral school-leaving examination in these languages. In individual cases the paper written by pupils before taking the school-leaving examination (*Fachbereichsarbeit*) will also be in either Croatian or Hungarian. This school branch is also known to the general public, as its pupils appear as a Tamburica group under the name of "Panonci". Numerous graduates from this school branch continue their language studies at university. Altogether, it can be said that this educational option is highly successful and very well accepted.

In connection with the new provisions for the school-leaving examination pursuant to § 37 (2) 3, Federal Law Gazette I No. 52/2010, the following can be stated for the school-leaving examination (*Matura*), based on the information provided by the regional school inspector for the Burgenland minority school system:

In connection with the new rules applicable to the standardised, competence-oriented school-leaving examination (beginning in 2013/2014), taking the examination in the subjects Croatian and/or Hungarian at the Bilingual Federal Grammar School at Oberwart has been ensured in addition to German.

Following an in-depth discussion at the BIFIE Vienna (Federal Institute for Research into Education, Innovation and Development of the Austrian School System) in April 2010 it was agreed that three teachers each for Croatian and Hungarian will be instructed by the BIFIE to prepare the central task profiles (*zentrale Aufgabenstellungen*). For this task each person receives 3 credit units for the 2010/2011 school year. The level is geared to the mother-tongue language skills of the pupils.

At the other locations – Croatian/Hungarian as a living foreign language – it is also possible to take a written school-leaving examination. However, there will not be a central task profile, as the number of pupils is too small in order to conduct a pilot phase of the examples. The school-leaving examination will therefore be given in the form applied to date (topic selected by examiner, approval by the first-instance school authority – regional school board).

Concerning the question by the Council of Europe (margin note 116) on the measures taken to solve the problem of discontinuity in bilingual education on the secondary school level, the Regional School Board for Burgenland provides the following information:

According to the current statutory arrangements contained in the Burgenland Minority School Act and/or the Burgenland Compulsory School Act bilingualism has been ensured in primary schools in the autochthonous settlement area in order to continue the bilingual education provided at nursery schools. However, there is not any continuity of bilingualism on the secondary level I, as enrolment is required for classes in the national minority languages as of the 5th grade. This results in a sudden drop in participant numbers. The working group “Education and Language” discussed a statutory provision on continuing bilingualism at the secondary school level and regarded this option as worth promoting, allowing at the same time for an opt-out possibility.

Technical and vocational education

Austria has accepted the obligation under Article 8 (1) d) iv).

Article 8 (1) d) iv) of the European Charter for Regional or Minority Languages

- 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;**

In connection with the options available for the Burgenland-Croatian language at vocational schools (margin note 120), the Burgenland Regional Government provides the following information:

Time and again reference is made to the possibilities for offering language courses in Burgenland-Croatian in the contacts between the Regional School Board for Burgenland and school principals. Whenever the required number of enrolments is reached, classes in Burgenland-Croatian are offered. However, there is not always sufficient interest. Pupils and/or their parents often prefer to enrol in more type-forming and focus-forming subjects.

University education

Austria has accepted the obligation under Article 8 (1) e) iii).

Article 8 (1) e) of the European Charter for Regional or Minority Languages

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

As a supplement to the information contained in the Second Periodical Report, it is stated that Burgenland-Croatian is being offered at the University of Vienna as part of the course "Introduction to Slavic Linguistics, Borderlines between and Classification of Slavic Languages".

As part of the study courses provided by the universities of applied science in Burgenland which are located in Eisenstadt and at Pinkafeld, Croatian is offered as a second foreign language both for the Bachelor and the Master course for the core competence economics. Moreover, a summer university course is held in Croatia every year.

Adult education

Austria has accepted the obligation under Article 8 (1) f) iii).

Article 8 (1) f) of the European Charter for Regional or Minority Languages

- 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;

As was mentioned in the Second Periodical Report, great importance is attached to the language options offered by the different adult education colleges as part of their adult education programme.

In Burgenland it is primarily the Adult Education College of the Burgenland-Croats that offers a comprehensive programme of courses and lectures in the Burgenland-Croatian language. This adult education college is also supported annually by grants from the budget for the promotion of the national minority groups. Moreover, the language courses in Burgenland-Croatian of the Training Centre of the Burgenland-Croats in the bilingual municipalities in Burgenland, for example, are also supported with the funding available for the national minorities. The same applies to the adult education options offered by KUGA, Inter-Cultural Centre Großwarasdorf, which organises language courses for adults. For another KUGA project, the so-called “Language Racing Course”, funding was provided to finance the bilingual tutors and coaches in 2010 (Burgenland-Croatian, Hungarian, Romany, and Slovak).

Teaching history and culture

Austria has accepted the obligation under Article 8 (1) g).

Article 8 (1) of the European Charter for Regional or Minority Languages

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

The information which the Committee of Experts of the Council of Europe requested on the teaching of history and culture of the Burgenland-Croatian population (margin note 123) can be summarised as follows:

Progress has been achieved since the last report to the Council of Europe with regard to teaching the history and culture of the national minorities at schools in Burgenland. The textbooks on social studies for the fourth grade of primary school, for example, now comprise a separate chapter on the national minorities in the section on Burgenland. Moreover, the teachers will often provide project-oriented, cross-curricular teaching on the subject of the history and culture of the national minorities.

Teacher training

Austria has accepted the obligation under Article 8 (1) h).

Article 8 (1) of the European Charter for Regional or Minority Languages

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

In reply to the question raised by the Council of Europe concerning the training of teachers in Burgenland-Croatian (margin note 127) the Federal Ministry of Education, Arts and Culture provides the following information:

Time and again, efforts were and are being made to offer study courses to teachers that enable them to use Croatian in their classes. One should especially mention the study course “bilingual classes at primary and/or lower-level secondary schools with German and Croatian as languages of instruction, as well as teaching Croatian at primary and/or lower-level secondary schools”. This is a six-semester study course, and 23 persons may enrol. The curriculum of this study course is available at www.ph-burgenland.at.

The general objective of this study course is qualify graduates to teach a modern bilingual class at bilingual primary and/or lower-level secondary schools with German and Croatian as languages of instruction, as well as an attractive language course in the Croatian language, in keeping with the Burgenland Minority School Act.

This study course is open to the following group of persons:

- ▶ Teachers (training completed for teaching at primary schools and/or for teaching at lower-level secondary schools, and under a teaching contract) and
- ▶ Students (aiming to teach at a national minority school, who attend the study course parallel to training e.g. for becoming a primary-school teacher).

However, “language skills in Croatian” at level B2 of the European Framework of Reference for Languages are a requirement for attending this study course. The language skills should be at the C1 level by the end of the fourth semester.

In addition, various further-training and continuous professional development seminars are being offered for teaching Croatian, for example, in connection with teaching religion at compulsory schools.

Supervisory school bodies

Austria has accepted the obligation under Article 8 (1) i).

Article 8 (1) of the European Charter for Regional or Minority Languages

- 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 Periodical Reports of their findings, which will be made public.

As was already described in detail in the Second Periodical Report, the regional school inspector for the minority school system also supervises the Burgenland-Croatian school system. In the course of the second monitoring visit of the Council of Europe in Austria, the regional school inspector for the Burgenland national minority school system was able to explain the situation.

Concerning the issue of regular publications by the regional school inspectorate (margin note 129), the following information can be provided:

Every year the current statistical data are published on the website of the Regional School Board for Burgenland (www.lsr-bgld.gv.at, teachers, national minorities, download). The publication “Advantage, Diversity” was published in 2004, as the report on the first ten years of the National Minorities Act. The publication of a further report is planned for the current school year, which ought to be ready by the end of the 2010/2011 school year.

Education outside the autochthonous settlement areas

Austria has accepted the obligation under Article 8 (2).

Article 8 of the European Charter for the Regional or Minority Languages

(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.

As was already explained in the Second Periodical Report, the options to learn languages are by no means limited to the autochthonous settlement area of the Burgenland-Croatian national minority. The Burgenland Minority School Act also provides for bilingual education in other parts of Burgenland, if there is demand. In particular, within the scope of responsibility of the Burgenland Regional School Board, the possibilities to learn Burgenland-Croatian are expanded on annual basis, on account of growing demand. The minority department of the Regional School Board informs parents both in the autochthonous and in the non-autochthonous settlement areas about the options available to learn Burgenland-Croatian.

As can be read in other sections of the present periodical report, classes in Burgenland-Croatian are also offered in Vienna.

It would exceed the scope of the present periodical report if one were to list all Croatian-language options available at all schools throughout Austria. Comments will be given here, by way of example, for the federal provinces of Tyrol and Vorarlberg:

According to information by the Tyrolean Regional School Board, Croatian is being offered by two teachers at a total of twelve compulsory schools as part of the mother-tongue education in “Bosnian-Croatian-Serbian”, i.e. at 11 primary schools with 42 hours per week, and at one lower-level secondary school with 4 hours per week.

According to information by the Vorarlberg Regional School Board, Croatian is being taught at five primary schools. During the 2010/2011 school year a total of 36 pupils attended lessons in Croatian.

III.1.2 Article 9 Judicial Authorities

As was explained in Chapter I above, the amendment to the National Minorities Act, adopted in July 2011 and published in Federal Law Gazette I No. 46/2011, contains the obligation that was integrated into constitutional law that the authorities and service units listed in annex 2 of the amendment have to make sure that, in addition to German as an official language, the Croatian, Slovene or Hungarian languages can be used alongside the German language in all communications to authorities or other service units. At the same time, the Ordinance of the Federal Government establishing the courts, administrative authorities and other services units where the Croatian language is admitted as an official language in addition to German, Federal Law Gazette No. 231/1990 in the version published in Federal Law Gazette No. 6/1991 (unofficial brief designation: Official Languages Ordinances – Croatian) was suspended. Furthermore, the restriction to Austrian citizens concerning the right to use the languages of the national minorities as an official language is lifted, which takes account of the case law of the European Court of Justice.

Judicial authorities – Criminal proceedings

Austria has accepted the obligation under Article 9 (1) a) ii) and iii).

Article 9 (1) of the European Charter for Regional or Minority Languages

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

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

Please refer to the Second Periodical Report.

Judicial authorities – Civil-law proceedings

Austria has accepted the obligation under Article 9 (1) b) ii) and iii).

Article 9 (1) European Charter for Regional or Minority Languages

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

Please refer to the Second Periodical Report.

Administrative-law proceedings

Austria has accepted the obligation under Article 9 (1) c) ii) and iii).

Article 9 (1) of the European Charter for Regional or Minority Languages

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

The planned new arrangements do not result in any changes for the administrative courts, in particular the Independent Administrative Senate for Burgenland. Please refer therefore to the Second Periodical Report.

The Council of Europe has requested further information about the measures that the responsible authorities have taken in order to ensure in practice that the Burgenland-Croatian language can be used in civil, criminal and administrative law proceedings (margin note 133)

In this connection the Federal Ministry of Justice informs us that the forms that must be used by parties in civil and criminal proceedings are also regularly published in Burgenland-Croatian.

It is stated, in general, that the use of the Croatian language as an official language must be ensured whenever requested. A violation of the provisions on official languages is a ground for

nullity of the proceedings. Whenever no officials with Croatian language skills are available, interpreters/translators must be called in. There is no information about cases where a person entitled to speak Croatian was denied the use of Croatian as an official language.

Cost exemption for translations/interpreting services

Austria has accepted the obligation under Article 9 (1) d).

Article 9 (1) of the European Charter for Regional or Minority Languages

- 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.

Please refer to the Second Periodical Report.

Validity of Documents

Austria has accepted the obligation under Article 9 (2).

Article 9 (2) of the European Charter for Regional or Minority Languages

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;

Please refer to the Second Periodical Report.

III.1.3 Article 10 Administrative authorities and public services

Administrative authorities

Austria has accepted the obligation under Article 10 (1) a) iii) and c).

Article 10 (1) of the European Charter for Regional or Minority Languages

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.

The new arrangements adopted in July 2011 incorporate the provisions of the ordinance as legislation with a content that is largely unchanged, except for § 5 of the Ordinance on Official Languages – Croatian, which admits Croatian as an official language in official communications with the postal and telecommunications authorities, as well as the railways authorities. This must be seen in connection with the telecommunications and railways privatisations, as well as with the fact that this provision was hardly ever applied in practice to date.

In margin note 138 the Council of Europe asks for more information on how the practical functioning of direct federal administrative tasks is ensured so that oral and written application can be filed in Burgenland-Croatian.

The Federal Ministry for Labour, Social Affairs and Consumer Protection reports that 15% of the employees of the Labour Market Service (service unit of the Labour Market Administration) speak Croatian or Serbian or Bosnian (no detailed break-down of figures was given). At the Labour Market Service the following information, inter alia, is available in the Croatian language:

- ▶ Guide to complete application forms for unemployment benefits
- ▶ Obligation to report the receipt of benefits
- ▶ First information for unemployed persons

At the Work Inspectorate for the 16th Supervisory District in Eisenstadt, four staff members have language skills in the Croatian language.

The Federal Ministry of Finance informed us that sufficient staff members are available at those tax and customs offices where Croatian has been admitted as an official language, in order to take care of contacts with clients in the national minority language. The number of staff members with language skills in the national minority language amounts to between 1 and 20% of the respective staff level. At the tax office for Bruck, Eisenstadt and Oberwart there are a minimum of 1,000 contacts with clients where Croatian or Hungarian is spoken, especially at the information centre. This does not imply that the forms to file tax returns in the respective national minority languages are also used. However, a number of forms are available in Croatian. These can be downloaded from the website of the Federal Ministry of Finance at https://www.bmf.gv.at/Service/Anwend/FormDB/show_mast.asp. In 2010 there were 127,904 hits to access forms in Croatian.

As far as customs offices are concerned there are no figures relating to the frequency of use of the national minority languages. It is hardly possible to draw up statistics, especially for the operational customs services, which also stop vehicles on the roads.

All tax and customs offices may obtain budget funds to enhance language skills from the annual educational budget of the Federal Financial Academy. This also includes the languages of the national minorities and is being used accordingly. In 2008/2009 four Croatian courses were held which were attended by a total of 28 participants. During the period 2009/2010 language courses in Croatian for beginners were held in each of the two years. Staff members, who already have language skills in Croatian, because Croatian is their mother tongue, receive special qualifications in the technical terminology of the financial system in the language courses.

The Federal Ministry of Defence and Sports reported that Croatian, amongst others, is taught as a second foreign language during the training of army officers at the Theresian Military Academy. In addition, the Language Institute of the Armed Forces offer language courses for soldiers and civil servants. The Language Institute has produced a military dictionary in Croatian.

The Federal Ministry of Economy, Family and Youth reports the following for its scope of activities: The land surveying offices in Burgenland (Eisenstadt, Neusiedl/See, and Oberwart) did not receive a single request for the use of the Croatian language in the past 10 years, neither for official acts nor for customer services. At the land surveying office in Eisenstadt, one official speaks Croatian. These officials can be asked to intervene if there are requests to use the language of the national minority. At the land surveying offices at Neusiedl/See and Oberwart there are no officials with language skills in Croatian. Here, officials of the district administrative authorities or the local court must be asked to help out. It is therefore ensured for these areas that the language of the national minority can be used.

It is currently not possible to use the diacritic signs of the Croatian language for the real-estate data base in its current state. However, with the new real-estate data base, which will be used as of 2011, or 2012 respectively, and which will also have UTF-8 encoding, it will be possible to show and record these signs.

Local and regional administrative authorities

Austria has accepted the obligation under Article 10 (2) b) and d).

Article 10 (2) of the European Charter for Regional or Minority Languages

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;

The amendment to the National Minorities Act that was adopted in July 2011 integrated the provisions on official languages into the National Minorities Act, as a result of which Croatian has become an official language in 27 municipalities. These are three municipalities more than in the Ordinance on Official Languages – Croatian that was previously in force. This increase results from the division of three municipalities: With 1 January 1992 as the effective date, Zagersdorf was split off from Siegendorf, and with 1 January 1991 as the effective date, Weingraben was split off from Kaiserdorf; and Schandorf was split off from Schachendorf on 1 January 1996.

It is mandatory that the Croatian language is admitted as an official language before those authorities and service units, including police stations, which cover, either completely or partly, the 27 municipalities with Croatian as an official language. In addition, the national minority language may be used on an optional basis if this facilitates communication with clients. In addition, a municipality always has the possibility, as part of its municipal autonomy pursuant to Article 118 (7) of the Federal Constitution Act, to apply for the transfer of handling specific matters within its own scope of responsibility to authorities of the general public administration system (here the district administrative authorities, for example). A municipality may thus transfer certain administrative tasks, for which it is responsible and which are not to be handled in the German language, to the locally competent district administrative authority, especially if a specific municipality has limited performance capabilities, due to its restricted human or material resources.

As many officials on the municipal and on the regional level belong to the national minority of the Burgenland-Croats or otherwise have language skills in Burgenland-Croatian, the Croatian language is often used as an official language, although there may be differences between the individual municipalities. It needs to be emphasised that there has not been a single case to date where the use of the official language, either in oral or written form, was obstructed or not possible.

Concerning the question raised by Council of Europe in margin note 140 with regard to the measures taken in order make Article 10 (2) of the European Charter for Regional or Minority Languages applicable to the entire Burgenland-Croatian-speaking area of Burgenland.

The amendment to the National Minorities Act, which replaces the “Ordinance on Official Languages – Croatian”, lists six of the seven district administrative authorities in Burgenland. Only the district administrative authority of Jennersdorf and the towns of Eisenstadt and Rust are not listed. The arrangements on official languages therefore follow the principle that an official language is to be admitted before those district administrative authorities that include bilingual municipalities in their territory. Eisenstadt, the regional capital, is not classified as autochthonous settlement area of the Burgenland-Croatian population. However, if an authority takes action as an appellate authority concerning proceedings that were handled (or could have been handled) in Croatian as an official language, the appellate authority must also use Croatian as an official language. The same applies to authorities and courts in first-instance proceedings whenever their district completely or partly coincides with bilingual district

administrative authorities or courts. In such cases Croatian must also be used as an official language before authorities located in Eisenstadt.

Ad margin note 145: The Council of Europe asks for further information about plans to extend the arrangement, i.e. that officials who use a language of the national minorities receive an extra remuneration, to officials at federal authorities and of the Federal Government.

Reference is made in this connection to § 23 of the National Minorities Act which reads as follows:

§ 23 of the National Minorities Act

A supplementary allowance in keeping with salary-law provisions shall be due to officials of the Federal Government who work for an authority or a service unit, as defined in § 2 (1) 3, who have language skills in the language admitted at that workplace and use them for implementing the present federal law.

In connection with margin note 146 the Council of Europe would like to know what measures have been taken in order to ensure that written submissions in Burgenland-Croatian can be submitted throughout the entire Burgenland-Croatian language area.

It is ensured that written submissions in Burgenland-Croatian can be filed with all authorities where this is legally possible. The fact that, in practice, Croatian is demanded less frequently in written proceedings may essentially be due to the fact that the members of the Burgenland-Croatian national minority are more familiar with the legal terminology of the German official language.

The Office of the Burgenland Regional Government also regularly offers the possibility to civil servants of the federal province and of the municipalities to attend language course (beginners' courses and advanced courses) at the training centre for administration staff.

In connection with margin note 149 the Council of Europe inquires what measures have been taken in order to make it easier for local authorities to publish announcements in Burgenland-Croatian.

It is stated that it is up to the individual municipalities whether they want to avail themselves of the authorization under § 13 (4) of the National Minorities Act.

Translations/Interpretation at administrative authorities

Austria has accepted the obligation under Article 10 (4) a).

Article 10 (4) of the European Charter for Regional or Minority Languages

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;

Please refer to the Second Periodical Report.

Family names

Austria has accepted the obligation under Article 10 (5).

Article 10 (5) of the European Charter for Regional or Minority Languages

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

§ 2 of the Change of Name Act, Federal Law Gazette No. 195/1988, is now applicable in the version of the amendment published in Federal Law Gazette I No. 135/2009, and § 5 of the Ordinance on Civil Status is now applicable in the version of the amendment published in Federal Law Gazette II No. 1/2010. The changes have no effect on the names of national minorities. Reference is therefore made to the Second Periodical Report.

III.1.4 Article 11 Media

The interpretation of “Article 11 Media”, which the Committee of Experts of the Council of Europe has introduced and can be applied with flexibility is, of course, used accordingly in the present Periodical Report, given the broader range of different communication methods and platforms (digital radio, Internet, etc.).

Radio

Austria has accepted the obligation under Article 11 (1) b) ii).

Article 11 (1) b) ii) of the European Charter for Regional or Minority Languages

- (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;

Both the Fund to Promote Non-Commercial Broadcasting pursuant to § 29 of the Austrian Communications Act (KommAustria Act = [KommAustria-Gesetz \(KOG\)](#)), as well as the Fund to Promote Private (Commercial) Broadcasting pursuant to § 30 of the aforementioned law each provide the possibility in their guidelines to promote broadcasts as well as projects that lead to the production and broadcasting of programmes. As a matter of principle, promotional funding is available to provide incentives for producing and broadcasting cultural goods of an Austrian and European character. Accordingly, the criteria for granting promotional funding explicitly lists, inter alia, the Austrian, regional or local character, and/or the preservation, strengthening and further development of the Austrian, especially the regional and local identity in a European context.

Especially the Fund to Promote Non-Commercial Broadcasting also lists in the criteria for obtaining promotional funding that the programme should take account, in its concept, of the languages of the national minorities recognised in Austria (<http://www.rtr.at>). This requirement may be one of many which have a being awarded promotional funding.

The promotional funding is used to promote the dual Austrian broadcasting system and is intended to support broadcasting providers in offering high-quality programmes of great diversity.

The radio programme for the Croatian national minority cannot be seen separately for the Croatian national minority, as all programmes broadcast for the national minorities are being produced at the newly created ORF Centre of Competence in Eisenstadt, Burgenland.

ORF Centre of Competence for the National Minorities – Regional Studio Burgenland

As a centre of competence, the Regional Studio Burgenland has produced and broadcast all programmes for the national minority groups living in Austria since 2009, i.e. for the Burgenland-Croats living in Burgenland and Vienna, the Hungarians in Burgenland and Vienna, the Czech minority in Vienna, the Slovaks in Vienna, as well as the Roma in Burgenland and Vienna.

In addition to daily news reporting in the Croatian and Hungarian language, the ORF Editorial Unit for the National Minorities at the Regional Studio Burgenland also broadcasts a total of 13 radio magazines every week (seven in Croatian, two in Hungarian, two in Czech, one in Slovak, and one magazine in Romany) covering topics from politics, culture and sports. The German-language radio and television broadcasts and the special TV productions of the Regional Studio Burgenland also take extensive account of subjects relating to the national minorities. All broadcasts for the national minorities from Radio Burgenland can be received simultaneously via ORF-digital, the digital satellite Astra, free-to-air throughout Europe, and worldwide via Livestream on the Internet. When using mobile Internet, the Livestream broadcasts can also be received when using an UMTS mobile telephone with a suitable, installed player. Moreover, the magazines for the national minorities are also offered on demand. Topical reports and news in the Croatian and Hungarian magazines can also be obtained as a podcast for computer and mp3 players, as well as free of charge by subscription. The mother-tongue programmes for the national minorities from Radio Burgenland can be received in Vienna on the VHF frequency 94.7.

The following table from Radio Burgenland provides information about the radio programmes for the national minorities in Burgenland and Vienna. The radio programmes for the Burgenland-Croatian national minority are shown in grey in the table.

Table 16 Radio Burgenland – in Vienna on VHF 94.7

Programme	Broadcasting days	Start	End	Duration
Croatian news	Mon – Sat	12:38	12:40	00:02
Croatian journal	Sun – Fri	18:15	18:25	00:10
Croatian journal	Sat	18:15	18:22	00:07
Misao za smisao (Croatian religious broadcast)	Sat	18:22	18:25	00:03
Hungarian journal	Mon – Sun	18:55	19:00	00:05
Croatian broadcasts:	Mon – Sun	18:25	18:55	00:30
Kulturni tajedan (Croatian culture broadcast)	Mon	18:25	18:55	00:30
Plava rasa (Croatian broadcast for children)	Tues	18:25	18:55	00:30
Širom-barom (Croatian magazine)	Wed	18:25	18:55	00:30
Poslušajte priliku (Croatian Talk)	Thurs	18:25	18:55	00:30
Živo srebro (Croatian youth broadcast)	Fri	18:25	18:55	00:30
Časak radosti (Croatian music on request broadcast)	Sat, Sun	18:25	18:55	00:30
Multilingual magazine for the national minorities	Mon	20:04	22:00	01:56
Rub i sredina (Croatian magazine)	Mon	20:04	20:30	00:26
Szines Kultúránk (Hungarian culture broadcast)	Mon	20:30	20:50	00:20
Roma sam (magazine in Romany)	Mon	20:50	21:10	00:20
Zvídavý mikrofón (Czech magazine)	Mon	21:10	21:20	00:10
Radio Drát'ák (Czech magazine)	Mon	21:20	21:40	00:20
Radio Dia:Tón / Radio Špongia (Slovak magazines, alternating every 14 days)	Mon	21:40	22:00	00:20
Magyar Magazin (Hungarian magazine)	Sun	19:30	20:00	00:30:00

Source: Austrian Broadcasting Corporation, ORF General Directorate

Television

Austria has accepted the obligation under Article 11 (1) c) ii).

Article 11 (1) c) ii) of the European Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe with regard to private television in Austria (margin note 156) the following information can be provided:

The Private Television Act of 2001 was the essential requirement for introducing terrestrial television in Austria. A comprehensive amendment was made in 2010, amongst other things the title of the law was changed to “Audiovisual Media Services Act”, as its scope was extended to also include all audiovisual media services (such as on-demand or web-based television). The purpose of this law is to further develop the dual broadcasting system by promoting private broadcasting, as well as by expanding digital broadcasting.

No admission procedures are required for media services, except for terrestrial broadcasting and satellite broadcasting. All that is required is to inform the regulatory authority (KommAustria) of the launch of the operations. One must mention among the requirements to be met a general ban on any incitement to hatred and the obligation to respect human dignity and the fundamental rights.

As was mentioned before the law provides for the promotion of non-commercial broadcasting, as well as of private broadcasting (please refer also § 29 and § 30 of the KommAustria Act).

For 2011 two million euros of financial support have been made available to promote private non-commercial broadcasting in Austria’s media landscape, as well as to support the provision of high-quality programmes of great diversity which, in particular, contribute towards promoting Austrian culture, cultural diversity, an Austrian and European identity, as well as towards the participation, information and education of listeners/viewers. One of the criteria to observe when applying for promotional funding is to take account of the languages of the national minorities recognised in Austria in the programme concepts.

For 2011 ten million euros have been made available to promote private commercial broadcasting within the Austrian dual broadcasting system, the diversity of the private – also local and regional – programmes offered, as well as to promote the provision of high-quality programmes of great diversity which, in particular, contribute towards promoting Austrian culture, cultural diversity, an Austrian and European identity, as well as towards the participation, information and education of listeners/viewers.

ORF television programme

The television programmes for the national minorities in Burgenland, Vienna, Carinthia and Styria can also be received throughout Austria via ORF-digital, the digital satellite Astra, and they are also available worldwide both from ORF-TVthek and as video-on-demand at www.volksgruppen.ORF.at. After being shown on television, the programmes can be accessed on demand 24 hours a day for seven days.

The ORF television broadcasts in Burgenland-Croatian are shown in grey in the table below:

Table 17 Television broadcasts for the national minorities in Burgenland

Programme	Station	Date	Starting at	End	Duration	Language
Dobar dan, Hrvati	Local-B	Sun	13:30	14:00	00:30	Burgenland-Croatian
Adj'isten magyarok	Local-B	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	Local-B	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland-Croatian, Romany

Source: Austrian Broadcasting Corporation, ORF General Directorate

In addition, the weekly broadcast in Burgenland-Croatian “Dobar dan, Hrvati” is broadcast throughout Austria on the night programme.

Table 18 Television broadcasts that can be received throughout Austria

Broadcast	Station	Broadcasting slot	Starting at	End	Duration	Language
Dober dan, Koroška, repeat	ORF 2	Sun	night programme		00:30:00	Slovene
Dobar dan, Hrvati, repeat	ORF 2	Sun	night programme		00:30:00	Burgenland-Croatian

Source: Austrian Broadcasting Corporation, ORF General Directorate

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

As part of the promotion of intercultural projects by the Federal Chancellery in 2010, the “Croatian Culture and Documentation Centre in Burgenland” also received financial support for producing an intercultural educational package for school projects on the subject of “Our Colourful Burgenland”. For this educational package DVDs for pupils were prepared and produced.

Moreover, the production of audio and audiovisual works is also promoted with funding from the budget for the national minorities in order to support the dissemination of texts, songs and musical contributions by the respective national minority. A current example for the promotional funding in 2010 is the production of a CD on the anniversary of an association of the Croatian national minority.

Newspapers

Austria has accepted the obligation under Article 11 (1) e) i).

Article 11 (1) e) i) of the European Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe as to what measures have been taken in order to preserve the existence of Burgenland-Croatian newspapers (margin note 162), the following information can be provided:

There are provisions that make press promotion easier for the newspapers of the national minorities (see § 2 (2) of the 2004 Press Promotion Act). For daily and weekly newspapers that are published in the language of a national minority, certain requirements need not be satisfied such as a minimum number of copies, a minimum number of full-time journalists or a minimum sales price for the newspaper. Other newspapers must meet these criteria if they wish to obtain financial support. There can also be financial support for periodical publications of the national minorities (1989 Promotion of Publications Act).

For the year 2010 the weekly newspaper “GLASNIK” (published by the Archdiocese Eisenstadt, Burgenland) received financial support for its distribution (pursuant to Part II of the 2004 Press Promotion Act) in the amount of € 7,492.90.

The weekly newspaper “Hrvatske Novine” (published by the Croatian Press Association, Burgenland) received financial support for its distribution in 2010 (pursuant to Part II of the 2004 Press Promotion Act) in the amount of € 10,704.20. Moreover, in 2010 it received financial support in the amount of € 561.60 for the free distribution of the weekly newspaper in schools (pursuant to § 11 (2) item 2 of the 2004 Press Promotion Act).

Table 19 Financial support to newspapers of the Burgenland-Croatian national minority under the 2004 Press Promotion Act

Name of newspaper/Journal	Published by/Media owner	Financial support in 2010 in EUR
GLASNIK – Crikvene novine Zeljezanske buskupije	Diocese Eisenstadt, Croatian Section of the Pastoral Office, Burgenland	7,492.90
Hrvatske Novine	weekly newspaper of the Croatian Press Association	10,704.20 and 561.60

Source: Federal Chancellery, Constitutional Service, Department V/4, Media Matters, 2011.

The journal “PUT” of the Burgenland-Croatian cultural association is a periodical publication that is usually published four times a year and therefore receives financial support regularly under the 1984 Promotion of Publications Act.

Table 20 Financial support to Burgenland-Croatian publications under the 1984 Promotion of Publications Act

Name of newspaper/Journal	Publisher/Media owner	Financial support in 2010 in EUR
PUT	Journal of the Burgenland-Croatian cultural association	3,985.40

Source: Federal Chancellery, Constitutional Service, Department V/4, Media Matters, 2011.

In addition, the weekly newspaper in Burgenland-Croatian, “Hrvatske Novine”, receives funding from the budget for the national minorities on a yearly basis. The financial support in 2011, for example, amounted to € 145,000.00. The publication of a documentation commemorating the centennial, “100 Years of Novine”, received € 15,000.00 from the budget of the Federal Chancellery to promote the national minorities.

The publication of “Glasnik”, the Burgenland-Croatian church newsletter of the Eisenstadt diocese, is also supported with funding from the budget for the national minorities. In 2010 the production of an anniversary publication, “50 Years - Diocese Eisenstadt”, in Burgenland-Croatian, in commemoration of the 50-year anniversary of the Eisenstadt diocese on the occasion of the “Day of the Burgenland-Croats” also received financial support. Both grants amounted to a sum of € 97,000.00 that was paid from the budget for the national minorities.

Promoting audiovisual productions

Austria accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

Concerning the information requested by the Council of Europe on the possibility to promote audiovisual productions in the Burgenland-Croatian language, the Federal Ministry of Education, Arts and Culture submits the following comments (margin note 165):

It is possible, as a matter of principle, for the Austrian Film Institute and the Federal Ministry of Education, Arts and Culture to promote audiovisual productions in the Burgenland-Croatian language, whenever an Austrian production company, an Austrian director or other Austrian experts are involved, and whenever German sub-titles are produced.

Audiovisual products are also produced for educational purposes, in most cases by groups of teachers, such as, for example, the DVD “Memo čita” (first reading, primary school), the DVD “Memo računa” (mathematics, primary school), or the CD-Rom “Tako je” for social studies were produced for teaching Croatian.

Pursuant to § 26 of the KommAustria Act a fund for the promotion of television films (hereinafter: FERNSEHFONDS AUSTRIA) was set up. The money made available by the Federal Government must be used to promote the production of television productions. The decisions on the promotional funding are taken by the managing director of RTR-GmbH, taking account of the objectives pursued with the promotional funding and after obtaining the opinion of an advisory council of experts.

The maximum amount of the financial assistance is 20% of reasonable total production costs. The maximum amount for an individual project is € 120,000 for one episode of a television series, € 700,000 for television films and € 200,000 for TV documentaries. The financial assistance is provided in the form of non-refundable grants. Applications may be filed by independent production companies having the necessary qualifications.

The financial assistance is to be used to raise the quality of television productions and the productivity of the Austrian film industry. In addition, the promotional funding is also intended to contribute towards strengthening the audiovisual sector in Europe.

Radio and television from the neighbouring countries / Freedom of expression

Austria has accepted the obligation under Article 11 (2).

Article 11 (2) of the European Charter for Regional or Minority Languages

(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.

In this connection, reference is first made to the outline of the provisions under constitutional law in the Second Periodical Report. Cable television and satellite broadcasts from Croatia can be received without any restriction in Burgenland. During the reporting period the overall conditions (connections, etc.) have improved in the sense that the range of programmes available has become even larger.

In addition, the Digitisation Fund for the Promotion of Digital Broadcasting Methods and Digital Applications on the Basis of European Standards has been set up in connection with radio

broadcasting programmes. The fund serves to revitalise and strengthen all platforms for the transmission of broadcasts as a special form of the communications infrastructure, taking account of the central role of radio broadcasting in modern democratic societies. The money dispersed from the Digitisation Fund is neutral as to the supported technology; all forms of transmission and all platforms for digital broadcasting are being considered. Since 2009 the Fund has received UR 500,000 every year.

III.1.5 Article 12 Cultural Activities and Facilities

Support to cultural and language-related activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

- (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;
 - 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;

The support extended to cultural and language-related activities of the Burgenland-Croatian national minority group by the responsible bodies on the regional and federal level is similar to the information given in the Second Periodical Report.

Concerning the question raised by the Council of Europe on the allocation of financial funding and the consideration given to modern cultural initiatives (margin note 170), the following information can be provided:

The Office of the Burgenland Regional Government informed us that the financial support given to associations is based on their projects and accounted accordingly; it therefore depends on the initiative of associations to submit not only traditional cultural events but to engage also in modern cultural activities.

The same applies to the federal funding for the promotion of the national minorities: Here, too, the money is allocated on the basis of the projects submitted by the associations of the national minorities. For the actual allocation of the financial support, the Federal Chancellery is guided by the recommendations made by the advisory councils for the national minorities. Special consideration is given to cultural activities which involve the children and young persons of the Burgenland-Croatian national minority.

An amendment to the National Minorities Act adopted in 2009 explicitly specifies that intercultural activities should be promoted which foster the co-existence of the national minorities. In each of the years 2009, 2010 and 2011 an additional amount of € 100,000.00 was budgeted for this objective.

Cultural activities outside the autochthonous settlement areas

Austria has accepted the obligation under Article 12 (2).

Article 12 (2) of the European Charter for Regional or Minority Languages

(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.

The financial support provided to the Burgenland-Croatian national minority is not limited to the autochthonous settlement area. As was already mentioned in the Second Periodical Report, especially Burgenland-Croatian associations and projects in the federal capital of Vienna receive promotional funding.

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

The Federal Ministry for European and International Affairs provided the following information in connection with the question raised by the Council of Europe concerning activities under Austria's cultural policy relating to the Burgenland-Croatian language and culture (margin note 177):

In the framework of its cultural activities abroad, the Federal Ministry for European and International Affairs strives to achieve an adequate representation of the languages of the

minority languages that can be found in Austria. For example, the so-called Austrian libraries – these are libraries set up at universities abroad and equipped with books and other media products from Austria – also comprise authors of the national-minority languages. The Zagreb Culture Forum has carried out numerous projects in cooperation with the Croatian Cultural Association in Burgenland. Moreover, during the reporting period the Federal Ministry for European and International Affairs has given financial support on an annual basis to the summer school for youngsters from Bosnia-Herzegovina, Croatia and Serbia which NAPREDAK, a Croatian cultural association, organises.

III.1.6 Article 13 Economic and social life

Austria has accepted the obligation under Article 13 (1) d).

Article 13 (1) d) of the European Charter for Regional or Minority Languages

- (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.

Here, the information provided in the Second Periodical Report must be supplemented by the fact that, in the course of the process to reform the National Minorities Act, a separate working group has been set up focusing on “Regional and Economic Policies”. The goal of this working group is to analyse the situation of the national minorities in Austria from the angle of social and linguistic diversity, as a potential for regional and economic policy. The intercultural and linguistic competences of members of the national minorities are to be given more attention in connection with the economic and social development of the regions and to be understood as a positive element for regional development.

III.1.7 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

Concerning the question raised by the Council of Europe concerning the languages used by the Alps-Adriatic Working Community in their cross-border activities:

The Alps-Adriatic Working Community conducts its activities in all languages of its members – German, Italian, Hungarian, Croatian and Slovene – unless the members of a project group decide otherwise. By the same token, all important documents and the website of the Alps-Adriatic Working Community is published in these languages, as well as in English (<http://www.alpeadria.org/>).

III.2 Slovene in the Slovene language area of the Federal Province of Carinthia

Introductory comments

The Office of the Carinthian Regional Government has submitted the following comments in connection with the request by the Council of Europe to make the rights of the Slovene national minority more transparent:

At present, there are four staff members at the National Minority Office, set up with the Office of the Carinthian Regional Government, who perform the work of a service unit and deal with the many different issues of the Slovene national minority. It is the institution that acts as a go-between between the administrative units and the members of the Slovene national minority.

It is primarily on account of the confidence-building measures by the Federal Province of Carinthia – such as the Culture Week of the Carinthian Slovenes, as well as the annual European National Minorities Congress – that the dialogue between Carinthians of both languages has been promoted.

Every year since 1990 the European National Minorities Congress by the Federal Province of Carinthia has been held; it is a technical conference and dialogue congress that is recognised far beyond national frontiers, in the course of which Austrian and international experts discuss central subjects of the national minorities. In 2009 the National Minorities Congress celebrated its twentieth anniversary in the presence of Dr. Heinz Fischer, the Austrian Federal President. The most recent National Minorities Congress was held in Klagenfurt in November 2010 and focused on the subject of “ Do Minorities count? – Minorities do count!” (“Zählen Minderheiten? - Volksgruppen zählen!”).

III.2.1 Article 8 Education

In the 2010/2011 school year a total of 4,051 pupils in Carinthia attended bilingual classes and/or Slovene classes.

An increasing number of pupils in Carinthia avail themselves of the possibility of attending bilingual classes and/or Slovene classes. The steadily growing enrolment figures for bilingual classes at primary schools are particularly gratifying. Many parents – also without a Slovene background – are of the opinion that a bilingual and multilingual education offers more job opportunities in the Alps-Adriatic region.

The demand for a bilingual education continues to rise in Carinthia, both for pre-school education and for primary-school classes. However, the number of children who, in the opinion of teachers, have no or only very limited Slovene language skills when entering school continues to be high: At the beginning of 2010/2011 school year 68.95% of the children had no

Slovene language skills, 16.57% had little knowledge of Slovene, and only 14.46% had good Slovene language skills. As a result, one must depart from an often considerable heterogeneity in Slovene language skills on all educational levels – from nursery school to university. It is therefore a particular challenge for teachers to prepare individualising teaching methods that correspond to the heterogeneous language skills of the pupils. The scientific research undertaken at the Educational University Klagenfurt and the exchange between science and practice therefore play a major role.

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) iv).

Article 8 (1) of the European Charter for Minority and Regional Languages:

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;**

At present, there are nine private bilingual nursery schools and seven municipal bilingual nursery schools in Carinthia. All nursery schools obtain the general financial support allocated by the Federal Province of Carinthia to nursery schools. Moreover, a fund has been set up for the bilingual private nursery schools; it covers the deficit of these nursery schools, which, otherwise, the respective municipalities would have to cover. The legal basis for this measure is a regional law which established a Fund for the Promotion of Bilingual or Multilingual Nursery Schools (Carinthian Nursery-School Fund Act), Regional Law Gazette No. 74/2001 in the version published in Regional Law Gazette No. 37/2004. The prerequisite for obtaining financial support from this fund is that the nursery school satisfies quality criteria and, in particular, works according to a recognised concept of language teaching. To be specific, the nursery schools have decided in favour of the bilingual concept developed by Dr. Georg

Gombosch⁷. Moreover, the bilingual municipal nursery schools receive grants from the Federal Chancellery to the staff costs of the bilingual Slovene nursery-school teachers.

Concerning the question raised by the Council of Europe with regard to the effects of introducing a compulsory nursery-school year of bilingual pre-school education in Carinthia (margin note 195), the following information can be provided:

According to information provided by the Office of the Carinthian Regional Government the impact of a compulsory nursery-school year, which was specified in a law in Carinthia as early as September 2008, cannot be regarded separately for the bilingual and multilingual nursery schools. In general, the compulsory preparation for school, as well as the compulsory cooperation with schools has proved to be very fruitful, especially as all children have the same opportunity to acquire basic competences (social, learning and personal competences) and can be promoted and supported in keeping with their level of development. Cooperation between nursery schools and schools is of equal importance, as important impulses for the further development of children derive from coping positively with the transition from pre-school to school.

There are no doubts that the bilingual nursery schools, which fully comply with the aforementioned objectives of a compulsory nursery-school year (see Article 15a of the agreement between the federal and the regional governments concerning the introduction of a half-day gratuitous and compulsory early promotion of children in institutionalised nursery-school facilities) offer high-quality of care and education to children. In this respect, the introduction of a compulsory nursery-school year has little impact on the bilingual education at nursery schools. However, the fact that the half-day care during the final nursery-school year is gratuitous, has increased the financial burden on the public sector.

Concerning the question raised by the Council of Europe about the training of bilingual nursery-school teachers (margin note 198), the following information can be provided:

At the Training Institute for Nursery-School Pedagogy in Klagenfurt, Slovene is offered as an optional subject. The future bilingual teachers spend traineeships at bilingual and multilingual nursery schools. It is also possible to enrol for a condensed period of traineeship in Slovenia. There has been a long-standing cooperation with the partner school in Ljubljana (Vzgojiteljska šola Ljubljana) and the partner nursery school Ledina (in Ljubljana).

Primary school education

Austria has accepted the obligation under Article 8 (1) b) ii).

⁷ **Georg Gombos**, Klagenfurt, extraordinary professor, Dr. phil., at the University of Klagenfurt, priorities of his work: multilingualism and intercultural education.

Article 8 (1) b) of the European Charter on Regional or Minority Languages

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

The positive trend concerning enrolments for Slovene classes in Carinthia has continued in recent years. The figures for the territories stipulated in the Minorities School Act for Carinthia (§ 10(1)) are as follows:

**Table 21 Enrolment for bilingual education,
Slovene classes – A comparison since 1959/1960**

School year	Total	Bilingual	in %	Klagenfurt
1959/60	10,325	1,994	19.31	0
1979/80	7,435	1,065	14.32	0
1998/99	6,108	1,620	26.52	103
2005/06	5,018	1,819	36.25	165
2006/07	4,818	1,855	38.50	180
2007/08	4,666	1,892	40.55	187
2008/09	4,506	1,853	41.12	190
2009/10	4,437	1,831	41.27	185

Source: Federal Ministry of Education, Arts and Culture, Federal Province of Carinthia

The statistics clearly documents that there is a wish for types of multilingual learning and education that includes the language of the national minority. Children with a highly different language background take part in the bilingual education; many have no knowledge at all of the national minority language when entering school. One factor that has a positive influence on the relative rise in enrolment figures for bilingual education at the primary-school level is the special statutory provision on setting up classes, in particular the provision that the number of pupils in one class must not exceed 20 pupils in grades 1 to 4 (§ 16a).

Altogether Slovene is taught at 73 primary schools in Carinthia during the 2010/2011 school year. For the first time in 50 years, Slovene is also being taught at the primary school of St. Stefan an der Gail.

There are 73 primary schools, including 11 school branches, as well as 2 primary schools in the city of Klagenfurt, within the geographical scope of application of the Minorities School Act for Carinthia. They are attended by a total of 4,567 pupils.

A total of 1,928 pupils have enrolled in bilingual classes at 68 primary schools, i.e. 43.96%. In the city of Klagenfurt 182 pupils at 2 primary schools are being taught in two languages. Altogether 2,110 pupils attend bilingual classes.

The optional exercise Slovene is attended by 74 pupils in Carinthia. There are no enrolments for a bilingual education at five primary schools within the scope of application of the Minorities School Act for Carinthia.

In addition to the detailed information about the Minorities School Act for Carinthia in Austria's Second Periodical Report, the following tables provide further information about the current Slovene language skills of school children within the domain of bilingual primary-school education in Carinthia.

Overview of the Slovene language skills of the pupils enrolled for bilingual education in the first grade of primary school during the 2010/2011 school year:

Table 22 Slovene language skills in the city of Klagenfurt

School	Slovene language skills		
	good	few	none
VS Hermagoras	17	4	0
VS 24 Klagenfurt	11	6	7
Total	28	10	7

VS = primary school

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 23 Slovene language skills in the Greater Klagenfurt district

School	Slovene language skills		
	good	few	none
VS Feistritz i.R.	1	1	11
VS 1 Ferlach	4	10	11
VS Grafenstein	1	0	6
VS Gurnitz	0	0	27
VS Keutschach	0	0	8
VS Köttmannsdorf	0	0	18
VS Ludmannsdorf	5	1	5
VS Maria Rain	0	0	3
VS Mieger	1	0	4
VS Radsberg	1	4	1
VS St. Margareten	0	1	5
VS Schiefing	0	9	10
VS Wabelsdorf	0	0	4
VS Zell Pfarre	0	1	0
Total	13	27	113

VS = primary school

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 24 Slovene language skills in the Villach-City district

School	Slovene language skills		
	good	few	none
VS 11 Villach	0	0	15

VS = primary school

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 25 Slovene language skills in the Greater Villach district

School	Slovene language skills		
	good	few	none
VS Arnoldstein	0	0	12
VS Damschach	0	0	2
VS Finkenstein	0	1	10
VS Fürnitz	0	0	9
VS Goritschach	1	1	10
VS Gödersdorf	0	0	9
VS Hohenthurn	0	0	3
VS Köstenberg	1	0	6
VS Latschach	0	4	5
VS Ledenitzen	1	5	8
VS Lind ob Velden	0	0	9
VS Maria Elend	2	0	0
VS Rosegg	0	0	9
VS Rosenbach	1	0	3
VS St. Egyden/Drau	0	4	1
VS St. Jakob i.R.	2	7	2
VS St. Leonhard	0	2	7
VS Thörl Maglern	0	0	2
VS Velden	0	0	29
Total	8	24	136

VS = primary school

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 26 Slovene language skills in the Völkermarkt district

School	Slovene language skills		
	good	few	none
VS Bad Eisenkappel	3	4	2
VS Bleiburg	2	2	4
VS Diex	0	0	3
VS Eberndorf	6	3	6
VS Ebriach	2	0	0
VS Edling	0	0	9
VS Gallizien	0	1	6
VS Globasnitz	3	5	0
VS Griffen	0	0	16
VS Heiligengrab	3	1	3
VS Klein St. Veit	0	1	0
VS Kühnsdorf	1	0	7
VS Leppen	1	0	1
VS Loibach	0	2	0
VS Mittertrixen	0	0	3
VS Möchling	0	0	1
VS Neuhaus	0	0	4
VS Ruden	0	0	8
VS St. Kanzian	1	0	10
VS St. Michael	3	5	1
VS St. Peter a. W.	0	1	8
VS St. Philippen	1	2	1
VS St. Primus	4	0	3
VS Schwabegg	2	0	0
VS Sittersdorf	1	2	2
VS Tainach	0	0	4
VS Untermitterdorf	0	3	0
VS 2 Völkermarkt	0	0	13
Total	33	32	115

VS = primary school

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 27 Slovene language skills in the Hermagor district

School	Slovene language skills		
	good	few	none
VS Egg	0	1	2
VS St. Stefan	0	0	3
Total	0	1	5

VS = primary school

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 28 Slovene language skills – Total figures

good	few	none
82 = 14.46 %	94 = 16.57 %	391 = 68.95 %

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Concerning the question raised by the Council of Europe on the development of Slovene language skills in pupils at bilingual schools in Carinthia (margin note 205), the following information can be provided:

The Department for Minority Schools of the Regional School Board for Carinthia, together with the school administrations, education research and the on-site teachers are making ongoing efforts to improve the quality of bilingual education and teaching methods. However, one should not only look at schools when searching for the reasons that children sometimes do not have sufficient Slovene language skills – the parents and society as a whole also have an obligation, and in particular the environment in which children grow up, as they all have to make sure that pupils learn the Slovene language.

All persons involved and responsible are aware of these challenges. Joint efforts are therefore made on all levels in order to sensitise parents for the significance of learning languages during early childhood and to explain to them the importance of these language skills for preserving and promoting the Slovene language. Families of the national minorities (parents, grandparents, etc.) are being encouraged to actively use the Slovene language with their children at home.

A regular column in a Slovene-language weekly newspaper, for example, deals with this important topic. The central cultural organisations of the Slovene population in Carinthia, which receive financial support from the budget for the national minorities, also work at emphasising the significance of an interaction between parents, schools and associations, when it comes to children acquiring language skills. The Christian Cultural Association, for example, launched the initiative “Slovene as the Family Language” where various personalities from public life point to the importance of using Slovene in the family and highlight the cultural and economic importance of bilingualism.

Further efforts to improve the language competence also outside schools are made by promoting language holidays in Slovenia, supporting theatre groups of young people, concerts for and by young people and other cultural events. However, in this connection there are often major regional differences. In some regions the extra-curricular activities in the Slovene language are very well organised. The federal financial support for the national minorities promotes organisations and associations that offer activities for children and young persons in the Slovene language. In this connection, the Slovene-language cultural and sport associations play a special role.

With regard to promoting language skills when teaching class, schools and the regional school board are engaged in continuous efforts in order to improve bilingual teaching. Please also refer to Article 8 (1) h) where the specific efforts to train teachers are described.

Secondary school education

Austria has accepted the obligation under Article 8 (1) c) iii).

Article 8 (1) c) of the European Charter for the Regional or Minority Languages

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

The following information is communicated to supplement the in-depth presentation contained in the Second Periodical Report:

As a matter of principle, Slovene can be offered as a compulsory/optional exercise, as an optional subject or as a compulsory subject at every lower-level secondary school, as well as at general or vocational middle or upper-level secondary schools, whenever there is a demand, and teachers with adequate qualifications and the necessary class-room hours are available for teaching. The same applies to schools outside the scope of application of the Minorities School Act.

364 pupils are attending Slovene language classes at 16 lower-level secondary schools. 503 pupils go to the Federal Grammar School and Federal Modern Languages Grammar School for Slovenes in Klagenfurt. The bilingual Federal Commercial College Klagenfurt has an enrolment of 61 pupils, and the Private Higher Teaching Institute for Commercial Occupations at St. Peter has a total enrolment of 118 pupils.

721 pupils have signed up for learning Slovene at other general and vocational upper-level secondary schools outside the scope of the Minorities School Act, of these 385 pupils attend Slovene classes as an alternative compulsory subject and 336 as an optional subject.

The following tables provide an overview of Slovene teaching at secondary schools:

Table 29 Slovene teaching at lower-level secondary schools – 2010/2011 school year

Lower-level secondary school	Total pupil number	A	B	Total
Arnoldstein	206	8	6	14
Bleiburg	152	31	0	31
Eberndorf	137	28	1	29
Bad Eisenkappel	92	10	24	34
Ferlach	261	15	31	46
Finkenstein	137	0	12	12
Kühnsdorf	146	0	9	9
St. Jakob i.R.	163	3	33	36
Griffen	132	3	0	3
Nötsch	135	3	6	9
Velden	223	61	0	61
Völkermarkt	391	0	14	14
Hermagor	390	0	0	0
HS 3 Klagenfurt	392	0	0	0
HS 6 Klagenfurt	214	9	6	15
HS 13 Klagenfurt – Viktring	166	3	19	22
HS 1 Villach	383	0	0	0
PTS Völkermarkt	88	0	0	0
Total for MSG	3,808	174	161	335
HS 2 St. Veit		0	24	24
PHS – teacher-training college		0	5	5
Total for Carinthia		174	190	364

Abbreviations:

A: Slovene as a compulsory subject under the provisions of the Minorities School Act for Carinthia

B: Slovene as an optional subject

HS = lower-level secondary school; MSG = Minorities School Act; PTS = polytechnical school; PHS = lower-level secondary school for trainee teacher

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

Table 30 Slovene teaching at lower-level secondary schools – 2010/2011 school year, number of pupils per grade

Lower-level secondary school	first grade	second grade	third grade	fourth grade
Arnoldstein	4	4	6	0
Bleiburg	11	11	3	6
Eberndorf	8	3	8	10
Bad Eisenkappel	5	14	7	8
Ferlach	13	15	14	4
Finkenstein	4	0	4	4
Kühnsdorf	4	0	1	4
St. Jakob i.R.	8	11	8	9
Griffen	1	2	0	0
Nötsch	4	0	5	0
Velden	13	16	10	22
Völkermarkt	5	5	3	1
Hermagor	0	0	0	0
HS 6 Klagenfurt	6	6	3	0
HS 13 Klagenfurt	2	6	6	8
Total	88	93	78	76
HS 2 St. Veit	0	14	6	24
PHS – teacher-training college	3		2	

HS = lower-level secondary school; PHS = lower-level secondary school for trainee teachers

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

The following table comprises the current figures for attendance of Slovene classes by pupils at general and vocational upper-level secondary schools in Carinthia. They include schools in the autochthonous settlement area, where the Minorities School Act for Carinthia is applied, as well as schools outside the autochthonous settlement area. It is remarkable that the number of pupils is rising continuously, who make use of the offered Slovene courses on secondary level II of general and vocational upper-level schools that are not specified in the Minorities School Act.

Table 31 Slovene teaching at general and vocational middle and upper-level secondary schools in Carinthia for the 2010/2011 school year

School	optional compulsory subject or alternative compulsory subject	optional subject
Upper-level secondary general schools		
Europagymnasium Klagenfurt	0	22
BG/BRG Mössingerstr. Klagenfurt	0	24
ORG Klagenfurt	0	1
BORG Klagenfurt	7	0
BG/BRG Lerchenfeldstr. Klagenfurt	0	8
BG/BRG Viktring	17	0
BG/BRG St. Martin Villach	0	12
BG/BRG Villach Perau	0	10
BG/BRG Alpen-Adria Völkermarkt	67	22
BG Tanzenberg	0	14
BG Porcia Spittal	0	16
Total for upper-level secondary general schools	91	129
Upper-level vocational secondary schools		
BHAK International Klagenfurt	36	0
BHAK Völkermarkt	59	11
HBLA Villach	0	23
HBLA Klagenfurt	0	3
HTBLVA Villach	0	14
HTL Mössingerstraße Klagenfurt	0	7
FS for social occupations II Klagenfurt	199	81
BAKIP Klagenfurt	0	59
Private FS St. Andrä	0	9
Total for upper-level vocational secondary schools	294	207
Upper-level general and vocational secondary schools with Slovene and German as languages of instruction		
BG/BRG for Slovenes in Klagenfurt	503	
ZBHAK Klagenfurt	161	
HLA St. Peter	107	
One-year college for business occupations at St. Peter	11	
Total for Carinthia		1503

BG = federal grammar school; BRG = federal modern-language grammar school; ORG = senior grades of modern-language grammar school; BORG = senior grades of federal modern-language grammar school;

BHAK = federal commercial college; HBLA = higher federal teaching institute for commercial occupations; HTBLVA = higher technical federal teaching and testing institute; HTL = higher technical federal teaching institute; FS = vocational school; ZBHAK = bilingual federal commercial college

Source: Regional School Board for Carinthia, Department for the Minority Schools, 2010

During the 2010/2011 school year it has been possible to raise the number of language assistants (Slovene) to five. Three of them have been assigned to secondary schools with Slovene (or Slovene and German) as the language of instruction, two to secondary schools where Slovene is an optional subject (including also the Training Institute for Nursery-School Pedagogy) or an optional compulsory subject.

Concerning the question raised by the Council of Europe with regard to the problem that continuity of the bilingual school education is partly interrupted at the transition from primary to secondary school (margin note 209), the following information can be provided:

It should be mentioned in connection with the break in continuity of the bilingual school education that this is not only a matter of resources when it comes to offering Slovene as a subject in the subsequent grades, but one circumstance also plays a role, i.e. whether the persons responsible for a child's education and the children themselves strive for a comprehensive knowledge of the Slovene language, or whether they are satisfied with beginners' language skills. In this connection, the level of expectations in a given social environment (concerning the skills in a minority language) have a decisive impact.

Education experts are convinced that pupils will only become multilingual if they obtain a continuous education in two or more languages on a continuous basis. Those responsible for education therefore make every effort to develop new concepts that will make pupils fit for the challenges of the future and ensure a continuous bilingual education.

Moreover, efforts are undertaken on various levels (media, associations, school authorities, etc.) in order to inform parents of the significance of becoming bilingual during early childhood, and to urge them to also speak Slovene actively in the family. Whatever is omitted by the families of the national minorities, in terms of promoting bilingualism in infants, can often be made up only with difficulties when the children enter school.

At the beginning of the 2010/2011 school year, a working group has been set up for the school-leaving examination in the Slovene language (to the extent that Slovene is the language of instruction at the respective secondary schools) at the Federal Institute for Research into Education, Innovation and Development of the Austrian School System (BIFIE), in connection with the preparations for a standardised and competence-oriented school-leaving examination. The working group took up its work in close coordination, in terms of content, with the working group that is preparing the basic concept for the school-leaving examination in German.

Technical and vocational training

Austria has accepted the obligation under Article 8 (1) d) iv).

Article 8 (1) d) iv) of the European Charter for Regional or Minority Languages

- 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;

In addition to the information provided in the Second Periodical Report, we can report about the current pupil developments at the bilingual Federal Commercial College in Klagenfurt, at the bilingual Teaching Institute for Commercial Occupations at St. Peter, and in the attached bilingual one-year Vocational School for Commercial Occupations, i.e. that the pupil numbers continue to be on a high level. The numbers for the 2010/2011 school year can be taken from the last table under Article 8 (1) c) iii).

Generally speaking, one can notice a rising trend concerning the attendance of Slovene classes by pupils at general and vocational upper-level secondary schools in Carinthia. During the 2009/2010 school year, for example, 249 pupils at the Vocational School for Social Occupations II in Klagenfurt were enrolled in Slovene courses. The number has already risen to 280 pupils for the 2010/2011 school year.

University education

Austria has accepted the obligation under Article 8 (1) e) iii).

Article 8 (1) e) iii) of the European Charter for Regional or Minority Languages

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

The Alps-Adriatic University in Klagenfurt offers a study course in Slovene, on the one hand, and sets standards, on the other hand, with regard to language, education and social policies concerning matters pertaining to the national minorities. The significance and the dimensions

of bilingualism and multilingualism is highlighted especially by the focus on “intercultural education”, as well as in numerous events and publications.

In autumn 2010, for example, the activity “Slovenščina v družini / Slovene – the family language” was launched with an event entitled “SLOVENSKO? DA, SEVEDA! SLOWENISCH? JA, KLAR!” (Slovene? Of course!) which Prof. Heinrich Mayr, the university president, inaugurated:



This activity is intended to point to the individual and social significance of bilingualism, as a specificity of the region. Personalities from cultural, artistic, political, economic and scientific life, as well as responsible for educational policies support the activity.

The Institute for Slavic Studies and the Institute for Education Science and Education Research of the Alps-Adriatic University deserve recognition for their research activities. The following current research projects concerning the languages of the recognised national minorities can be mentioned here:

Research projects at the Alps-Adriatic University in Klagenfurt:

- Language Every Day: Experience with bilingual teaching and learning in heterogeneous classes
- Three Hands, tri roke, tre mani – Alps Adriatic Educational Network
- Evaluation of a questionnaire: Trilingual education in border regions
- Bilingual education – A new concept for school pedagogy
- Multilingualism at the new middle schools
- Bilingualism and multilingualism in the family

Studies available at the Alps-Adriatic University in Klagenfurt:

The studies available at the Alps-Adriatic University in connection with the languages of the national minorities and the languages of the countries in Southern and Eastern Europe comprise the following study courses:

Table 32 Studies available at the Alps-Adriatic University (AAU) Klagenfurt

Study course	Comment
BA/MA in Slavic Studies	The focus is on the languages Bosnian/Croatian/Serbian, Russian and Slovene
BA/MA in Applied Business Management	Associated elective subject “foreign business language” offers the possibility to choose “Slovene”
BA in Economics and Law	Associated elective subject “foreign business language” offers the possibility to choose “Slovene”
BA in Applied Cultural Science	Compulsory subject “Languages” with the sub-option “Slavic languages” and the possibility to choose “Slovene”
ULG (= University study course) in “Strategic Cooperation Management”	With “German and Slovene, i.e. studies offered by the Alps-Adriatic University for the recognised national minorities” as the language of instruction and the language of the study course
Teacher training course for Slovene	-
Teaching activities for all students (central teaching)	Russian, Slovene, Bosnian, Croatian, Serbian
Study course in Slovene at secondary level I	This study course is conducted by the Teacher-Training College Carinthia in cooperation with the Alps-Adriatic University

Source: Alps-Adriatic University in Klagenfurt

Adult education

Austria has accepted the obligation under Article 8 (1) f) iii).

Article 8 (1) f) iii) of the European Charter for Regional or Minority Languages

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;

The “Platform Adult Education Carinthia/Koroška – PEKK” was established in 2008 on the basis of the representative body called “Working Community Adult Education” which has been in existence for more than four decades. As the umbrella organisation for educational institutions in Carinthia, the “Platform Adult Education Carinthia/Koroška – PEKK” has set itself the primary objective of raising the status of adult education and of ensuring networking throughout Carinthia. Innovative ideas to further develop the options available in the field of adult education are the result of intensive working processes on the level of the “Platform Adult Education Carinthia/Koroška – PEKK”. (For more information about the platform please visit www.pekk.at).

Language courses in the Slovene language are primarily offered by the adult-education organisations in Carinthia. These include amongst others:

- ▶ Institute for Occupational Promotion (bfi) Carinthia
- ▶ Institute for Economic Promotion (wif) Carinthia
- ▶ Carinthian Adult Education College

► Educational Centre Sodalitas

In addition, the associations of the national minorities and the cultural associations also offer language courses and/or language workshops for adults in the Slovene language, which are often co-financed with funding from the budget of the Federal Chancellery for the national minorities.

The universities also offer Slovene language courses for students in all study courses.

The University for Applied Science Carinthia offered a Slovene language course for the students of the study course for “social work” in Kopar.

Teaching history and culture

Austria has accepted the obligation under Article 8 (1) g).

Article 8 (1) g) of the European Charter for Regional or Minority Languages

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

The Federal Ministry of Education, Arts and Culture has communicated the following information in reply to the question raised by the Council of Europe concerning the steps that were taken in order to bring the history and culture of the Slovene national minority closer to pupils in Carinthian schools (margin note 214):

In accordance with the teaching principle of intercultural learning, as specified in the curricula, the topic of co-existence between majority and minority population is dealt with whenever an occasion arises, for example on the Carinthian Regional Day, which commemorates the Carinthian referendum of 10 October 1920. In 2010 the Carinthian Regional Day published three brochures and distributed them among pupils. In several schools topics from history and culture were at the centre of projects that contribute towards more knowledge about the Slovene national minority. The same approach is taken on the occasion of transfrontier meetings, excursions and competitions.

Teacher training

Austria has accepted the obligation under Article 8 (1) h).

Article 8 (1) h) of the European Charter for Regional or Minority Languages

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

Central attention is paid in Carinthia to the basic and further training, as well as the continuous professional development of teachers. Educating and teaching pupils with different language competences in their first and second languages requires that new teaching concepts are developed that take account of these challenges.

Training to become a “bilingual teacher” and/or “team teacher” is provided at the Teacher-Training College Carinthia in Klagenfurt.

During the reporting period the Teacher-Training College Carinthia published research results that were obtained by accompanying the new curricula in the field of training bilingual teachers and/or team teachers (Curricular Advice, Report 2008/2009).

In June 2010 the Teacher-Training College Carinthia (Viktor Frankl College), together with the Regional School Board for Carinthia, invited to a further-training event “Innovative Forms of Bilingual Teaching”. The school supervisory bodies pay particular attention to informing teachers about the latest findings in linguistic research. They should get to know the successful models for bilingual and multilingual teaching, as well as acquire specific language-didactic competences. By tradition, there is close cooperation with the scientists of the Alps-Adriatic University in Klagenfurt.

As part of the Austro-Slovene Cultural Agreement on Cooperation in the Fields of Education and Culture, three-day further-training seminars are held in Slovenia on a regular basis for bilingual teachers, as well as for teachers of Slovene.

During the 2010/2011 school year 25 bilingual teachers, who wish to optimise their teaching methods, receive concrete assistance at the Teacher-Training College.

As of the winter semester 2010/2011 a study course developed in cooperation between the Teacher-Training College Carinthia and the Institute for Slavic Studies at the Alps-Adriatic University in Klagenfurt makes it possible for teachers, who are already active teachers, but also for students of the Teacher-Training College and university students to obtain the additional qualification for teaching Slovene at secondary level I. The study course lasts six semesters, comprises twelve modules, and students can enrol for them parallel to their work, as well as parallel to any basic study at the Teacher-Training College or university. The special feature of this new training option is the more or less balanced distribution of the training between college and university – this helps to bundle the strengths of both partners for the benefit of students. Credits are given for the classes on a mutual basis; they can eventually also be claimed when enrolling for a comprehensive study course at the university to become a teacher of Slovene. The study course is conducted by the Institute for Slavic Studies at the Alps-Adriatic University in Klagenfurt and the Centre for Multilingualism at the Teacher-Training College Carinthia.

School supervision

Austria has accepted the obligation under Article 8 (1) i).

Article 8 (1) i) of the European Charter for Regional or Minority Languages

- 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 Periodical Reports of their findings, which will be made public.

As was already described in detail in the Second Periodical Report, a separate school supervisory board has been set up for the Slovene and bilingual schools in Carinthia. Department VII/Minority Schools of the Regional Board for Carinthia is responsible for supervising schools and publishes an annual report, which is intended to provide transparency to the public about the bilingual school system in Carinthia. On the internal level, the publication – which comprises collections, evaluations and analyses of data – serves as a basis for planning and organising measures that are meant to increase and reinforce quality in the field of bilingual education.

In terms of organisation, the department is divided into two sections:

- Regional school inspector for general compulsory schools with bilingual education according to the Minorities School Act for Carinthia, as well as for teaching Slovene at primary and lower-level secondary schools in Carinthia.
- Special inspectors for the Federal Grammar School and Modern-Language Grammar School for Slovenes, the bilingual federal commercial colleges, as well as for teaching Slovene at middle and upper-level secondary schools within the domain of the Regional School Board for Carinthia.

Education outside the autochthonous settlement area

Austria has accepted the obligation under Article 8 (2).

Article 8 (2) of the European Charter for Regional or Minority Languages

- (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.

As was already explained in the Second Periodical Report, the Minorities School Act for Carinthia stipulates that, whenever needed, bilingual education is also to be offered in Carinthia outside the autochthonous settlement area. This is the case in primary schools whenever seven children enrol, and in lower-level secondary schools when five children have enrolled.

The situation concerning the teaching of Slovene at schools in Carinthia outside the autochthonous settlement area can be summarised as follows:

- **Primary schools:** Outside the local scope of application of the Minorities School Act there are two primary schools with bilingual teaching pursuant to the Minorities School Act, i.e. the state-run bilingual primary school number 24 and the private primary school Hemagoras-Mohorjeva, which are both located in Klagenfurt. In the district of Klagenfurt-City, which is outside the autochthonous settlement area there are thus 185 pupils who have enrolled for bilingual classes.
- **Lower-level secondary schools:** As can be gathered from Table 29, there are two lower-level secondary schools in Carinthia outside the autochthonous settlement area where Slovene is taught as an optional subject. These are the lower-level secondary school at St. Veit and the lower-level secondary school for trainee teachers at the Teacher-Training College.
- **General and vocational upper-level secondary schools:** As can be gathered from Table 31, except for general and vocational upper-level secondary schools with Slovene and/or Slovene and German as mother tongue, all other general and vocational upper-level secondary schools, where a total of 725 pupils have enrolled for Slovene classes, are located outside the autochthonous settlement area. Of these 348 pupils attend Slovene classes as alternative compulsory subject and 377 pupils take Slovene as an optional subject.

III.2.2 Article 9 Judicial authorities

As was outlined above in Chapter I, the amendment to the National Minorities Act, which was adopted in July 2011, comprises the obligation under constitutional law for the persons responsible at the authorities and service units listed in annex 2 to the amendment, to make sure that the Croatian, Slovene or Hungarian language can be used as an official language in addition to the German language in communications with the respective authorities and service units. At the same time, the Ordinance of the Federal Government determining the courts, administrative authorities and other service units where Slovene is admitted as an official language in addition to German, Federal Law Gazette No. 307/1977 in the version published in Federal Law Gazette II No. 428/2000 (unofficial short name: Official Languages Ordinance – Slovene), was suspended. The arrangements in this connection also provide that Slovene continues to be admitted as an additional official language before the local courts at Ferlach, Eisenkappel and Bleiburg. The requirement, i.e. to be domiciled in the bilingual municipalities, which academe and case law are considering already now as being irrelevant, is not taken over. Moreover, the restriction to Austrian citizens concerning the right to use the language of the national minority as an official language has been eliminated, which takes account of the case law of the European Court of Justice.

Concerning margin note 220, where the Council of Europe requests further information about Slovene as an official language before the Local Court Völkermarkt and the court districts of the former local courts at Eberndorf, Arnoldstein and Völkermarkt, the following information is provided:

The Ordinance of the Federal Government dated 11 January 1977 closed the local courts at Althofen, Bad Sankt Leonhard im Lavanttal, Eberndorf, Eberstein, Friesach, Gmünd in Kärnten, Gurk, Kötschach, Millstatt, Obervellach, Paternion, Rosegg, Sankt Paul im Lavanttal and Winklern and changed the court district of the local courts at Bleiburg, Hermagor, Sankt Veit an der Glan, Spittal an der Drau, Villach, Völkermarkt and Wolfsberg, Federal Law Gazette No. 13/1977. It thus closed the local court at Eberndorf.

The court district of the closed local court at Eberndorf comprised the municipalities of Eberndorf, Globasnitz and St. Kanzian am Klopeiner See. The municipalities of Eberndorf and St. Kanzian are now located in the court district of the local court at Völkermarkt. The municipality of Globasnitz, though, was assigned to the court district of the local court at Bleiburg.

Arnoldstein is a municipality in the court district of the local court in Villach. As early as 29 March 1923, the Ordinance of the Federal Government on the closure of local courts, Federal Law Gazette No. 187/1923, closed the local court at Arnoldstein, and its court district (the municipalities of Arnoldstein, Hohenthurn and Emmersdorf) was transferred to the local court in Villach.

The amendment to the National Minorities Act, which was adopted in July 2011, required the persons responsible for the authorities and service units listed in annex 2 to make sure that, amongst others, the Slovene language can be used as an official language, in addition to the German language, in communications with the respective authorities and service units. This annex expressly lists the local courts at Ferlach, Eisenkappel and Bleiburg.

Furthermore, the aforementioned amendment to the National Minorities Act stipulates that other entities than the authorities and service units listed explicitly may use, amongst others, the Slovene language as an official language in oral and written exchanges, in addition to German, in keeping with the stipulations of that section, if this facilitates communication with clients.

Judicial authorities – Criminal proceedings

Austria has accepted the obligation under Article 9 (1) a) ii) and iii).

Article 9 (1) a) ii) and iii) of the European Charter for Regional or Minority Languages

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

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

Concerning the question raised in margin note 225 as to whether the authorities have taken measures in order to ensure the future status of the three bilingual municipalities, the following information is provided:

As was stated above, the three local courts, where the Slovene language has been admitted as an official language on a mandatory basis, have also been taken over by the new legal arrangements.

The Council of Europe asks what steps have been taken in order to solve the practical problems in connection with the use of diacritic signs (margin note 228).

To the extent that texts can be produced by EDP text processing, the diacritic signs can be shown via insert/symbols/symbol/font/insert in WORD, which is the text processing software that is usually employed.

Judicial authorities – Civil-law proceedings

Austria has accepted the obligation under Article 9 (1) b) ii) and iii).

Article 9 (1) b) ii) and iii) of the European Charter for Regional or Minority Languages

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

During the reporting period (reference year: 2009) no proceedings were conducted in the Slovene language before the Regional Court Klagenfurt. This correlates with the situation in earlier years.

A total of 67 proceedings (no break-down of the figure for criminal-law and civil-law cases) were conducted before the local courts at Bleiburg, Eisenkappel and Ferlach, where the hearings and examinations were conducted – completely or partly – in the Slovene language, or where legal actions and submissions were filed in the Slovene language. Moreover,

information on legal issues was provided in the Slovene language, especially at the public office days of the local courts at Eisenkappel and Ferlach.

A comparison to the figures established for 2008 shows a rise in cases before the Local Court Bleiburg (+2 cases) and the Local Court Ferlach (+1 case). At the Local Court Eisenkappel the number has gone down by 4 cases. The total number of all cases went down (-1), compared to 2008, and has now reached the lowest-ever level. A downward, currently almost stagnating trend continues to be seen (total number of cases in 2000: 158; 2001: 83; 2002: 69; 2003: 89; 2004: 100; 2005: 99; 2006: 87; 2007: 81; 2008: 68; 2009: 67).

In margin note 233 the Council of Europe asks for additional information about the right, both of physical persons and legal entities, to be allowed to use Slovene as an official language in court.

It was concluded from the wording of § 1 of the “Official Languages Ordinance – Slovene” (which has been suspended in the meantime), which stipulated that the right to use Slovene as an official language only accrued to Austrian citizens, that legal entities did not have this right. However, the amendment to the National Minorities Act that was adopted in July 2011 no longer contains this wording. Moreover, the restriction to Austrian citizens had become obsolete several years ago, on account of the case law of the European Court of Justice, and, accordingly, the arrangements on the use of official languages also had to be applied to EU citizens. In addition, the 2011 amendment does not perpetuate the requirement that a person must be domiciled in a bilingual municipality, which had already been regarded as obsolete for many years, as a result of which everybody can use Slovene as an official language before the bilingual courts and authorities.

Proceedings under administrative law

Austria has accepted the obligation under Article 9 (1) c) ii) and iii).

Article 9 (1) c) ii) and iii) of the European Charter for Regional or Minority Languages

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

The Council of Europe has requested further information about the steps that have been taken in order to ensure the actual use of Slovene as an official language in proceedings before the Administrative Court (margin note 235)

Whenever it is requested that Slovene is to be used as an official language before the Independent Administrative Senate in Carinthia and no judge with qualifications for the Slovene language is available, the services of translators/interpreters must be used in order to ensure that Slovene can be used as the official language.

Cost exemption

Austria has accepted the obligation under Article 9 (1) d).

Article 9 (1) d) of the European Charter for Regional or Minority Languages

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.

In 2009 one submission to be awarded a fee refund in keeping with § 22 (4) of the National Minorities Act was filed in civil-law proceedings before the Local Court Eisenkappel, as well as in civil-law proceedings before the Local Court Ferlach (by way of comparison: 2008: Ferlach 1; 2007 - no submission; 2006: Ferlach 1; 2005 – no submission; 2004: Eisenkappel 2; Ferlach 1; 2003: Eisenkappel 1; 2002: Eisenkappel 2; 2001: Eisenkappel 1).

Please refer to the Second Periodical Report for the full text of § 22 of the National Minorities Act.

Validity of documents

Austria has accepted the obligation under Article 9 (2) a).

Article 9 (2) a) of the European Charter for Regional or Minority Languages

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;

Please refer to the Second Periodical Report.

III.2.3 Article 10 Administrative authorities and public services

Administrative authorities

Austria has accepted the obligation under Article 10 (1) a) iii) and c).

Article 10 (1) a) iii) and c) of the European Charter for Regional or Minority Languages

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.

The new arrangements in the 2011 National Minorities Act largely take over the content of the provisions in the ordinances in statutory form, with the exception of § 5 of the “Official Languages Ordinance – Slovene” which admits the use of Slovene as an official language in official communications concerning postal and telecommunications, as well as railways matters. The change must be seen in connection with the privatisation of the telecommunications and railways sectors, as well as with the fact that this provision was hardly ever used so far.

A new feature is the provision stating that Slovene is admitted as an official language also before federal administrative entities domiciled in Vienna, whenever their territory fully or partly comprises the territory of one the listed district administrative authorities or local courts, but it does cover not the entire federal territory.

The Federal Ministry for Labour, Social Affairs and Consumer Protection reported that one staff member in the work inspectorate for the 13th supervisory district, which is located in Klagenfurt, has Slovene language skills.

The Federal Ministry of Finance reported that a sufficient number of staff members are available in those tax offices and customs officers where Slovene has been admitted as an official language in order to ensure client contacts in the national minority language. The number of staff members with Slovene language skills is between 1 and nearly 20% of the respective staff level (no detailed break-down according to languages has been provided). A number of forms are available in Slovene. These can be found on the website of the Federal Ministry of Finance at https://www.bmf.gv.at/Service/Anwend/FormDB/show_mast.asp. In 2010 there were 592,150 visits relating to forms in the Slovene language.

It was not possible to obtain figures for the customs offices concerning the frequency of use of the languages of the national minorities, as statistical records are hardly possible, especially for customs supervision operations, where interventions also take place in traffic situations. All tax and customs offices have access to budget funds to deepen language competences, as part of the annual educational budget of the Federal Finance Academy. This also includes the languages of the national minorities, and these options are used accordingly. In 2008 a Slovene course was held with 10 participants. If so required, further courses can be organised.

Staff members who already have Slovene language skills obtain a special qualification for the technical vocabulary used in financial matters in these language courses.

The Federal Ministry of Defence reported that the Language Institute of the Federal Armed Forces offers language courses in the languages of the national minorities to soldiers and civil servants. The Language Institute has compiled a military dictionary in the Slovene language.

The Federal Ministry of Economy, Family and Youth reports for its domain that the use of the Slovene language in Carinthia concerns the calibration office Klagenfurt for the mixed-language area, as well as the land-surveying offices at Klagenfurt, Villach and Völkermarkt. The calibration office in Klagenfurt has not had a single case to date, where a party wanted to use the Slovene language. In the past 20 years there was one case at the land-surveying office at Klagenfurt, where a party used the Slovene language. The office has, in fact, one staff member who speaks Slovene and can thus ensure the handling of the official act in the language of the official minority. The land surveying-offices at Villach and Völkermarkt are not aware of any requests to use the language of the national minority. Two staff members of the district administrative office Völkermarkt, who have a perfect command of the Slovene language, are at the disposal of the land-surveying office at Völkermarkt. At the land-surveying office at Villach one staff member from the tax office in Villach would be called in if there were a request to use the language of the national minority.

With the present real-estate data base it is not possible to show the diacritic signs of the Slovene language. However, with the new real-estate data base, which will be available as of 2011 and/or 2012 and which will also have UTF-8 encoding, it will be possible to show the aforementioned signs.

In margin note 244 the Council of Europe asks for information whether an applicant from a municipality which is not an official municipality with Slovene as an official language can use Slovene as an official language before the district administrative authorities. Moreover, whether applications are ignored or delayed by the district administrative authority in Klagenfurt.

“Official Languages Ordinance – Slovene”, Federal Law Gazette No. 307/1977 in the version published in Federal Law Gazette II No. 428/2000, which has been suspended in the meantime, already permitted the use of Slovene as an official language by way of reference to § 3 (2) of that Ordinance, independent of his/her domicile, as the use of the Slovene language is certainly in line with the objective of § 1 of the National Minorities Act, and as Slovene has been admitted as an official language before the district administrative authority in Völkermarkt. The amendment to the National Minorities Act, which was adopted in July 2011, the requirement of domicile has now been explicitly removed. Moreover, the new arrangements confirm under constitutional law the rules for mandatory use as official language before municipal authorities, municipal service units, as well as police stations, amongst others in the political districts of Greater Klagenfurt as well as Völkermarkt. In addition, the persons acting for other authorities and service units than those listed in annex 2 are authorised, amongst others, to use the Slovene language as an official language in addition to German in oral and written exchanges.

Local and regional administrative authorities

Austria has accepted the obligation under Article 10 (2) b) and d).

Article 10 (2) b) and d) of the European Charter for Regional or Minority Languages

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;

The amendment to the National Minorities Act, which was adopted in July 2011 and which integrated the arrangements on official language into the National Minorities Act, stipulates that Slovene is an official language in 16 municipalities. This is three municipalities more than in the original Ordinance on Official Languages - Slovene. The difference is due to the fact, on the one hand, that Feistritz ob Bleiburg was split off from the Bleiburg municipality and now constitutes a municipality in its own right. The municipalities of Eberndorf and St. Kanzian are genuinely new listings in the ordinance on official languages. However, the right to use Slovene as an official language is restricted to certain villages within these municipalities. By the way, the use of Slovene as an official language was the incident that led to the quashing decision by the Constitutional Court of 4 October 2000, file number Slg. 15.970.

In margin note 249 the Council of Europe inquires what measures were taken in order to ensure that oral and written applications can be filed in the Slovene language in all municipalities in Carinthia where Slovene is the local language by tradition.

The amendment to the National Minorities Act that was adopted in July 2011 has ensured that oral and written submission in Slovene can be filed with all authorities and service units, for which annex 2 to the amendment provides the legal basis. A violation of these provisions continues to be a reason for nullity in proceedings.

If there is no consistent bilingualism on the part of the staff at authorities and service units, compliance with the provisions on the official languages is ensured by calling in translators/interpreters.

Moreover, the aforementioned amendment to the National Minorities Act stipulates that officials of other authorities and service units than those explicitly listed can also use Slovene as an official language, amongst others, for oral and written communications in addition to German, if this facilitates communication with clients.

In margin note 252 the Council of Europe inquires what measures were taken in order to facilitate publications by local authorities in Slovene.

In this connection it must be stated that it is left to the discretion of the individual municipalities whether they make use of the authorization in § 13 (4) of the National Minorities Act.

Translations/Interpretation before administrative authorities

Austria has accepted the obligation under Article 10 (4) a).

Article 10 (4) a) of the European Charter for Regional or Minority Languages

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;

Please refer to the Second Periodical Report.

Family names

Austria has accepted the obligation under Article 10 (5).

Article 10 (5) of the European Charter for Regional or Minority Languages

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

§ 2 of the Change of Names Act, Federal Law Gazette No. 195/1988, is now valid in the version of the amendment published in Federal Law Gazette I No. 135/2009; § 5 of the Civil Status Ordinance, Federal Law Gazette No. 629/1983 is now applied in the version of the amendment published in Federal Law Gazette II No. 1/2010. The changes have no effect on names in the languages of the national minorities so that reference can be made here to the Second Periodical Report.

Concerning the question whether the authorities have taken steps in order to remove the obstacles encountered when using Slovene names in their original spelling (margin note 254):

Generally speaking, diacritic signs can be shown with WORD software, which is the text processing programme that is primarily used, so that there ought to be no obstacles when processing text in an automation-supported manner.

III.2.4 Article 11 Media

Radio

Austria has accepted the obligation under Article 11 (1) b) ii).

Article 11 (1) b) ii) of the European Charter for Regional or Minority Languages

- (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;

As was described in detail in the Second Periodical Report, since March 2004 the ORF has been producing an information and entertainment programme in Slovene that is broadcast during the day for a period of eight hours, in cooperation with AKO Lokalradio GmbH. The programme is broadcast on "Radio DVA-AGORA" (private radio license). Programmes and contributions during the rest of the day are produced in the Slovene language by AKO Lokalradio GmbH. There is thus a full 24-hour programme in Carinthia for the Slovene national minority.

The contributions of the Slovene-language radio programme are spread out as follows:

Table 33 Radio Carinthia

Broadcast	Broadcast on	Starting at	End	Duration
Dežela ob dravi / Land along the Drava River (Slovene)	Wed	21:03	22:00	00:57
Servus, Srečno, Ciao (German, Slovene, Italian)	Mon - Fri	16:03	19:00	02:57
News in German, Slovene, Italian	Mon - Fri	18:30	18:33	00:03
Dobro jutro / Good morning (Slovene, German)	Sun and holidays	06:06	07:00	00:54

Source: Austrian Broadcasting Corporation, ORF General Directorate

Table 34 ORF programme on Radio DVA-AGORA

Programme	Broadcast on	Starting at	End	Duration
News in Slovene at 06.30, 07.30, 08.30, 09.30, 10.30, 11.30, 15.30, 16.30	Mon – Fri			each 00:03
Dobro jutro (Good morning)	Mon – Fri	06:00	10:00	04:00
Studio ob 12-ich (Studio at 12)	Mon – Fri	12:00	13:00	01:00
Lepa ura (Pleasant Hour)	Mon – Fri	15:00	17:00	02:00
Studio ob 17-ich (Studio at 17)	Mon – Fri	17:00	17:30	00:30
Naša pesem (Our Song)	Mon – Fri	17:30	18:00	00:30
Dobro jutro (Good morning)	Sat, Sun	06:00	09:00	03:00
Veseli vrtljak (The merry carousel)	Sat	09:00	10:00	01:00
Farant (Leisure time)	Sat	15:00	18:00	03:00
Zajtrk s profilom (Breakfast profile)	Sun	09:00	10:00	01:00
Čestitke in pozdravi (Musical request concert)	Sun	12:00	13:00	01:00
Vikend (Weekend)	Sun	15:00	18:00	03:00

Source: Austrian Broadcasting Corporation, ORF General Directorate

Moreover, the programmes for the national minorities broadcast by Radio Carinthia can be received throughout Europe via ORF-digital, the digital satellite Astra, as well as via live stream throughout the world on the Internet. volksgruppen.ORF.at offers the full 24-hour programme from Radio DVA-AGORA via live stream, and the information broadcasts of the Slovene editorial desk for one week on demand. The time slots 10.00 - 12.00, 13.00 - 15.00 and 18.00 - 06.00 are produced by and the responsibility of AKO-Lokalradio GmbH. The live stream options can also be received via mobile Internet on an UMTS mobile phone, provided that a suitable player has been installed. It is technically possible to broadcast the programme of ORF-Radio-DVA-AGORA via VHF to the settlement areas of the Slovene national minority in Styria. Applications for the necessary transmission capacities have been filed with KommAustria and need to be assigned by them now.

Moreover, one can report about new features concerning non-commercial, private radio; these developments have emerged since the Second Periodical Report in 2007. The respective development has not yet been fully completed; the significant developments and statutory changes of recent years are summarised briefly below:

Fund for the Promotion of Non-Commercial Private Radio Stations

The limited possibility to promote non-commercial, private radio stations, which the Council of Europe addressed (margin note 257), has been reformed during the reporting period:

Since 2009 it has also been possible to promote non-commercial, private radio stations – also the so-called “national minority radio stations”. With the amendment of the KommAustria Act (KOG), a fund was set up with Telekom Regulierungs-GmbH (RTR-GmbH) in order to promote

non-commercial, private radio. The fund is managed by RTR-GmbH and receives € 1 million per year from parts of the fees pursuant to § 3 (1) of the Broadcasting Fees Act (RGG), which previously accrued to the federal budget. The promotional funding is used to promote non-commercial radio stations within the Austrian dual broadcasting system and is intended to support radio broadcasting providers in offering high-quality programmes of great diversity.

Non-commercial radio broadcasting providers whose programmes need to obtain admission or notification pursuant to the Private Television Act (PrTV-G) or the Private Radio Act (PrR-G), qualify for filing applications.

In December 2009, when promotional funding was dispersed for the first time from this budget, Radio Agora received an amount of € 25,000. Radio Agora is a partner of Agora Korotan AKO Lokalradio GmbH, the holder of the license for the supply area “settlement area of the Slovene national minority”. The second partner of the license holder, Radio Dva, also received financial support from the Private Broadcasting Fund. The programme in the Slovene language was always produced autonomously by the organisations (Agora and Dva).

Private radio license for the settlement area of the Slovene national minority in Carinthia

For 16 Austrian private radio stations the licenses, limited to ten years, expired on 20 June 2011. KommAustria, the media authority, therefore had to decide on re-issuing the private radio licences in spring 2011.

Senate I of KommAustria faced a special situation with regard to the “re-issuing” of a license for the supply area “settlement area of the Slovene national minority in Austria”. There, Agora Korotan AKO Lokalradio GmbH has been providing the mainly Slovene-language programme “Radio DVA-AGORA” since 21 March 2004, in cooperation with Slovene programme of ORF Carinthia. The Radio Dva shareholders decided to discontinue the cooperation with Radio Agora and to file separate applications for providing a radio programme, in cooperation with the ORF. Senate I of KommAustria was ultimately convinced by the approach taken by Radio Agora that offered more diversity in its concept. This decision was confirmed by the Federal Communications Senate (BKS) in its meeting on 31 May 2011 and has thus become final and enforceable. The BKS regarded the first-instance decisions as conclusive and logical in its reasoning and also arrived at the result that the programme from Radio Agora would provide more assurance for a greater diversity in opinions in the broadcasting area. The 16 decrees can be read on the website of KommAustria (<http://www.rtr.at>). The BKS decision was published at <http://www.bks.gv.at>.

Television

Austria has accepted the obligation under Article 11 (1) c) ii).

Article 11 (1) c) ii) of the European Charter for Regional or Minority Languages

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

The current television programmes for the Slovene national minority in Carinthia and Styria is summarised in the following tables and provide additional information, supplementing the presentation in the Second Periodical Report. The Slovene television stations 1 and 2 can also be received, in addition to the ORF programmes.

Table 35 Television programmes for the Slovene national minority in Carinthia and Styria

Programme	Station	Dates	Beginning at	End	Duration	Language
Dober dan, Koroška	Lokal-K	Sun	13:30	14:00	00:30	Slovene
Dobar dan, Štajerska	Lokal-St					
Dober dan, Koroška	TV Slovenija 1	Mon	15:10	15:40	00:30	Slovene
Dober dan, Koroška, repeated	TV Slovenija 2	Tues	09:50	10:20	00:30	Slovene

Source: Austrian Broadcasting Corporation, ORF General Directorate

The television programmes for the Slovene population in Carinthia and Styria can also be received throughout Austria via ORF-digital, the digital satellite Astra, and they are also available worldwide both in the ORF-TVthek and on volksgruppen.ORF.at, as video-on-demand. The programmes can be downloaded on demand during 24 hours for seven days after their transmission on television.

Moreover, the weekly Slovene programme “Dober dan, Koroška” is broadcast throughout Austria on the night programme.

Table 36 Television programmes that can be received throughout Austria

Broadcast	Station	Broadcast on	Starting at	End	Duration	Language
Dober dan, Koroška, repeated	ORF 2	Sun	night programme		00:30:00	Slovene
Dobar dan, Hrvati, repeated	ORF 2	Sun	night programme		00:30:00	Burgenland-Croatian

Source: Austrian Broadcasting Corporation, ORF General Directorate

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

Concerning the promotional funding for Slovene-language CDs and DVDs, which the Council of Europe addressed (margin note 263), the following information can be provided:

Financial funding is granted from the budget for the promotion of the national minorities for the production of audio and audiovisual works, in order to support the dissemination of texts, songs and musical contributions of the respective national minority. Current examples of grants awarded during 2010 are, for example, a CD on the occasion of the anniversary of an association of the Slovene national minority.

For a long time literature was the artistic medium to represent the national minorities, especially among the Slovene population in Carinthia. Film is the medium that is increasingly gaining in importance as an expression of emancipation and culture. In the first STIMME issue in the year 2010 (journal of the association “Initiative Minorities”) an impression is communicated in theoretical and critical texts about the films produced by and about minorities. Especially young Slovenes from Carinthia (Stefan Hafner, Andrina Mračnikar, etc.) use film as a means of expression in order to document “Being Slovene”.

Newspapers

Austria has accepted the obligation under Article 11 (1) e) i).

Article 11 (1) e) i) of the European Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe about the situation of newspapers in the Slovene language and about measures that contribute to the continued existence of one newspaper in the Slovene language (margin note 268), the following information can be provided:

Relaxed provisions are applied to the granting of press promotion funding to the newspapers of the national minorities (see § 2 (2) of the 2004 Press Promotion Act). Certain requirements do not apply to daily and weekly newspapers that are published in a language of the national minorities, such as a minimum circulation figures (sold copies), minimum number of full-time journalists, or lower sales price limits. Other newspapers must satisfy these criteria in order to be able to obtain press promotion funding. Periodical publications for the national minorities can also be promoted along these lines (1984 Promotion of Publications Act).

In 2010 “Nedelja”, the church newspaper in Slovene of the Gurk diocese, received funding to promote its distribution in the amount of € 21,577.10 (pursuant to Part II of the 2004 Press Promotion Fund).

In 2010 the weekly newspaper “Novice” (published by Slomedia GmbH, Carinthia) received funding to promote its distribution in the amount of € 31,220.60 (pursuant to Part II of the 2004 Press Promotion Act).

Table 37 Summary of the promotional funding awarded to newspapers of the Slovene national minority under the 2004 Press Promotion Act

Name of newspaper/magazine	Publisher/Media owner	Promotional funding in 2010 in €
Nedelja – Slovene church newspaper of the Gurk diocese	Bishop’s Pastoral Office, Carinthia	21,577.10
Novice	Slomedia GmbH, Carinthia	31,220.60

Source: Federal Chancellery, Constitutional Services, Department V/4, Media Matters, 2011.

In addition to receiving press promotion funding, Slovene newspapers and information bulletins also receive funding from the Federal Government’s budget for the promotion of the national minorities:

Table 38 Promotion of the national minorities in 2009: Newspapers of the Slovene national minority

Association	Newspaper	Promotion in 2009 in €
Gemeinschaft der Kärntner Slowenen und Sloweninnen	„Skupnost“	project with flexible funding
Kärntner Studentenverband	pupils’ newspaper “Cajt&he”	1.000,00
Schulzeitschrift Mladi rod	school newspaper Mladi rod	5.000,00
SODALITAS Katholisches Bildungshaus	programme bulletin “DIALOG”	project with flexible funding
Artikel VII Kulturverein für Steiermark – Pavelhaus	Signal	project with flexible funding
Slowenischer Kulturverein Jepa – Basko jezero	Association journal	1.500,00
Klub slowenischer Studentinnen und Studenten	Information brochure “Carinthia is also Koroška”	2.000,00
KIS – Bäuerliche Bildungsgemeinschaft	Newsletter “KIS-INFO”	project with flexible funding
Klub slowenischer Studentinnen und Studenten in Graz	“Informator”	700,00
Österreichische Volksgruppen in der SPÖ	“Zusammenleben – Sožitje”	2.000,00

Source: Federal Chancellery, Department for the National Minorities

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

In keeping with § 26 of the KommAustria Act a fund for the promotion of television films (hereinafter: FERNSEHFONDS AUSTRIA) has been set up. The funding provided by the Federal Government must be used for the promotion of television productions. Decisions on promotional funding are taken by the managing director of RTR-GmbH, who considers the objectives that are to be promoted, as well as the opinions expressed by the technical advisory board.

The financial support amounts to a maximum of 20% of reasonable production costs. The ceiling for individual promotional funding amounts to € 120,000.00 per episode in case of television series, to € 700,000 for television films, and to € 200,000 for television documentaries. The funding is awarded as a non-repayable grant. Independent production companies with the necessary qualifications are eligible to apply for this financial support.

The promotional funding is intended to contribute towards strengthening the quality of television productions and the performance capacity of Austria's film industry, towards strengthening Austria as a media location, and towards ensuring a cultural environment with diversity. In addition, the promotional funding is intended to contribute towards strengthening the audiovisual sector in Europe.

Radio and television from the neighbouring countries / Freedom of expression

Austria has accepted the obligation under Article 11 (2).

Article 11 (2) of the European Charter for Regional or Minority Languages

- (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.

Of course, the rights in connection with the freedom of expression, enshrined in constitutional law, which are mentioned in the Second Periodical Report, continue to apply.

Moreover, the digitisation fund promoting transmission techniques and digital applications on the basis of European standards in connection with radio broadcasting programmes was set up in 2004. The fund's purpose is to revive and strengthen all platforms for the transmission of radio broadcasting, as a special component of the communications infrastructure, taking account of the central role of radio broadcasting in a modern democratic society. The means available from the digitisation fund must be granted in a neutral manner, in terms of the technology employed, and must take account of all transmission routes and platforms for digital radio broadcasting. Ever since 2009 the fund has received € 500,000 per year.

As was outlined in connection with Article 11 (1) c) ii), the programme of the television stations in Slovenia can be received in the region without any problems.

III.2.5 Article 12 Cultural activities and facilities

Support for cultural and language-related activities

Austria has accepted the obligation under Article 12 (1) a), d) and f).

Article 12 (1) a), d) and f) of the European Charter for Regional or Minority Languages

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

The support to and promotion of cultural and language-related activities by the Slovene national minority which were described in the Second Periodical Report, has more or less remained on the same level. The cultural associations (Slovene and Christian Cultural Association), numerous associations of the national minority, as well as scientific institutes received financial support from the budget earmarked for the promotion of the national minorities – partly for the grass-root work of the organisations, partly for concrete projects that were specific of the national majority, or for both.

Concerning the specific question raised by the Council of Europe with regard to the amount of the financial support for the Slovenian Music School (margin notes 274 – 275), the following information can be provided:

For 2010 the Slovenian Music School received a total amount of € 100,000 from the budget of the Federal Government available for the promotion of the national minorities, as support for the Slovene-bilingual music courses. The money was used to pay the staff costs for the Slovene and/or bilingual music teachers.

The future funding for the Slovenian Music School was the subject of a discussion between State Secretary Dr. Josef Ostermayer and Governor Gerhard Dörfler with representatives of the Slovene national minority..

In a memorandum signed in Klagenfurt on 26 April 2011 the following was agreed in item 7 concerning the Slovenian Music School:

Item 7 of the Memorandum

Central importance attaches to the Slovenian Music School. It will be financed by the Federal Government, the Regional Government and private contributions. The Republic of Slovenia is invited to participate in the financing of the project. It is intended to solve the financing issue and the organisational structure of the Music School systemically. To this end, a working group will be set up with representatives of the Regional Government and representatives of the Slovenian Music School.

Moreover, together with the amendment to the National Minorities Act adopted in July 2011 Parliament also decided on a “Federal law for a federal grant and other promotional support on the occasion of the 90th anniversary of the referendum in Carinthia”, under the terms of which the Federal Government will pay a total of € 4 million during the years 2011 to 2015 for the promotion of the Slovene-speaking population, as support to projects that serve to foster the harmonious co-existence and constitute confidence-building measures, as support to projects promoting life in the municipalities, as well as for the economic and cultural development of the municipalities. It was established in this connection that the Slovenian Music School will obtain an additional sum of € 500,000 during the aforementioned period.

Cultural activities outside the autochthonous settlement area

Austria has accepted the obligation under Article 12 (2).

Article 12 (2) of the European Charter for Regional or Minority Languages

(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.

Cultural activities of the Slovene national minority outside the autochthonous settlement area were again funded during the present reporting period 2007 to 2011. In 2010, for example, the following associations outside the autochthonous settlement area received money from the Federal government:

- ▶ the Club of Slovene Students in Vienna, to organise Slovene or bilingual literature evenings,
- ▶ the Club of Slovene Students in Graz, to organise a Slovene or bilingual cultural programme.

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

The answer to the question raised by the Council of Europe concerning Austria's activities under its cultural policy with a view to the Slovene language and culture (margin note 282) is as follows:

As part of its cultural policy the Federal Ministry for European and International Affairs strives to adequately represent the languages of the national minorities domiciled in Austria as part of its cultural activities abroad. In the so-called Austrian Libraries – these are libraries set up and equipped with books and other media products from Austria – the authors of the minority languages are also represented.

III.2.6 Article 13 Economic and social life

Austria has accepted the obligation under Article 13 (1) d).

Article 13 (1) d) of the European Charter for Regional or Minority Languages

(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.

The question raised by the Council of Europe concerning promotion of the use of the Slovene language in economic and social life (margin note 286) can be answered as follows:

For quite some time the Federal Province of Carinthia has maintained a cooperation agreement with a consulting firm, i.e. AACC (Alps-Adriatic Centre for Transfrontier Cooperation). The AACC engages in lobbying in the field of tourism, agriculture, environmental protection and technology (more information available at www.aacc.or.at).

As was already mentioned in the Second Periodical Report, special importance attaches to the Slovenian Business Association in connection with the region's economic life (www.sgz.at). With the accession of Slovenia to the Schengen agreement, border controls have been removed, which further enhances the significance of this economic area at the frontiers between Carinthia, Slovenia and Italy. Active cooperation of small and medium-sized enterprises with their "neighbours" is becoming easier, thanks to the open borders, but is also becoming increasingly important, in view of globalisation, in order to be able to compete better on international markets. In this context, a clear reversal in thinking has been ushered in, which fosters the economic success of the region also on account of a readiness to develop a common economic area and habitat.

Of course, common communication is, of course, an important element of a common economic area, and great significance is therefore attached to promoting Slovene language skills in business life.

It is also for this reason that in the aforementioned "Federal law for a federal grant and other promotional support on the occasion of the 90th anniversary of the referendum in Carinthia", Federal Law Gazette I No. 48/2011, it was also decided to promote the economic and social development of the municipalities. In this connection it was laid down that € 50,000 from the "referendum donation" of the Federal Government are reserved for organisations that are committed to promoting economic matters and cross-border cooperation.

Moreover, in the course of the deliberations in the Federal Chancellery concerning the review of the National Minorities Act, the Slovenian Business Association was also included in the working group on “regional and economic policies”.

Specific projects of the Slovenian Business Association are discussed in detail below in the section on transfrontier exchanges. With regard to promoting language skills in the field of agriculture, it is the Farmers’ Educational Community in Southern Carinthia, in particular, which engages in efforts to improve the Slovene language skills of farmers. It offers, for example, language courses on specific technical terms, as well as technical excursions to Slovenia.

Last but not least, the vocational Slovene or bilingual schools in Carinthia also play an important role, as they also train pupils in the specific Slovene vocational vocabulary and open them the possibility to cultivate their Slovene language skills in the course of traineeships in Slovenian companies.

III.2.7 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

The comments on transfrontier contacts, contained in the Second Periodical Report, of ARGE ALPE ADRIA (Alps-Adriatic Working Community), as well as of the many different organisations of the national minorities and cultural associations continue to apply as before. It is not possible to list all transfrontier activities in detail in the framework of this 3rd Periodical Report. The report therefore focuses on transfrontier initiatives in connection with educational, economic and cultural exchanges and outlines those projects that were highlighted by associations and organisations.

III.2.7.1 Transfrontier exchanges concerning education and knowledge

The region Carinthia – Slovenia – Friuli is characterised by the meeting of three language families. This region therefore lends itself for developing a unique European transfrontier educational region. Many actors on different levels (politics, administration, educational institutions from nursery schools to schools and colleges and universities, as well as adult-education centres) work together in Carinthia in order to continuously expand this educational region and to turn it into an experience.

A few examples of the transfrontier exchanges concerning education and knowledge are described below:

“Drei Hände – Tri roke – Tre mani” project

Since 2006 the nursery school at Nötsch im Gailtal has been engaged in a trilingual nursery-school project where children are introduced by playing – in the true sense of the word – to the languages of the neighbouring countries, i.e. Slovene and Italian. The project is accompanied in scientific terms by the University of Klagenfurt. It is co-financed by the European Union – with funding from the European Agricultural Guidance and Guarantee Fund (EAGGF) – and the Federal Province of Carinthia. Especially with a view to the European spirit and the removal of frontiers in Europe, this model transfrontier project, which has a valuable pedagogical component, is very important. In the course of the ESIS 2007 campaign (European Language Label) this project was awarded the 2007 European label for innovative projects in language teaching and learning.

The project “Drei Hände – Tri roke – Tre mani” (Three Hands) lends itself to putting children and languages on centre stage. Language skills and intercultural experience are meant to prepare future generations for cross-border communication. In the course of the project, teachers at the nursery schools and primary schools of Nötsch im Gailtal/Austria, Kranjska Gora/Slovenia und Tarvisio/Italy are exchanged on a mutual basis.

Moreover, in the course of an Interreg IV project the Grammar School Villach St. Martin, the Gimnazija Jesenice, the Osnovna Šola Kranjska Gora and the Istituto Omnicomprensivo “Ingeborg Bachmann” di Tarvisio, together with further partners, are developing a trilingual, cross-border educational option for the secondary school level and up to the school-leaving examination, under the name of “dreitretri”.

One further priority of the overall project “Drei Hände – Tri roke – Tre mani” is a cycle of symposia with the long-term goal of building up a platform for discussions, further developments and networking possibilities on the subject of (early) language learning by children.

In 2010 the second symposium took place at Nötsch on the subject of “Multilingualism in Nursery Schools and Schools”, which was attended by 150 teachers, parents, scientists, as well as representatives of the nursery-school and school authorities in Austria, Italy and Slovenia, who discussed the opportunities for a multilingual education.

Municipal nursery school at Ludmannsdorf

At the municipal nursery school at Ludmannsdorf the co-existence of children from both national minorities is also fostered by the active use of the German and the Slovene languages. In addition to the day-to-day language-teaching activities with the children, the nursery-school team also strives to exchange teachers with Slovenia. With the nursery-school children they also visit the Slovenian nursery school “France Preseren”. In addition, every year future teachers from the “Vocational School for Nursery-School Pedagogy” from Slovenia perform a play in the Slovene language at the Ludmannsdorf nursery school.

Transfrontier school partnerships and cooperation

The Federal Grammar School/Federal Modern-Language Grammar School (BG/BRG) for Slovenes, the Bilingual Commercial College in Klagenfurt, as well as the Private Higher Teaching Institute for Commercial Occupations in St. Peter have a long tradition for engaging in school partnerships.

During the reporting period, i.e. 2007 to 2011, the number of schools on the level of the compulsory schools offering bilingual education, which have entered into a school partnership, has also increased steadily. While the general and vocational upper-level secondary schools maintain contacts with the many different countries of Europe, cooperation at the compulsory school level is focused on the neighbouring countries of Slovenia and Italy.

It was already mentioned that the number of persons in Carinthia, who use Slovene as their everyday language, is decreasing. Even in bilingual families, the German language seems to dominate as the language of everyday use. In the course of their bilingual classes the teachers therefore try to create situations in which the pupils can hear and speak the Slovene language. For many schools this is the main intention of a living school partnership with a Slovene educational institution.

Partnerships motivate pupils to learn and use the Slovene language. The joint projects and mutual visits lead to an expansion of the language skills of all involved persons. They also promote intercultural skills and the understanding for other lifestyles and create interest in other cultures.

Transfrontier exchanges comprise joint meetings, as well as joint cultural projects, literature workshops, language weeks, e-mail friendships and joint exhibitions.

The BG/BRG for Slovenes in Klagenfurt also engages in a transfrontier intercultural dialogue. School partnerships with Slovenia are an efficient promotional measure, especially for expanding and deepening the Slovene language skills of pupils. This may also create positive incentives for increasing one's language skills and language use in areas where the language is used outside the school in everyday and specific youth situations.

The four-language Kugy classes, which were also described in the Second Periodical Report, also maintain school partnerships with Slovenia and Italy.

At the Private Higher Teaching Institute for Commercial Occupations in St. Peter pupils who have completed their third grade can spend the required traineeship periods also in other areas of the EU. In Slovenia, for example, there is a successful cooperation with four business enterprises where traineeship periods can be spent.

Transfrontier research projects

Various educational and research institutions in Carinthia (Alps-Adriatic University in Klagenfurt, Teacher-Training College Carinthia, etc.) cooperate intensively with institutions in Slovenia. A few examples are being mentioned in the present periodical report. However, it

should be emphasised at this juncture that special significance attaches to the transfrontier transfer of knowledge.

The Slovene Ethnological Institute Urban Jarnik, for example, is dedicated to ethnological, historical and linguistic research projects and regularly engages in such projects in cooperation with ethnological institutions in Slovenia, Italy, Croatia and Hungary. In EU projects on subjects such as “Cultural heritage in transfrontier areas” or “Jewels of our cultural landscape” the Urban Jarnik Institute is the Austrian project partner.

III.2.7.2 Transfrontier economic exchanges

Projects of the Slovenian Business Association

During the reporting period 2007 to 2011 the Slovenian Business Association in Carinthia conducted transfrontier projects which primarily led to more economic cooperation between Carinthia and Slovenia. In connection with Slovenia’s accession to the EU and the removal of the Schengen borders, the projects “Cross Border Services” and “Schengen Opportunity” were carried out by the Slovenian Business Association, which were co-financed by the European Union and the Federal Province of Carinthia. They specifically dealt with the subject of transfrontier services and cross-border cooperation after the removal of the border controls. In the course of the projects answers should be given to open questions, anxieties should be eliminated, opportunities should be identified and concrete ideas for closer transfrontier cooperation should be developed.

The transfrontier project “Alps-Adriatic Timber” is a cooperation of the timber enterprises in Carinthia and Slovenia. At the Klagenfurt Timber Fair 2010 a cross-border agreement was signed by joiners and carpenters which promotes transfrontier cooperation among joiners and carpenters. One of its goals is to exchange technical skills and innovation between Slovenia and Carinthia.

Projects by the Farmers’ Educational Community in Southern Carinthia

When it comes to transfrontier cooperation in agriculture, the Farmers’ Educational Community in Southern Carinthia strives to improve the Slovene language skills of farmers, in order to make it easier for them to engage in transfrontier communication and cooperation. Here, it is mainly language courses with specific technical vocabulary and technical excursions to Slovenia that play a central role.

In order to preserve the nature of the Karawanken/Karavanke mountain range, the Farmers’ Educational Community in Southern Carinthia has launched the project “Life in the Karawanken/Karavanke Mountains in 2020”, together with partners from Slovenia. The goal of this transfrontier platform is to better connect the people living on either side of this border and to jointly preserve this natural jewel.

III.2.7.3 Transfrontier cultural exchanges

By tradition, arts and culture play a major role in transfrontier encounters. It would exceed the scope of this report to list all transfrontier initiatives; therefore only some cornerstones of the transfrontier cultural exchanges are mentioned: joint cultural initiatives with different cultural institutes in Slovenia and Italy, guest performances of choirs as well as of theatre and puppet groups in Slovenia and Austria, the Culture Days of Carinthian Slovenes in Italy, Maribor and Ljubljana.

III.3 Hungarian in the Hungarian Language Region of the Federal Province of Burgenland

III.3.1 Article 8 Education

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) ii).

Article 8 (1) a) ii) of the European Charter for Regional or Minority Languages

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;

The law on child care in Burgenland (2009 Burgenland Child Care and Education Act), Regional Law Gazette No. 7/2009 in the version published in Regional Law Gazette No. 67/2009, lists in its § 7 the municipalities and sections of administrative districts where nursery schools are to be run on a bilingual basis. In addition, the language of the Hungarian national minority may also be used alongside the German language in child-care facilities operated by municipalities in Burgenland if this is requested by a minimum of 25% of the parents when enrolling their children. The Ordinance of the Burgenland Regional Government on the type and scope of the use of the languages of the national minorities and the recruitment of assistant nursery-school teachers in mixed-language child-care facilities, Regional Law Gazette No. 13/2007, stipulates that the region must make available to the municipalities – against a refund of their costs – a bilingual assistant nursery-school teacher whenever the nursery-school teacher employed by the municipality does not have the required language skills. The law on the service and remuneration rights of nursery-school teachers and instructors at day-care centres who are employed by the Federal Province of Burgenland, a municipality or a group of municipalities, Regional Law Gazette No. 30/1993 in the version published in Regional Law Gazette No. 8/2009, stipulates that an extra remuneration is due to nursery-school teachers who take care of a bilingual nursery-school group. The law on the special employment requirements for nursery-school teachers and instructors, Regional Law Gazette No. 1/1998 in the version published in Regional Law Gazette No. 6/2008, defines the evidence required for the language qualifications of bilingual nursery-school teachers.

The Burgenland Child Care and Education Act requires that the language of the national minority is spoken with the children during a minimum of 12 hours per week. At present, the Federal Province of Burgenland employs five additional assistant nursery-school teachers for the language of the Hungarian national minority. Burgenland helps operators of nursery schools by covering the costs of the assistant nursery-school teachers for a period of two years. After these two years the operator must refund the ongoing expenses to the Burgenland regional government if the assistant nursery-school teacher is not transferred and becomes an employee of the respective municipality.

It is noteworthy that an increasing number of child-care facilities also offer Hungarian in their nursery schools, in addition to German. Since Hungary's accession to the EU, one can observe a growing interest in the language of the Hungarian national minority.

At present, 20 public child-care facilities in Burgenland offer the language of the Hungarian national minority.

Hungarian is offered in the following crèches:

- Oberschützen
- Oberwart-Heidegasse

Hungarian is offered in the following nursery schools:

- Unterwart
- Oberwart- Badgasse
- Oberwart-Dornburggasse
- Rotenturm
- Maria Bild
- Jennersdorf
- Wolfau
- Markt Allhau
- Hagensdorf
- Kleinmutschen
- Buchschachen
- Kohfidisch
- Loipersdorf/Kitzladen
- Wallern
- Wörterberg
- St. Andrä a.Z.
- Schattendorf
- Schachendorf

In addition, Hungarian is also offered in three private nursery schools:

- Private Nursery School Rechnitz
- Private Nursery School Deutschkreutz
- Private Nursery School Oberpullendorf

Continuous training programmes for mixed-language nursery-school teachers (Croatian and Hungarian) are held on a regular basis in Burgenland.

Primary-school education

Austria has accepted the obligation under Article 8 (1) b) ii).

Art. 8 Abs. (1) b) ii) of the European Charter for Regional or Minority Languages

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

The following table indicates the number of pupils attending a Hungarian-bilingual primary school in Burgenland during the 2010/2011 school year. One can see that, compared to the number of pupils who attended Hungarian-bilingual classes in one of these two Hungarian-bilingual primary schools in the 2007/2008 school year, there is a clear upward trend (see Austria's Second Periodical Report, 2007). During the 2007/2008 school year only 6 pupils attended the bilingual classes at the Siget/Wart primary school; for the 2010/2011 school year the number is already 35.

Table 39 Bilingual primary schools with Hungarian

School	Number of pupils	Type of instruction
Siget / Wart	26	bilingual classes
Unterwart	35	bilingual classes
Total	61	

Source: Federal Ministry of Education, Arts and Culture, 2011

The following table indicates the number of pupils in Burgenland who either attend bilingual primary-school classes or take Hungarian as a compulsory subject during the 2010/2011 school year.

Table 40 Bilingual primary-school classes and/or classes with Hungarian as a compulsory subject (= PFG)

School	Number of pupils	Type of instruction
Frauenkirchen	16	compulsory subject
Horitschon	35	bilingual (17) / compulsory subject (18)
Lutzmannsburg	11	bilingual classes
Markt Neuhodis	10	bilingual classes
Mörbisch	11	bilingual classes
Neusiedl/See–Am Tabor	99	compulsory subject
Nickelsdorf	25	compulsory subject
Oberpullendorf	49	bilingual classes (30) / compulsory subject (19)
Oberwart	66	bilingual classes
Steinberg-Dörfl	24	bilingual classes
Total	346	

Source: Federal Ministry of Education, Arts and Culture, 2011

The following table indicates the number of pupils in Burgenland who take Hungarian as an optional subject or as an optional exercise during the 2010/2011 school year.

Table 41 Primary schools offering Hungarian as an optional subject (= FG) or as an optional exercise (= UÜ)

School	Number of pupils	Type of instruction
Andau	48	optional subject (14) optional exercise (34)
Bad Tatzmannsdorf	7	optional exercise
Buchschachen	21	optional exercise
Deutsch Kaltenbrunn	15	optional exercise
Deutschkreutz	6	optional exercise
Deutsch Schützen	17	optional exercise
Draßmarkt	25	optional exercise
Dürnbach	10	optional exercise
Eberau	29	optional subject (11) optional exercise (18)
Eisenstadt	8	optional exercise
Forchtenstein	10	optional exercise
Frauenkirchen	9	optional exercise
Goberling	9	optional exercise
Gols	28	optional exercise
Güssing	12	optional exercise
Halbturn	18	optional exercise
Hannersdorf	13	optional exercise
Illmitz	8	optional exercise
Jennersdorf	51	optional exercise
Horitschon	5	optional exercise
Jois	24	optional exercise
Kalkgruben	13	optional exercise
Kemetten	13	optional exercise
Kleinhöflein	6	optional exercise
Klingenbach	25	optional exercise
Kobersdorf	14	optional exercise
Kohfidisch	14	optional exercise
Krobotek	12	optional exercise
Kroatisch Minihof	9	optional exercise
Lackenbach	7	optional exercise
Lackendorf	11	optional exercise
Lockenhaus	24	optional exercise
Loipersbach	6	optional exercise
Loipersdorf/Kitzladen	68	optional exercise

School	Number of pupils	Type of instruction
Lutzmannsburg	8	optional exercise
Maria Bild	11	optional exercise
Mariasdorf	13	optional exercise
Markt Allhau	30	optional exercise
Markt Neuhodis	13	optional exercise
Marz	5	optional exercise
Mattersburg	7	optional exercise
Mischendorf	15	optional exercise
Mogersdorf	23	optional exercise
Moschendorf	20	optional exercise
Mönchhof	11	optional exercise
Mörbisch	24	optional exercise
Neudörfel	5	optional exercise
Neusiedl/See-Am Tabor	28	optional exercise
Neusiedl/See r.k.	9	optional exercise
Neutal	17	optional exercise
Nikitsch	7	optional exercise
Oberloisdorf	10	optional exercise
Oberschützen	9	optional exercise
Oberwart	23	optional exercise
Pamhagen	18	optional exercise
Podersdorf	21	optional exercise
Rattersdorf	7	optional exercise
Rechnitz	49	optional exercise
Riedlingsdorf	6	optional exercise
Rotenturm	16	optional exercise
Rudersdorf	10	optional exercise
Rust	25	optional exercise
Schattendorf	13	optional exercise
Sigleß	6	optional exercise
Stadtschlaining	16	optional exercise
St. Andrä	7	optional exercise
St. Georgen	13	optional exercise
St. Margarethen	22	mandatory exercise
St. Martin/Raab	12	optional exercise
Strem	11	optional exercise
Steinberg-Dörfel	13	optional exercise

School	Number of pupils	Type of instruction
Tadten	21	optional exercise
Unterpetersdorf	15	optional exercise
Unterrabnitz	22	optional exercise
Wallern	21	optional exercise
Weppersdorf	29	optional exercise
Wiesen	7	optional exercise
Wimpassing/L.	8	optional exercise
Winden	12	optional exercise
Wolfau	21	optional exercise
Wörterberg	13	optional exercise
Total	1,328	

Source: Federal Ministry of Education, Arts and Culture, 2011

Concerning the question raised by the Council of Europe what concrete steps were taken during the reporting period 2007 to 2011 in order to broaden the teaching of Hungarian in primary schools in Burgenland (margin note 299), the Regional School Inspector for the Minorities School provides the following information:

The Burgenland Regional School Board provides information about the possibility to offer classes in the languages of the national minorities at least once per school year at meetings of principals of primary schools, lower-level secondary schools and poly-technical schools. The information relates to the respective minimum numbers of pupils to start a class in the different options, to the time lines for the enrolment modalities, as well as to organisational and time requirements.

It can be stated that, in general, the interest in the Hungarian language in Burgenland has taken a gratifying development, not merely in quantitative terms, on account of the intensive economic relations between Austria and Hungary and the State's efforts in the field of education. This positive development is also documented by the present school statistics that are available. With the rise in attention paid to the Hungarian language, the quality of the courses offered by schools has also improved, as Hungarian is increasingly being offered and accepted in the form of bilingual classes or as a compulsory subject. The ongoing improvement in teaching materials also contributes to the favourable development of the teaching quality.

Secondary-school education

Austria has accepted the obligation under Article 8 (1) c) iii).

Article 8 (1) c) iii) of the European Charter for Regional or Minority Languages

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

The following tables give an overview of how Hungarian is taught at schools in Burgenland at secondary levels I and II, as well as about the number of pupils that make use of the option to learn Hungarian in one of the offered formats.

Table 42 Lower-level secondary school classes and/or units with Hungarian as a optional compulsory subject

School	Number of pupils	Type of instruction
Andau, NMS	20	optional compulsory subject
Eberau Josefinum	30	compulsory subject
Markt Allhau, NMS	53	optional compulsory subject
Oberpullendorf, NMS	53	optional compulsory subject
Oberwart, EMS/NMS	51	optional compulsory subject
Rechnitz	60	optional compulsory subject
Zurndorf, NMS	33	optional compulsory subject
Total	300	

NMS = new middle school; EMS = European middle school

Source: Federal Ministry of Education, Arts and Culture, 2011

Table 43 Lower-level secondary schools (HS) and new middle schools (NMS) offering Hungarian as an optional subject (FG), a compulsory exercise (VÜ) or an optional exercise (UÜ)

School	Number of pupils	Type of instruction
Andau, NMS	69	FG
Bernstein, NMS	15	UÜ
Eberau Josefinum	38	UÜ
Eisenstadt Theresianum	10	FG
Frauenkirchen, NMS	29	UÜ
Großpetersdorf, MusikHS	7	UÜ
Güssing	11	UÜ
Horitschon, NMS	11	FG
Jennersdorf	11	UÜ
Kobersdorf	181	VÜ
Kohfidisch	5	UÜ
Mattersburg, NMS	5	UÜ
Neusiedl/See r.k.	8	UÜ
Oberpullendorf, NMS	12	UÜ
Pamhagen, NMS	26	UÜ
Rudersdorf	13	UÜ
Rust	7	UÜ
Steinberg r.k., NMS	20	UÜ
Stoob, NMS	16	UÜ
Zurndorf, NMS	16	UÜ
Total	510	

Source: Federal Ministry of Education, Arts and Culture, 2011

Table 44 Hungarian classes at upper-level general secondary schools (AHS schools), Burgenland, 2010/2011 school year

Type of instruction	School	Number of pupils
optional subject	G Diözese Eisenstadt	-
	ORG Theresianum Eisenstadt	-
	BG Mattersburg	11
	BAKI Oberwart	9
	Total	20
optional exercise	BG Oberschützen	17
	Total	17
compulsory subject	BG Oberpullendorf	-
	BG Eisenstadt	-
	Total	-
optional compulsory subject	BG Oberpullendorf	5
	ORG Theresianum Eisenstadt	-
	Total	5
pilot project	BG Eisenstadt	-
	BG Oberpullendorf	23
	Total	23
bilingual school	BG Oberwart	144
	Total	144
Total		209

G = grammar school; ORG = upper-level modern-language secondary school (senior forms); BG= federal grammar school, BAKI = Federal Institute for Nursery-School Pedagogy;

Source: Federal Ministry of Education, Arts and Culture, 2011

Table 45 Hungarian classes at upper-level vocational schools (BHS), Burgenland, 2010/2011 school year

Type of instruction	School	Number of pupils
optional subject	HLW Theresianum	-
	BHAK Eisenstadt	-
	BHAK Mattersburg	-
	BHAK Oberpullendorf	7
	Total	7
compulsory subject	BHAK Frauenkirchen	87
	Total	87
optional compulsory subject	BHAK Stegersbach	-
	BHAK Oberwart	81
	BHAK Mattersburg	34
	HBLW Oberwart	27
	HLW Pinkafeld	8
	Total	1505
Total		244

HLW = higher teaching institute for commercial occupations; BHAK = federal commercial college; HBLW = higher federal teaching institute for commercial occupations

Source: Federal Ministry of Education, Arts and Culture, 2011

Concerning the question raised by the Council of Europe as to how the obligation is implemented in practice, i.e. that lower-level secondary schools in Burgenland must guarantee that Hungarian classes are run, even though only one pupil is enrolled (margin note 301), the Burgenland Regional School Inspector has communicated the following information:

This statutory provision guarantees that every child has the possibility to enforce his/her legal title to receive an education in the language of his/her national minority. According to information provided by the responsible inspector for the minority schools this situation does not arise, as at least five pupils are enrolled at every location where Hungarian is taught as an optional compulsory subject.

The following reply is given by the Burgenland Regional School Board to the question raised by the Council of Europe as to why, after 16 years, the bilingual grammar school in Burgenland still has the status of a pilot project (margin note 302):

According to the § 12 of the Burgenland Minorities School Act the “bilingual federal modern-language grammar school at Oberwart” was set up as an upper-level general secondary school, especially for Austrian citizens of the Croatian and Hungarian national minorities. The

school has a legal basis and is run as a modern-language grammar school on the basis of the Burgenland Minorities School Act. The “bilingual federal modern-language grammar school at Oberwart” is run as a bilingual pilot project in order to be able to better meet the needs of the national minorities than this would be possible within the legal framework for the standard school system.

The Burgenland Regional School Board has communicated the following information concerning the further question raised by the Council or Europe about the continuation of Hungarian classes at the transition from primary to lower-level secondary school and/or (new) middle school (margin note 303):

The European middle school at Oberwart is the only lower-level secondary school in a school district with bilingual primary schools (Unterwart and Siget in der Wart) with German-Hungarian as languages of instruction. At this school Hungarian is offered as an optional compulsory subject and actually taught for every grade. Whenever 9 pupils enrol for this course, separate classes are set up; otherwise these pupils constitute the Hungarian groups within the German-language classes.

This option is offered and implemented in the same manner at the new middle school at Oberpullendorf.

Planned new provisions – standardised school-leaving examination:

According to the new provisions it has been ensured that the standardised, competence-oriented school-leaving examination (starting in 2013/2014) can be taken in the subjects Croatian and/or Hungarian at the bilingual federal grammar school at Oberwart, in addition to German.

After an in-depth discussion at the Federal Institute for Research into Education, Innovation and Development of the Austrian School System (BIFIE WIEN) in April 2010, it was agreed that three teachers each for Croatian and Hungarian will be commissioned by the BIFIE to prepare the central tasks. For this task, every person is allocated three credit units for the 2010/2011 school year. The level is geared to the mother-tongue skills of the pupils.

It is also possible at the other locations – Hungarian as a living foreign language – to take the written school-leaving examination. However, no central task will be developed. Reason: The number of pupils is too small for conducting a pilot test with the examples. The school-leaving examination will therefore be taken in the same way as before (a topic given by the examiner, approval by the first-instance school authority – regional school board).

Technical and vocational education

Austria has accepted the obligation under Article 8 (1) d) iv).

Article 8 (1) d) iv) of the European Charter for Regional or Minority Languages

- 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;**

Concerning the question raised by the Council of Europe concerning the options available to learn Hungarian at technical and vocational schools (margin note 306), the Office of the Burgenland Regional Government has informed us as follows:

Time and again the possibility to offer such courses is mentioned in the contacts between the Burgenland Regional School Board and school principals. When the required number of pupils has enrolled, a Hungarian class is also run. Often there is not enough interest, as type-forming and focus-forming subjects are given preference.

Moreover, the Federal Ministry of Education, Arts and Culture communicated that the number of schools in question has now risen to seven.

University education

Austria has accepted the obligation under Article 8 (1) e) iii).

Article 8 (1) e) iii) of the European Charter for Regional or Minority Languages

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

The Federal Ministry of Science and Research has provided the following information on the options available at Austrian universities to study Hungarian:

The standard “Hungarian studies”, offered by the University of Vienna during the reporting period 2007 to 2011, are shown in the following table.

Table 46 Standard "Hungarian studies" at the University of Vienna, winter semesters 2007–2010

Type of study	Winter semester 2007			Winter semester 2008			Winter semester 2009			Winter semester 2010		
	EF	ZF	total	EF	ZF.	total	EF	ZF	total	EF	ZF.	total
Bachelor study course in Hungarian studies	151		151	145		145	140		140	143		143
Teaching Hungarian (UF)	16	16	32	9	23	32	8	23	31	10	27	37
Master study course in Hungarian studies	10		10	12		12	11		11	6		6
Diploma study course in Finno-Ugristic¹	14	10	24		2	2						
Total	317	26	343	301	25	326	288	23	311	288	27	315

¹ May also comprise Finnish studies; a further break-down is not possible.

EF = first subject, ZF = second subject

Source: University of Vienna

“Teaching Hungarian (UF)” refers to the subject of teaching Hungarian when studying to become a teacher. Since 2008, when the combination of two teaching subjects became compulsory, this has been taken primarily as a second subject by students who will become a teacher. The former diploma study course in Finno-Ugristic also expired at the end of the 2008/2009 study year; it also required a combination with another subject.

Hungarian can also be studied at the universities in Vienna and Graz when training to become an interpreter and/or translator (studying translation studies).

Teacher-Training College Burgenland:

Both active teachers and students who wish to become teachers at national minority schools have the option to enrol in a study course (34 ECTS / 6 modules) at the Teacher-Training College Burgenland which qualifies them for bilingual teaching (German-Hungarian or German-Croatian) at primary schools and/or lower-level secondary schools, as well as for teaching Hungarian/Croatian at primary schools and/or lower-level secondary schools.

The basic requirement for attending the aforementioned study course in Hungarian is to have language skills at the B2 level of the European Framework of Reference for Languages. Up to the end of the fourth semester the language skills should have reached level C1. 25 students attended this study course during the 2007/2008 study year, and 24 students during the 2008/2009 study year. Most of the students in this study course are teachers of Hungarian nationality who have a teacher’s certificate that is recognised in Austria. As far as further and continuous training in Hungarian is concerned, a total of three specific seminars are being

offered during the summer semester 2010 (including one on the special didactics for teaching Hungarian and one on teaching religion in German-Hungarian).

Plans for a university study course on “Language Teaching & Multilingualism”

The teacher-training colleges in Burgenland, Lower Austria and Carinthia have jointly developed the university study course on “language teaching and multilingualism”, which ends with a master’s degree. The study course was offered in the summer semester 2010. The particularly gratifying fact about it is that three teacher-training colleges have jointly developed this study option, and that the languages of the Austrian national minorities and of the neighbouring countries have been taken into account. It was initially planned to run the study course for the target languages English, Croatian, Slovene and Hungarian, and it is geared to persons with a university degree and teachers with a teaching diploma, as well as adult-education trainers and staff members of cultural associations and media editors of the national minorities as potential attendants.

The master study course would be an important step in order to promote the qualifications of teachers for bilingual teaching in Austria. The modules of the study course are broad and implement important language-policy targets such as communicating the theoretical basis for bilingual teaching, as well as for teaching a second or several languages, or including the European Language Portfolio and fostering bilingual education.

The study course has set itself the following objectives:

- ▶ to qualify participants for communicating the chosen language to different target groups;
- ▶ to promote the recognition of and appreciation for the languages used in multilingual regions as languages with importance for the future, and of social and economic significance.

Unfortunately, it was not possible to launch the study course during the expired study year, as the figure of 20 interested persons, which was the minimum enrolment figure, was not reached; 12 persons enrolled (9 from Burgenland, 3 from Lower Austria).

According to information provided by the Federal Ministry of Education, Arts and Culture, the study course will continue to be offered in the future.

Research projects and language workshops:

In the framework of research projects, issues relating to the learning of languages within the scope of the school system in Burgenland are examined and/or evaluated. At present, two projects are under way in this direction; however, no final results are available, as yet.

In cooperation with the Burgenland Regional School Board the Centre of Competence for Applied Research and Development at the Teacher-Training College Burgenland has set up three regional centres for the specific didactics in languages, focusing on “Multilingualism and Intercultural Education”, paying particular attention to the languages of the national minorities in Burgenland. They are located in Eisenstadt, Langeck and Großpetersdorf.

These so-called language workshops are used as

- ▶ seminar locations for further and continuous training events,
- ▶ space to work on projects,
- ▶ special libraries and a mediatheque with publications of the Burgenland national minorities (especially didactic materials and text-books which may be used, borrowed and bought there),
- ▶ a place for presenting new publications, and
- ▶ a place for meetings and cooperation events of the Burgenland national minorities.

Teaching materials, which meet modern requirements, are prepared and developed in working group meeting at the language workshops. Special attention is paid, in particular, to producing digital learning games and CD ROMs, as they make language learning attractive for children.

Another focus is to continue to expand the content available on the Burgenland education server. There, too, work sheets and teaching materials for bilingual teaching are made available that comply with today's teaching standard.

Adult education

Austria has accepted the obligation under Article 8 (1) f) iii).

Article 8 (1) f) iii) of the European Charter for Regional or Minority Languages

- 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;

As already outlined in the Second Periodical Report, the Adult Education Centre for Hungarians in Burgenland is also active in the field of adult education. Projects of the Adult Education Centre for Hungarians in Burgenland received financial support from the federal budget available for the promotion of the national minorities.

Moreover, the Federal Chancellery also regularly provides financial support to language courses in the Hungarian language offered by other associations of the national minorities as part of their activities.

Teaching history and culture

Austria has accepted the obligation under Article 8 (1) g).

Article 8 (1) g) of the European Charter for Regional or Minority Languages

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

The Council of Europe regards this obligation as having been partly fulfilled and would ask for detailed information in the third periodical report on existing teaching materials for teaching the culture and history of the Hungarian national minority (margin note 209).

The culture and history of the national minorities in Burgenland is communicated at schools using approved text-books. In addition, there is a voluminous folder for teaching social studies at the primary-school level which contains detailed materials on the various national minority groups in Burgenland. One text-book each is available for secondary levels I and II, which specifically deals with the history of Burgenland and also covers issues of the national minorities.

Teacher training

Austria has accepted the obligation under Article 8 (1) h).

Article 8 (1) h) of the European Charter for Regional or Minority Languages

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

The Council of Europe comments on the situation of teachers of Hungarian and has asked for more information about the current situation in relation to training teachers for teaching Hungarian (margin note 312).

Study course “Bilingual teaching at primary and/or lower-level secondary schools with German and Hungarian as languages of instruction” as well as “Teaching Hungarian at primary schools and/or lower-level secondary schools” :

The general objective of this study course is to qualify its graduates to conduct a modern bilingual class at bilingual primary and/or lower-level secondary schools or classes with German and Hungarian as languages of instruction, as well as attractive language courses for the Hungarian language, in keeping with the Burgenland Minorities School Act (Federal Law Gazette No. 641/1994).

This study course is open to the following groups of persons:

- teachers (graduates of the training course for teaching at primary schools and/or lower-level secondary schools who actively teach) and
- students (who wish to teach at schools for the national minority groups and who attend the study course parallel to, for example, training to become a primary-school teacher).

“Language skills in Hungarian” on level B2 of the European Framework of Reference for Languages are the prerequisite for attending this study course; by the end of the fourth semester the language competences should reach level C1.

A total of 23 persons is attending the study course during the current 2010/2011 school year.

School supervision

Austria has accepted the obligation under Article 8 (1) i).

Article 8 (1) i) of the European Charter for Regional or Minority Languages

- 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 Periodical Reports of their findings, which will be made public.

The Council of Europe would like to know whether the Burgenland school supervisory body draws up regular evaluation reports on the teaching of Hungarian and how these reports are made accessible to the general public (margin note 314).

It is not possible to produce evaluation reports on a regular basis, as the staff and financial resources are not available. At present, the focus of the work is on the activities in the language workshops, where materials are produced for teaching Hungarian.

Education outside the autochthonous settlement area

Austria has accepted the obligation under Article 8 (2).

Article 8 (2) of the European Charter for Regional or Minority Languages

- (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.

The Burgenland Regional School Board communicates information about the possibility to teach the languages of the national minorities at least once per school year on the occasion of meetings of principals of primary school, lower-level secondary schools and poly-technical schools. This information relates to the number of pupils that is required to actually offer the various options, the time frame for the enrolment modalities, as well as the organisational and time-related conditions.

It is mentioned specifically on these occasions that these options are not limited to the autochthonous settlement area but apply to the entire region of the federal province.

As can be seen from the tables on Hungarian classes at schools in Burgenland (see earlier), many of the listed schools – with the exception of the schools at Oberwart, Unterwart, Siget and Oberpullendorf – are located outside the traditional Hungarian settlement and language area.

III.3.2 Article 9 Judicial authorities

As described above in Chapter I, the amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, which was adopted in July 2011, comprises the obligation under constitutional law for those responsible for the authorities and service units listed in annex 2 to the amendment to ensure that the Croatian, Slovene or Hungarian language can be used as an official language in addition to the German language. At the same time, the Ordinance of the Federal Government determining the courts, administrative authorities and other service units where the Hungarian language is admitted as an official language in addition to the German language (Official Languages Ordinance – Hungarian), Federal Law Gazette II No. 229/2000 in the version of Federal Law Gazette II No. 35/2000, was suspended. The restriction on nationality or EEA citizenship therefore no longer applies.

Furthermore, reference is made to the Second Periodical Report.

Judicial authorities – Criminal-law proceedings

Austria has accepted the obligation under Article 9 (1) a) ii) and iii).

Article 9 (1) a) ii) and iii) of the European Charter for Regional or Minority Languages

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

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

Please refer to the Second Periodical Report.

Judicial Authorities – Civil-law proceedings

Austria has accepted the obligation under Article 9 (1) b) ii) and iii).

Article 9 (1) b) ii) and iii) of the European Charter for Regional or Minority Languages

b) in civil proceedings:

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

Please refer to the Second Periodical Report.

Concerning the question raised by the Council of Europe about the measures taken in order make it easier in practice to use Hungarian in court (margin note 317):

No legal modifications were made during the reporting period. The forms that parties are required to use are also continuously published in Hungarian.

Proceedings before administrative courts

Austria has accepted the obligation under Article 9 (1) c) ii) and iii).

Article 9 (1) c) ii) and iii) of the European Charter for Regional or Minority Languages

c) in proceedings before courts concerning administrative matters:

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

The new provisions of the National Minorities Act, Federal Law Gazette I No. 46/2011, transforms the content of the relevant provisions in ordinances into statutory provisions without any modifications. For further information please refer to the Second Periodical Report.

The Council of Europe asks for information about the implementation of this item (margin note 319)

Since the Independent Administrative Senate for Burgenland was set up in 1991 no litigant has actually asked for the use of Hungarian as an official language, although parties would not incur any additional costs; rather, any interpreting costs would have to be borne by the court. Of course, it has been ensured that Hungarian can be used as an official language, namely by

recruiting interpreters/translators, whenever the judge in charge does not have Hungarian language skills.

No costs for translations

Austria has accepted the obligation under Article 9 (1) d).

Article 9 (1) d) of the European Charter for Regional or Minority Languages

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.

Please refer to the Second Periodical Report.

Validity of documents

Austria has accepted the obligation under Article 9 (2) a).

Article 9 (2) a) of the European Charter for Regional or Minority Languages

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;

Please refer to the Second Periodical Report.

III.3.3 Article 10 Administrative authorities and public services

Administrative authorities

Austria has accepted the obligation under Article 10 (1) a) iii) and c).

Article 10 (1) a) iii) and c) of the European Charter for Regional or Minority Languages

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.

The new provisions of the National Minorities Act, Federal Law Gazette I No. 46/2011, transform the content of the relevant arrangements in ordinances into statutory provisions, with the exception of § 5 of the Official Languages Ordinance – Hungarian, which states that the Hungarian language is admitted as official language in matters before authorities relating to the postal and telecommunications system, as well as in railway matters. This is due to the privatisations concerning the telecommunications and railway systems, as well as to the fact that, up to the present time, this provision has hardly ever been applied in practice.

The Federal Ministry for Labour, Social Affairs and Consumer Protection reported that the website of the work inspectorate (www.arbeitsinspektorat.gv.at) comprises several publications providing information on the protection of workers which are also available, amongst others, in the Hungarian language (see specifically: <http://www.arbeitsinspektion.gv.at/Al/Service/Publikationen/default.htm>).

Bilingual forms (Hungarian, German) are available for applications under the traineeship agreement with the Republic of Hungary. The following central information, amongst others, is also available in Hungarian:

- ▶ transitional arrangements for employing new EU manpower
- ▶ new EU citizens
- ▶ services provided by companies from the new EU member states

For the area covered by the work inspectorate for the 16th supervisory district, which is located in Eisenstadt, the office director speaks Hungarian and a language course is planned for 9 of its staff members.

The Federal Ministry of Finance reported that in those tax and customs offices where Hungarian has been admitted as an official language, staff members in sufficient numbers are available in order to handle customer contacts in the language of the national minority. The number of staff members with skills in the languages of the national minorities ranges from 1 to almost 20% of the entire staff (no break-down according to languages available). At the tax office Bruck Eisenstadt Oberwart there are a minimum of 1,000 client contacts per year where Hungarian or Croatian is spoken, especially at the information centre. This does not mean that the forms to file a tax return in the respective languages of the national minorities are actually used. However, a number of forms are available in Hungarian. They are available on the website of the Federal Ministry of Finance, i.e. https://www.bmf.gv.at/Service/Anwend/FormDB/show_mast.asp. With regard to the customs offices there are no data on the frequency of use of the national-minority languages. It is hardly possible to keep such statistical data, particularly for customs inspection operations, where vehicles are also stopped on the road. As part of the annual training budget of the Federal Finance Academy all tax and customs offices have access to budget funds to broaden their language skills. This also includes the language of the national minorities and is being used accordingly.

The Federal Ministry of Defence and Sports reported that at the Theresian Military Academy in officers can be trained Hungarian as a second foreign language (if there is sufficient interest and basic knowledge). Furthermore, the Language Institute of the Armed Forces also offers possibilities to soldiers and civilian staff to learn the languages of the national minorities. The language institute has compiled a military dictionary in Hungarian.

The following information can be provided for the area of responsibilities of the Federal Ministry of Economy, Family and Youth: In the past 10 years there has not been a single case at the land-surveying offices in Burgenland (Eisenstadt, Neusiedl/See, Oberwart) where the request was expressed to use Hungarian, neither for official acts, nor in the course of client services. In 2009 the Hungarian language had to be used once by the calibration office Eisenstadt in the course of an inspection at the weekly market at Oberwart, as Hungarian marketers were inspected by the calibration police. One staff member at the calibration office has Hungarian language skills and handled the official act. There are no staff members at the land-surveying offices Neusiedl/See and Oberwart who can speak Hungarian. Here, one would have to resort to staff members of the district administrative authorities and/or of the local court. As a result, the use of the minority language could thus also be ensured in these cases.

With the present real-estate data base it is not possible to convert the “diacritics of the alphabet” from the respective minority language. However, the new real-estate data base, which will be used from 2011 and/or 2012 onwards and which will also be equipped with UTF-8 encoding, will make it possible to show and convert the aforementioned signs.

Local and regional administrative authorities

Austria has accepted the obligation under Article 10 (2) b) and d).

Article 10 (2) b) and d) of the European Charter for the Regional or Minority Languages

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;

The amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, which integrated the arrangements on Hungarian as an official language into the National Minorities Act lists Hungarian as an official language for municipal authorities and municipal service units, as well as for police inspectorates in four municipalities and for two local courts and two district administrative authorities.

The Council of Europe requests information concerning the development of plans to expand the financial bonus system to be used for staff members of the federal authorities and the courts when using Hungarian as an official language (margin note 323):

In this connection, one needs to refer to § 23 of the National Minorities Act which reads as follows:

§ 23 of the National Minorities Act

Federal civil servants who are deployed with an authority or service unit as defined in § 2 (1) item 3, who have language skills in the language of a national minority that has been admitted there and use it in the implementation of the present federal law, deserve a financial bonus in accordance with the statutory provisions on remuneration.

Concrete examples for the implementation of this provision in the European Charter on Regional or Minority Languages are requested (margin note 324):

Hungarian is strongly represented in the municipality of Unterwart and it is also spoken in the municipal offices. It needs to be underlined that there has not been a single case so far where the use of the official language was in any way obstructed or not facilitated – be it in oral or written form. The Office of the Burgenland Regional Government offers language courses in Croatian and Hungarian (beginners' and advanced courses) to regional and municipal staff members on an ongoing basis at its administrative academy. These options are available at semi-annual intervals.

Translation/Interpretation at administrative authorities

Austria has accepted the obligation under Article 10 (4) a).

Article 10 (4) a) of the European Charter for Regional or Minority Languages

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;

Please refer to the Second Periodical Report.

Family names

Austria has accepted the obligation under Article 10 (5).

Article 10 (5) of the European Charter for Regional or Minority Languages

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

§ 2 of the Change of Names Act, Federal Law Gazette No. 95/1988, is now applicable in the version of the amendment published in Federal Law Gazette I No. 135/2009; § 5 of the Civil Status Ordinance, Federal Law Gazette No. 629/1983, is now applicable in the version of the amendment published in Federal Law Gazette II No. 1/2010: The changes have no effect on the names in the languages of the national minorities so that one can refer to the Second Periodical Report.

III.3.4 Article 11 Media

Radio

Austria has accepted the obligation under Article 11 (1) b) ii).

Article 11 (1) b) ii) of the European Charter for Regional or Minority Languages

- (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;

Concerning the question raised by the Council of Europe on the broadcasting of radio programmes in Hungarian (margin note 329), the following information can be provided:

The radio programme for the Hungarian national minority cannot be seen separately from the programmes made available to the other national minorities in the eastern part of Austria, as the entire programme for the national minorities is being produced in the new ORF Centre of Competence in Eisenstadt, Burgenland.

ORF – Centre of Competence for the National Minorities – Regional Studio Burgenland

As the centre of competence, the Regional Studio Burgenland has produced and broadcast programmes since 2009 for all national minorities living in the eastern part of Austria, i.e. for the Burgenland-Croats in Burgenland and Vienna, for the Hungarians in Burgenland and Vienna, for the Czechs in Vienna, for the Slovaks in Vienna, as well as for the Roma in Burgenland and Vienna.

In addition to daily news reporting in the Croatian and Hungarian language, the ORF editorial unit for the national minorities at the Regional Studio Burgenland broadcasts a total of 13 radio magazines per week (seven in Croatian, two in Hungarian, two in Czech, one in Slovak and one in Romany) on topics from political and cultural life, as well as about sports. The German-language radio and TV programmes and the special TV productions of the Regional Studio Burgenland also give ample scope to topics relating to the national minorities. All programmes from Radio Burgenland for the national minorities can be received simultaneously via ORF-digital, the digital satellite Astra, free to air throughout Europe and via live stream throughout the world via Internet. On mobile Internet the live stream options can also be received by UMTS mobile phone when a suitable player has been installed. The magazines for the national minorities are also offered on demand. Topical reports and documentaries from the Croatian and Hungarian magazines are also available as podcast for computers and mp3 players and as free subscriptions. The programmes for the national minorities in their mother tongue which is broadcast by Radio Burgenland can be received in Vienna at the VHF frequency 94.7.

The following table from Radio Burgenland gives an overview of the radio programmes for the Hungarian national minority in Burgenland and in Vienna.

Table 47 Radio Burgenland / Hungarian – in Vienna on VHF 94.7

Programme	Broadcast at	Begin	End	Duration
Hungarian Journal	Mon – Sun	18:55	19:00	00:05
Multilingual magazine for the national minorities	Mon	20:04	22:00	01:56
Szines Kultúránk (Hungarian cultural programme)	Mon	20:30	20:50	00:20
Magyar Magazin (Hungarian magazine)	Sun	19:30	20:00	00:30:00

Source: Austrian Broadcasting Corporation, ORF General Directorate

With these new arrangements a request by the national minority groups living in Vienna, which had been voiced for many years, has been fulfilled, i.e. to change from medium wave to short wave. Although this improvement must also be seen in the light of the decisions by the Federal Communications Board (margin note 53) and the discontinuation of the Bisamberg station, this change is well received by the national minority groups living in Vienna.

Television

Austria has accepted the obligation under Article 11 (1) c) ii).

Article 11 (1) c) ii) of the European Charter for Regional or Minority Languages

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

The following reply can be given to the question raised by the Council of Europe concerning the television programmes available in Hungarian (margin note 332):

ORF television programmes

The television programmes for the national minority groups in Burgenland, in Vienna, Carinthia and Styria can also be received throughout Austria via ORF-digital, the digital satellite Astra, and they are also available throughout the world both at the ORF-Tvthek and on volksgruppen.ORF.at, as video-on-demand. After being shown live on television, the programmes can be accessed on-demand around the clock for seven days.

The ORF television programme in Hungarian is summarised in the following table and can be received in Burgenland.

Table 48 Television programmes for the Hungarian national minority in Burgenland

Programme	Station	Date	Begin	End	Duration	Language
Adj'Isten magyarok	Local-B	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	Local-B	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland- Croatian, Romany

Source: Austrian Broadcasting Corporation, ORF General Directorate

Since July 2009 the Hungarian TV magazine "Adj' Isten magyarok" has been broadcast every second Sunday in January, March, May, July, September and November, with a duration of 25 minutes each, simultaneously by ORF 2 Burgenland and ORF 2 Vienna. The programme for the Hungarian national minority group that is broadcast on the local station in Vienna is highlighted in grey.

Table 49 Television programmes for the national minority groups in Vienna

Programme	Station	Date	Begin	End	Duration	Language
České Ozvěny / Slovenské Ozveny	Local-V	So 6 x p.a.	13:05	13:30	00:25	Czech, Slovak
Adj'Isten magyarok	Local-V	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian

Source: Austrian Broadcasting Corporation, ORF General Directorate

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe with regard to the possibilities to produce and disseminate audio and audiovisual works in Hungarian (margin note 335), the following information can be provided:

Austria shares the assessment given by the Council of Europe, i.e. that major changes have been obtained since the European Charter for Regional or Minority Languages has entered into force, especially as far as media communication possibilities are concerned, and that, on the basis of the new technical possibilities, major progress has been achieved. The national minorities also benefit from these new methods and platforms, as many programmes can now be received throughout Austria and partly also worldwide, which formerly could only be received within the scope of a regional station.

In addition to the aforementioned possibilities of the on-line platform “volksgruppen.orf.at” and the video platform ORF-TVthek, the programmes offered to the national minorities by Radio Burgenland and Radio Carinthia can be received free-to-air throughout Europe via the digital satellite Astra, and the television programmes – including the local programme sections in Burgenland, Carinthia, Styria and Vienna – throughout Austria as teletext.

Financial assistance from the budget to promote the national minority groups is also available to produce audio and audiovisual works, in order to support the dissemination of texts, songs and musical contributions of the respective national minority. A current example from the year 2010 is the production of a CD with Hungarian choral songs.

Newspapers

Austria has accepted the obligation under Article 11 (1) e) i).

Article 11 (1) e) i) of the European Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe with regard to the possibilities to support newspapers in the Hungarian language (margin note 338), the following information can be provided:

The requirements to obtain press promotion funding have been relaxed for the newspapers of the national minorities (see § 2 (2) of the 2004 Press Promotion Act). Certain requirements such as minimum number of sold copies, minimum number of full-time journalists and a lower limit for the sales price, which other newspapers have to fulfil in order to possibly obtain

funding, do not apply to daily and weekly newspapers that are published in a language of a national minority group. The same applies to the promotion of periodical publications of the national minority groups (1984 Promotion of Publications Act). Of course, these funding possibilities are also available to the Hungarian national minority.

As was already outlined in the Second Periodical Report, newspapers of the Hungarian national minority are also supported with money available for the promotion of the national minority groups. For details please refer to the comments on Recommendation 5 of the Council of Europe in the present report.

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

Concerning the question raised by the Council of Europe with regard to the possibilities that exist to grant financial support to audiovisual productions in Hungarian (margin note 340) the following information can be provided:

As was mentioned earlier, since 2009 the Centre of Competence for the national minorities in Eisenstadt has been producing programmes for all national minority groups living in the eastern part of Austria, i.e. for the Burgenland-Croats in Burgenland and Vienna, the Hungarians in Burgenland and Vienna, the Czechs in Vienna, the Slovaks in Vienna, as well as the Roma in Burgenland and Vienna.

Concerning the specific aspect of financial support for productions in Hungarian, the Federal Ministry of Education, Arts and Culture has indicated that the Austrian Film Institute has given financial support to several productions in Hungarian.

The Austrian Film Institute indicated for the reporting period that three films with Hungarian as the shooting language received Austrian funding. These films are:

"So much for Justice"

A historical film set in the 15th century which conveys a contemporary message focusing on conflicts between humanism and power, politics and human emotions.

- ▶ Financial support: Austrian Film Institute www.filminstitut.at, [Filmfonds Wien](#), [Land Niederösterreich](#), [Motion Picture Public Foundation of Hungary](#), [Polnisches Filminstitut](#)
- ▶ Shooting time: summer 2009
- ▶ Finished: summer 2011

- ▶ Shooting language: Hungarian
- ▶ Television participation: ORF (Film/Television agreement), MTV (HU)
- ▶ Shooting locations: Austria, Hungary, Poland

"Adrienn Pál"

- ▶ Script: Agnes Kocsis, Andrea Roberti
- ▶ Drama A / F / HU / NL 2010, 120 min.
- ▶ Launched at cinemas in summer/fall 2011
- ▶ Financial support: Film Fund Vienna 2008 up to € 62,000.00

"Tender Son - The Frankenstein Project"

- ▶ Financial support: Film Fund Vienna.
for production in 2009: up to € 74,000 and
rise in funding for production in 2010: up to € 15,000
- ▶ Drama A / D / HU 2010, 101 min., 35 mm
- ▶ Script: Kornél Mundruczó, Yvette Biró

Radio and television from neighbouring countries / Freedom of expression

Austria has accepted the obligation under Article 11 (2).

Article 11 (2) of the European Charter for Regional or Minority Languages

(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.

As was already mentioned in the Second Periodical Report, freedom of communication and of expression are ensured on a comprehensive basis. The cable and satellite programmes from Hungary can be received in Vienna and Burgenland. Moreover, the new technologies and the Internet open up further communication possibilities.

III.3.5 Article 12 Cultural activities and facilities

Support of cultural and linguistic activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

- (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;
 - 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;

As was explained in detail in the Second Periodical Report, and subsequently regarded as fully implemented by the Committee of Experts of the Council of Europe, Austria sufficiently supports the cultural activities and facilities of the Hungarian national minority group.

The report by the Committee of Experts of Council of Europe refers to differences in opinion concerning the allocation of funding within one national minority group and also among the six national minority groups in Austria, from which results the dissatisfaction of the Hungarian national group (margin group 344):

The Advisory Council for the Hungarian Minority put forward a demand that the distribution of the budget available at the Federal Chancellery to promote the national minority groups among the different national minority groups should be linked to the results of the 2001 census. The reaction to this was that it was not objective to distribute the money solely in keeping with the “headcount”, as this would not take account of the activities that should be promoted with priority, in line with the objectives of the National Minorities Act, nor would it do justice to the actual situation of the national minorities which can be identified as being quite different.

The distribution of the budget to promote the national minority groups is guided by the developments over time, which certainly also saw certain shifts over the years. As a result, the promotional funding granted, especially to the Hungarian and Slovak national minority groups, as well as to the national minority of the Roma was increased – by shifts within a budget that altogether has remained unchanged.

The following table on the funding granted to the Hungarian national minority comprises funding received in Burgenland and Vienna.

Table 50 Development of the funding granted to the Hungarian national minority group

National minority group	Funding – 2002	Funding – 2003	Funding – 2004	Funding - 2005
Hungarian national minority group	282,082	330,645	436,710	410,810

Source: Federal Chancellery, Department for the National Minorities

The following associations of the Hungarian national minority group, amongst others, received financial support:

- ▶ Burgenland-Hungarian Cultural Association
- ▶ Adult Education College for Hungarians in Burgenland
- ▶ UMIZ – Association for the Promotion of the Hungarian Media and Information Centre
- ▶ Association “Unterwarter Heimathaus”
- ▶ Reading Club of the Reformed Youth at Oberwart
- ▶ Central-Burgenland Hungarian Cultural Association
- ▶ Also: Hungarian theatre, dance and singing associations in Burgenland

Moreover, the “Adult Education College for Hungarians in Burgenland” received financial support in 2010 from the budget to promote intercultural projects, as defined in § 8 (2) of the National Minorities Act.

In addition to the classical financial support to promote the national minority groups, which is specified in the National Minorities Act, and the financial support to intercultural projects by the Federal Chancellery, the Federal Ministry of Education, Arts and Culture also grants funds to projects that are specific of the national minority groups and particularly oriented to educational purposes.

Table 51 Financial support for the Hungarian national minority group in 2009 from the Federal Ministry of Education, Arts and Culture

National minority group	Funding - 2009
Hungarian national minority group	48,294.00

Source: Federal Ministry for Education, Arts and Culture

Cultural activities outside the autochthonous settlement area

Austria has accepted the obligation under Article 12 (2).

Article 12 (2) of the European Charter for Regional or Minority Languages

- (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.

Financial support to promote the cultural activities by associations of the Hungarian national minority group are not restricted to the autochthonous settlement area. As was already described in the Second Periodical Report, cultural and linguistic activities of the Hungarian national minority group outside the autochthonous settlement area were also supported during the reporting period 2007 to 2011.

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

In its opinion the Council of Europe referred to the importance of transfrontier cultural exchanges and asked for additional information concerning the activities under Austria's cultural policy with regard to the Hungarian national minority (margin note 350).

In this connection the Federal Ministry for European and International Affairs reported that as part of its cultural policy and its relevant activities abroad, the Ministry strives to give adequate attention to the languages of the national minorities that are represented in Austria. The so-called Austrian Libraries, for example, which are libraries at foreign universities equipped with Austria with books and other media products, also comprise authors in the languages of the national minority groups.

In this connection the Office of the Burgenland Regional Government has forwarded the following comments: Time and again, the national minority groups are a topic pursued by the cultural policy of the Federal Province of Burgenland; all tenders and competitions take account of this fact. The diversity of the region with regard to language and religion is a matter of course and fully entrenched in the population and in politics.

Moreover, the following developments during the reporting period may be mentioned by referring to the Hungarian-Austrian Agreement on Cooperation in the Fields of Culture and Science of 19 May 1976:

Hungarian-Austrian Cultural Agreement:

The minutes of the 11th session, Budapest, 2007, of the Mixed Commission of the Republic of Austria and the Republic of Hungary, pursuant to Article 26 of the Hungarian-Austrian Agreement on Cooperation in the Fields of Culture and Science, dated 19 May 1976, refers in detail to the cooperation between Austria and Hungary in the fields of cultural and educational policy. The document discusses in detail the following points, which are also of significance for the cooperation and exchange between the Hungarian national minority group and our neighbours in Hungary:

- **Bilingual schools in Austria:** Both sides welcome the successful educational work in the field of bilingual education (Hungarian/German) in Burgenland. Moreover, both sides welcome that, in addition to the bilingual grammar school at Oberwart and the Pannonia branch of the bilingual grammar school at Oberpullendorf, where Hungarian can be chosen as the language of instruction, there are also bilingual primary schools in keeping with the Burgenland National Minorities School Act. The Hungarian side will continue to provide teaching materials in order to promote the teaching of Hungarian at these schools in Burgenland.
- **Living foreign languages – Hungarian and German:** Both sides communicate that Hungarian and German are specified as living foreign languages in all curricula of the upper-level secondary general schools, as well as occasionally in the curricula for the upper-level secondary vocational schools. It is in the discretion of the individual schools whether and together with which subjects Hungarian or German are offered as an option.
- **Support for the culture and education of the national minority groups:** Both sides welcome the direct cooperation between legal entities and physical persons which contributes to the development of the cultures of the national minorities in Hungary and the cultures of the national minority groups in the Republic of Austria, and they encourage this cooperation. They will exchange information about the implementation of the Framework Convention of the Council of Europe for the Protection of the Minority Languages and the implementation of the European Charter for Regional and Minority Languages. Both sides welcome the relevant contacts and events in the fields of literature, theatre, music, further education, socio-cultural activities and minority research.

In the chapter on “Cooperation in areas along the border and on the regional level” the following points are underlined which relate to transfrontier cooperation:

- **Culture Platform Central Europe:** Both sides support the activities of the Culture Platform Central Europe, which is part of the regional partnership, and promote the development of joint projects which present the transfrontier cultural traditions and contemporary artistic activities in the Central European region.
- **Fertő-Neusiedlersee Cultural Landscape:** Both sides welcome the joint management of the UNESCO World Heritage “Fertő-Neusiedlersee Cultural Landscape” and encourage the further extension of the existing structures.

- Science: Both sides welcome the initiative that serves to deepen cooperation between Hungary and Austria along the border, as well as the regional cooperation in areas such science, education and culture, for example: International symposium on the history of Megersdorf and the symposia “Schlaining Dialogues”. The Forum on Science Policy EuRegio West/Nyugat Pannonia was set up with the support from both sides.
- EuRegio West/Nyugat Pannonia: Both sides welcome the framework agreement on “EuRegio West/Nyugat Pannonia” which was reached on the basis of the cooperation between Burgenland and Győr-Moson-Sopron-Vas; it facilitates the further deepening of relations in the fields of culture, science and research. The EuRegio Council has been set up and meets twice every year, the general assembly of County Vas is responsible for organising the meetings of the Council.
- Counties and Federal Provinces: Both sides also welcome the cooperation of the counties Bács-Kiskun, Baranya, Fejér, Győr-Moson-Sopron and Komárom-Esztergom, as well as of Budapest, on the one side, and the federal provinces of Burgenland, Lower Austria, Upper Austria, Styria and Vienna within the overall setting of the Danube countries. One should particularly mention the close cooperation of the Hungarian regions in the Working Community of the Danube Countries with the aforementioned federal provinces in the course of the INTERREG II/C “Cultural Route Danube” with Budapest as the capital.
- The also welcome the short-term scholarships which can be obtained in the framework of the Working Community of the Danube Countries and are granted by Lower Austria to experts in culture, science and culture management. They welcome the cooperation implemented between the counties Baranya, Győr-Moson-Sopron, Somogy, Vas and Zala and the federal provinces of Burgenland, Carinthia, Upper Austria, Salzburg and Styria, as well as the BASTEI cooperation between County Baranya and the Federal Province of Styria.
- Cooperation outside the border region: Both sides suggest that the regional cooperation be also expanded more intensively to the counties and federal provinces of the border region.
- Inter-regional cooperation programmes: Both sides welcome possibilities to cooperate on regional policies in the course of the inter-regional operational programmes and strive to exchange their experience and good practices in the fields of settlement and urban rehabilitation, as well as urban development.

As part of the programme “Innovation, Integration and Competitiveness”, which takes priority, of the Austro-Hungarian operating programme for 2007 – 2013, the development of tourism and cultural heritage is also being promoted.

Both sides exchange their experience on the use of the Structural Fund of the European Union concerning the economic significance of culture and/or the role of cultural crafts in the implementation of the Lisbon objectives of the EU in the field of culture.

III.3.5 Article 13 Economic and social life

Austria has accepted the obligation under Article 13 (1) d).

Article 13 (1) d) of the European Charter for Regional or Minority Languages

- (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.**

The Council of Europe would like to have further concrete examples concerning the use of the Hungarian language in economic and social life in Burgenland (margin note 354).

In 2009 an amendment to the National Minorities Act also expressly facilitated the promotion of intercultural projects which foster the co-existence of the national minority groups. In this context, additional amounts of € 100,000.00 were provided for each of the years 2009, 2010 and 2011.

Moreover, the “Federal law on granting a specific-purpose grant to the Federal Province of Burgenland on the occasion of 90 years of affiliation to Austria”, Federal Law Gazette I No. 471/2011, was adopted, by means of which the Federal Government provides the Federal Province of Burgenland with a one-off specific-purpose grant in the amount of four million euros for, amongst others, measures to secure the future in the field of employment, the economy, the social system and youth, as well as for cultural and educational projects in order to strengthen identity and diversity in Burgenland.

Intercultural project “Agora 2010”

As part of the promotion of intercultural projects the Adult Education College for Hungarians in Burgenland could also implement the “Agora 2010” project; it serves the objective of demonstrating to young people the positive effects of an intercultural dialogue.

Opening of the borders as an engine for the economy and society

As mentioned earlier in the chapter on education, interest in the Hungarian language in Burgenland has clearly improved, both in qualitative and quantitative terms, on account of the intensive economic relations between Austria and Hungary and the governmental efforts in the field of education. Both school and economic statistics corroborate this development.

With the opening to the east, the EU accession of Hungary, Hungary's accession to the Schengen Agreement and the factual opening of the Austrian labour market to the neighbouring countries in the east, an intensive economic, social and communal life has developed at the border of Burgenland to Hungary, of which the Hungarian national minority group living in Burgenland certainly also benefits. The opening raised the prestige of the Hungarian language. Hungarian language skills are recognised as an asset in economic life. Whether in tourism, trade or other commercial areas – Hungarian language skills offer advantages. This is why the number of enrolments in bilingual classes is on the increase, and why growing numbers of adults take part in adult-education language courses for Hungarian.

Although these developments do not reflect a specific national-minority component, they do have a positive impact on the social and economic life of the members of the Hungarian national minority.

In the meantime, guided tours in Hungarian for tourists in Burgenland have become a matter of course at many sightseeing attractions in Burgenland. In this connection, one should also mention the many cultural projects on either side of the border. This includes, of course, major cultural events at the Esterházy palaces, as well as smaller cultural projects along the border.

Association activities enhance social life

When describing the measures that add flavour to the social life, one can certainly imply that, of course, the definition “social life” also includes the activities of the national minority associations. It may be a joint choral rehearsal, a jointly celebrated event of whatever type or a joint language course or excursion, the social component always plays an essential role. Especially for children and young people in the rural regions of Burgenland, music or dance events, holiday camps or theatre performances of the associations of the national minority groups constitute central elements of their social life. These are opportunities to be together, to speak Hungarian, and also to experience social life together with the other national minority groups and the majority population. As a result, these events – supported with financial funding from the budget for the national minority groups – also contribute significantly to social peace and a society of co-existence in Burgenland. It would exceed the scope of the present periodical report to give a complete list of all activities in the social life of the Hungarian national minority group. However, reference is made to the projects of the associations of the Hungarian national minority group and of the church organisations which are described in detail, especially in the 2007 Periodical Report. Many of these activities receive financial support from public authorities – either the municipalities, the Burgenland Regional Government or the federal budget for the promotion of the national minority groups.

III.3.6 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

Transfrontier educational exchanges

New possibilities are opening up in the field of transfrontier cooperation, which can be used when educating young people. The live experience of the cultural diversity of a country can be validated, fostered and expanded by way of projects.

School partnerships should be regarded as essential elements of an initiative under Austria's educational policy in order to develop educational cooperation with the immediate neighbouring countries.

In Burgenland, too, major significance is attached to transfrontier educational projects of schools. The brochure "Diversity sets a precedent at school. Schools help create diversity" ("Vielfalt macht Schule. Schule macht Vielfalt") gives a good overview of the transfrontier projects of schools in Burgenland with the neighbouring countries. It is the result of an Interreg project that was co-financed by the European Union, the Federal Government and the Federal Province of Burgenland.

Burgenland offers initiatives for project work concerning educational policy, it promotes school partnerships and student exchanges; many different publications on subjects such as education for peace, democracy and human rights are compiled, and international events are held. Furthermore, further-training events for teachers and the staff of school authorities are organised on a European level, and there is cooperation on the university level.

It is interesting in this connection that also children from Hungary attend schools in Burgenland in the areas close to the border. Although they do this primarily in order to learn German, this also has a positive impact on Hungarian children in Burgenland – the result are transfrontier friendships, and it becomes a matter of course that, amongst others, Hungarian is spoken.

Transfrontier contacts on association level

Furthermore, Hungarian associations also engage in transfrontier contacts, and/or guest performances of various folklore dancing, music and theatre groups are organised on a mutual basis.

The Central Burgenland Cultural Association also invites Hungarian groups when organising its "Open-House Day" specifically for the national minority.

Transfrontier language exchanges are particularly popular among young people; every year, the Hungarian boy scouts' group therefore organises transfrontier boy scout camps, sports and cultural events in the framework of the Hungarian Foreign Boy Scouts' Federation (Austria, Hungary, Germany).

The Hungarian Cultural Association at Oberwart also engages in transfrontier activities. For example, a holiday language camps for children and young people is organised in Hungary every year, which is supported financially from the budget for the national minority groups. Guest groups from Hungary are invited to the association's events in Burgenland.

Networking and information on the regional and European level:

UMIZ (Hungarian Media and Information Centre) located at Unterwart is a facility at the disposal of the Hungarian national minority group that has set itself the objective of engaging in networking, communication and cooperation of the Hungarian national minority group on the regional and European level. Through its cultural activities in Austria and abroad, but especially through its cooperation with scientific institutions, through participation in transfrontier INTERREG projects of the European Union, and through participating in international symposia, UMIZ has become an interface for Hungarians in Burgenland that goes far beyond the national borders.

In particular, one should mention the Linguistics Advisory Board of the so-called "Imre Samu Language Competence Centre" (<http://www.isnyi.org>). This institution belongs to a scientific research network of the Institute for Linguistics of the Hungarian Academy of Sciences.

In 20120 the Linguistics Advisory Board engaged, for example, in the following transfrontier activities:

- ▶ Lecture on the occasion of the activity "Knowledge Week" of the Federal Ministry of Science and Research, as well as presentation of a scientific text-book "Basic Issues of Bilingualism" by Dr. Bertha Csilla
- ▶ Lecture and presentation "E-Learning Platforms to Learn the Hungarian Language" by the Balassi Institute Budapest, Dr. Nádor Orsolya
- ▶ Conference "Variation Diversity and Local Peculiarities of the Hungarian Language in the Regions of Burgenland, Slovenia and Slavonia" on the occasion of a month of celebrations by Hungarian scientists in cooperation with the Presidial Committee for Hungarian Sciences Abroad of the Hungarian Academy of Sciences.

Furthermore, UMIZ also offers to associations of the Hungarian national minority group the possibility to present themselves on the Internet and to produce and maintain association websites.

III.4 The Czech Language in the Federal Province of Vienna

III.4.1 Article 8 Education

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) iv).

Article 8 (1) a) iv) of the European Charter for Regional or Minority Languages

(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;

As was already explained in detail in the Second Periodical Report, the private Komenský School Association in Vienna offers a bilingual nursery school, where in addition to Czech and German, Slovak and Hungarian are also spoken.

From nursery school to school-leaving examination

The Komenský School Association is the legal entity responsible for operating this private bilingual educational institution that has public-school status. It receives substantial grants from public funds. This is meant to ensure that the bilingual classes and the bilingual education from nursery school to school-leaving examination in Czech/Slovak and German are also ensured in the future. The teachers are paid from public funds. Moreover, the School Association receives financial support from the funds available at the Federal Chancellery for the promotion of the national minority groups.

Table 52 Development of the financial support for the Komenský School Association from the budgets of the Federal Chancellery and the City of Vienna

Year	Federal Chancellery	City of Vienna, Municipal Department 10	City of Vienna, general
2006	286,732.03	54,697.02	50,000.00
2007	411,550.36	62,942.88	149,750.00
2008	415,270.00	93,127.25	150,000.00
2009	391,397.00	228,455.89	149,300.00

Source: Federal Chancellery, Komenský School Association

Table 53 Development of the financial for the Komenský School Association from the budget of the Federal Chancellery according to national minority groups

Year	Czech national minority group	Slovak national minority group	Hungarian national minority group
2006	286,732.03		
2007	364,691.36	39,355.00	7,504.00
2008	281,690.00	50,100.00	83,480.00
2009	308,377.00	50,000.00	33,020.00

Source: Federal Chancellery, Komenský School Association

During the years of the reporting period the money from the budget of the Federal Chancellery for the promotion of the national minority groups was primarily used to pay the staff costs for the Czech-language, Slovak- and Hungarian-language nursery-school teachers and day-care instructors. In addition, parts of the operating costs for the two school buildings at Schützengasse and Sebastianplatz, as well as the costs for the refurbishing works were financially supported by the Federal Chancellery.

The Federal Ministry of Education, Arts and Culture is also making great efforts in order to support the Komenský School Association on an ongoing basis. One-off grants have also been awarded for major building projects. In 2010, for example, the Federal Ministry of Education, Arts and Culture contributed a total of one million euros to the refurbishing of one of the school sites of the Komenský School Association which accommodate the multilingual senior grades of the modern-language grammar school (1030 Vienna, Schützengasse 31); and the City of Vienna also contributed one million euros.

The demand for obtaining a bilingual education at the Komenský School has risen steadily in recent years. During the school 2009/2010 year, a total of 416 children and young people attended the private bilingual educational facility. By way of comparison, the figure amounted to 380 for the 2005/2006 school year. On account of the growth and the accompanying shortage of space, the school site was refurbished and further expanded in 2006. Since autumn 2006 additional rooms have been available for bilingual classes and for the multilingual nursery school (Czech, Slovak, Hungarian and German).

Multilingual nursery school

Since the 2005/2006 nursery-school year, the private bilingual educational facility of the Komenský School Association has also been offering bilingual care for nursery-school pupils. Every since, this option has been expanded continuously, and in 2007/2008 a Slovak nursery-school group was added, as well as a Hungarian group in 2008/2009. During the 2009/2010 nursery-school year, a total of 96 children received multilingual pedagogical care in five groups. During the 2010/2011 school year the number of nursery-school pupils already totals 110.

Table 54 Number of nursery-school groups and pupils at the Komenský Schools in Vienna

Year	Groups	Children	Comment
2005/06	3	66	
2006/07	4	71	
2007/08	4	79	including 1 integrated Slovak group
2008/09	5	89	including 1 integrated Slovak group and 1 Hungarian group
2009/10	5	96	including 1 integrated Slovak and 1 Hungarian group

Source: Komenský School Association

The total figure of 416 children and young persons who attended the educational facilities of the Komenský School Association during the 2009/2010 school year, can be broken down as follows:

- ▶ five nursery-school groups, beginning at age 2
- ▶ eight classes of primary school (parallel classes for every grade)
- ▶ five classes in secondary school (parallel classes for the second grade)
- ▶ four classes of senior grades of a modern-language grammar school

Table 55 Development of the number of classes and pupils at Komenský schools in Vienna

School type	Year	Classes	Pupils
Primary school	2005/06	6	123
	2006/07	7	143
	2007/08	8	147
	2008/09	8	140
	2009/10	8	138
Secondary school	2005/06	4	96
	2006/07	4	92
	2007/08	4	93
	2008/09	5	107
	2009/10	5	108
Senior grades of modern-language grammar school	2005/06	4	73
	2006/07	4	82
	2007/08	4	83
	2008/09	4	85
	2009/10	4	74

Source: Komenský School Association

III.4.2 Article 11 Media

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

Funding provided from the federal budget to promote the national minority groups is also used to support CDs and DVDs in the Czech language.

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

Funding provided from the federal budget for the promotion of the national minority groups can also be used to support the production of videos and DVDs in the Czech language. In addition, there are possibilities to obtain financial support from the Austrian Film Institute and the Film Institute Vienna.

Radio and television from neighbouring countries / Freedom of expression

Austria has accepted the obligation under Article 11 (2).

Article 11 (2) of the European Charter for Regional or Minority Languages

(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.

As was described at the beginning of the present periodical report, the Austrian Broadcasting Corporation offers a wide range of programmes for the six autochthonous national minority groups in its radio and television programmes, in terrestrial form and via satellite, as well as on the Internet, on the video platform ORF-Thek, and as teletext. Moreover, all radio programmes for the national minority groups are offered as live stream and on demand at volksgruppen.ORF.at. The topical television magazines for the national minority groups can be accessed as video-on-demand as of the broadcasting date. The Czech population in Vienna also benefits from the enlarged options offered by the ORF.

Of course, programmes from the Czech Republic can also be received in Vienna via satellite.

III.4.3 Article 12 Cultural activities and facilities

Support for cultural and language activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

(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;
- 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;

The funds from the budget for the promotion of the national minority groups are used primarily to financially support cultural, linguistic and sports activities of the Czech national minority group in Vienna.

In addition to the annual support granted to the Komenský School Association and various Sokol sports clubs in various districts of Vienna, the following projects can be mentioned:

- Czech-Slovak-Austrian Contact Forum: for the promotion of theatre performances in the Czech language.
- Financial support for the Czech-language journal “Videnské svobodné listy” of the Advisory Council for the Czech and Slovak National Minority Group in Austria.
- Financial support for the Czech-language monthly journal “Kulturni Klub”.
- Financial support for the production of Czech plays at the theatre association “Vlastenecká Omladina”

Cultural policy abroad

Austrian has accepted the obligations under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

Agreement between the Government of the Republic of Austria and the Government of the Czech Republic on Cooperation in the Fields of Culture, Education, Science, Youth and Sports, Federal Law Gazette III No. 38/2009.

Article 8 of the Agreement:

The High Contracting Parties support, to the extent possible, the activity of the school operated by the Komenský School Association in Vienna.

The minutes of the first session of the Mixed Commission pursuant to Article 18 of the Agreement between the Government of the Republic of Austria and the Government of Czech Republic on Cooperation in the Fields of Culture, Education, Science, Youth and Sports dated 21 November 2008 refer in items 19, 20 and 24, as follows, to matters of the Czech national minority group in Austria:

- Schools of the Komenský School Association: Both sides acknowledge the successful activities of the schools operated by the Komenský School Association in Vienna. The schools receive the best possible support under applicable Austrian laws.
- Bilingual schools: Both sides are satisfied to take note of the excellent achievements which Austrian teachers are able to obtain at bilingual schools in the Czech Republic, and Czech teachers at bilingual schools in Austria. Their activities are regarded as an important means to disseminate the language, as well as the culture and civilisation of the respective country.
- Czech as a living foreign language: The Austrian side reports that Czech is specified as a living foreign language in all curricula of the general secondary schools, as well as occasionally also in the curricula of the upper-level secondary vocational schools. It is at the discretion of the individual school whether and in what group of subjects Czech is offered.

III.4.4 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

Transfrontier exchange projects have a long tradition with the Komenský School Association. By way of example, the following transfrontier cooperation projects of the Komenský School Association can be listed for the reporting period:

- Project week in Prague: The pupils of the senior grades of the bilingual modern-language grammar school spent one week in Prague in the years 2008, 2009 and 2010 in order to deepen their Czech language skills and in order to increase their social competences.
- Writers, directors or authors from the Czech Republic are invited on a regular basis.
- Outdoor Trophy: Twice a year city rallies are organised in cooperation with Czech partner schools.

III.5 The Slovak Language in the Federal Province of Vienna

III.5.1 Article 8 Education

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) iv).

Article 8 (1) a) iv) of the European Charter for Regional or Minority Languages

(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;

Education in the Slovak language is offered by the Komenský School Association according to the slogan “From nursery school to school-leaving examination”. This is to also facilitate a complete course of education in Vienna. As is described in the chapter on “The Czech Language in the Federal Province of Vienna” the multilingual nursery school of the Komenský School Association also runs an integrated Slovak group of children. The staff costs for the Slovak-speaking nursery-school teacher are promoted from the federal budget for the national minority groups.

In addition, the Federal Chancellery also promotes the Slovak-language and bilingual care and early music education of pre-school children at the “Baby Club” of SOVA, the Slovak school association.

III.5.2 Article 11 Media

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

The production of CDs and DVDs in the Slovak language are supported in the framework of the federal promotional funding for the national minority groups. The “Youth Film Club” buys Slovak-language films from the Austro-Slovak Cultural Association and shows them to young people, with the performances being followed by discussions. This project receives financial assistance from the budget for the promotion of the national minority groups.

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

Video and DVD productions in the Slovak language can receive financial support from the federal budget for the promotion of the national minority groups. In addition, the Austrian Film Institute and the Vienna Film Institute also offer financial assistance.

In 2010 the Federal Chancellery awarded financial support from the budget for the promotion of the national minority groups to the publication and advertising of a film on the life of the Viennese Slovak resistance fighter Irma Trksak.

Radio and television from neighbouring countries / Freedom of expression

Austria has accepted the obligation under Article 11 (2).

Article 11 (2) of the European Charter for Regional or Minority Languages

(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.

As was described at the beginning of the present periodical report, the Austrian Broadcasting Corporation offers a wide range of programmes for the six autochthonous national minority groups in its radio and television programmes in terrestrial form and via satellite, as well as on the Internet, on the video platform ORF-Thek and as teletext. Moreover, all radio programmes for the national minority groups are offered as live stream and on demand at volksgruppen.ORF.at. The topical television magazines for the national minority groups can be accessed as video-on-demand as of the broadcasting date. The Slovak population in Vienna also benefits from the enlarged options offered by the ORF.

Of course, programmes from Slovakia can also be received in Vienna via satellite.

III.5.3 Article 12 Cultural activities and facilities

Support for cultural and linguistic activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

- (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;
 - 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;

The members of the Slovak national minority group also benefit from the numerous cultural and linguistic school activities of the Komenský School Association, which are also partly organised in Slovak (and Hungarian), in addition to Czech and German, and which can also be attended by guests.

The Slovak associations in Vienna also organise cultural and linguistic project which receive financial support from the federal budget for the promotion of the national minority groups. This includes the cultural activities of the following associations:

- SOVA Slovak School Association: Slovak-language children's and puppet theatre, creativity classes for children and fairy-tale afternoons, early music education for pre-school children, literature project "Children discover Slovak literature", dancing courses in the Slovak language for young people.
- Austro-Slovak Cultural Association: theatre performances in the Slovak language, Youth Film Club – movie performances in the Slovak language, publication of "Pohlády", an association journal in the Slovak language.

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

Agreement between the Government of the Republic of Austria and the Government of the Slovak Republic on Cooperation in the Fields of Culture, Education and Science, Federal Law Gazette No. 170/2000

The minutes of the 3rd session of the Mixed Austro-Slovak Commission pursuant to Article 13 of the aforementioned Agreement, held in Bratislava in June 2008, refer to the Slovak national minority group:

The following is recorded in the chapter on “Support for the Culture and Education of the National Minority Groups”:

Both sides welcome the direct cooperation between legal persons and physical entities that will contribute towards the development of the culture of the ethnic minorities in the Slovak Republic and the culture of the ethnic groups in the Republic of Austria. They will exchange information about the implementation of the Framework Convention of the Council of Europe on the Protection of the National Minorities, as well as on the implementation of the European Charter for Regional or Minority Languages.

Both sides welcome – with the proviso of their budgetary possibilities – the exchange of experts that are active in the field of maintaining the identity of the respective ethnic minorities, especially for the development of their culture and mother tongue, the publication of periodical and non-periodical print products and alike.

III.5.4 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

In the framework of the aforementioned „Outdoor Trophy“ at the Komenský School there are also city rallies in cooperation with Slovak partner schools.

Transfrontier cooperation also takes place on the level of the associations. The Slovak School Association SOVA, for example, organises a Slovak-language and/or bilingual summer camp for children and young persons in Slovakia, which receives financial support from the budget for the promotion of the national minority groups.

III.6 The Romany Language in the Federal Province of Burgenland

Several concrete questions raised by the Council of Europe on the available language options and the promotion of the language of the Austrian Roma were already answered in Part II.

Research focus at the University of Graz

Moreover, reference is also to be made in this section to the research project of the University of Graz concerning the language of the Roma, which serves an example for applied language research, and which is also of great importance for the use and the teaching of Romany in Burgenland. This so-called “Romany Project”, which was launched by linguists in Graz in 1993, together with representatives of the national minority group from Burgenland, has led to the codification and didactisation of Burgenland Romany.

As was already mentioned in the Second Periodical Report, the “Romany Project”, which is also supported with funding from the budget for the promotion of the national minority groups, led to the first-time production of dictionaries and grammar books for Burgenland Romany, which can be used as a basis for teaching Romany, but also to the production of teaching and learning tools, bilingual journals, collections of Roma narratives, etc.

The research department plurilingualism “meeting point languages” at the University of Graz and the association “[spi:k] – Language, Identity, Culture. Association to document the language and culture of regional minorities” at the University of Graz, which is domiciled at “meeting point languages” of the University of Graz, and which has continued the agenda of the “Romany Project” since the middle of 2008, were involved in a number of activities during the period 2008 to 2010. The individual projects are described below in the following sections.

The “Romani Project” is being continued by the association “[spi:k] – Language, Identity Culture. Association to document the language and culture of regional minorities” and receives funding from the budget for the national minority groups.

During 2010, for example, the aforementioned association received financial support for the following projects:

- ▶ ROMTEX⁸ – Documenting and archiving the Romany varieties that are spoken most frequently in Austria
- ▶ Publication of Text Volume 6 – Kalderaš
- ▶ Maintenance of the website as well as of the project network and
- ▶ Registering the Romany library stocks.

⁸ The ROMTEX project is described in detail further down on the following pages.

UNESCO Cultural Heritage

It is particularly gratifying that in connection with the recognition and promotion of the language of the Burgenland Roma, “Romany – the Language of the Burgenland Roma” has been integrated into the national list of intangible cultural heritage of UNESCO by way of a decision by the Technical Advisory Committee dated 16 March 2011.

Education for Roma children

Departing from the premise that a sustainable improvement of the situation of the Roma will have to start with their education and vocational training, associations receive funding from the budget for the promotion of the national minority groups that enhance the educational opportunities for Roma children or provide counselling services.

For the national minority group of the Roma promoting extra-mural learning support ranks high among the priorities. This learning support for Roma children is specifically offered by the following two Roma associations in Burgenland:

- ▶ The Roma Association at Oberwart offers learning support on the association premises and, if necessary, shuttles children to the association in a small bus after school.
- ▶ The Roma-Service association at Kleinbachselten provides learning support as part of the RomBus project. Here, Roma children at three sites obtain extra-mural learning support, either in the RomBus or at the local primary schools. The RomBus does not only go to places in Burgenland but also to sites in Lower Austria.

In addition, it should be mentioned that the children’s journal “moj novi mini multi”, published by an association of the Croatian national minority group is being translated into Burgenland Romany by the Roma-Service association and, if necessary, supplemented by separate sections. This children’s journal in Burgenland-Romany is used both at school and outside school to teach Romany.

The numbers of pupils who have enrolled to learn Romany in Burgenland are as follows:

Table 56 Roma pupils in Burgenland

School year	Number	School
1999/2000	14	VS Oberwart
2000/2001	14	VS Oberwart
2001/2002	9	VS Oberwart
2002/2003	8	VS Oberwart
2003/2004	-	-
2004/2005	24	VS Oberwart (10), VS Unterwart (5), HS Oberwart (9)
2005/2006	27	VS Oberwart (5), VS Unterwart (4), HS Oberwart (9), bilingual BG Oberwart (9)
2006/2007	12	VS Oberwart (3), HS Oberwart (9)
2007/2008	5	VS Unterwart
2008/2009	5	VS Unterwart
2009/2010	5	VS Unterwart
2010/2011	5	VS Unterwart

VS = primary school; HS = lower-level secondary school; BG = federal grammar school

Source: Burgenland Regional School Board

Adult education

Austria has accepted the obligation under Article 8 (1) f) iii).

Article 8 (1) f) iii) of the European Charter for Regional or Minority Languages

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;

The adult-education and further-training projects by the organisations of the national minority group which were already described in the Second Periodical Report were continued and expanded during the reporting period 2007 to 2011.

Courses

During 2010, for example, the beginners' language course in Romany "Tu vakeres roman? – Do you speak Romany?" was held at the Adult Education College South at Oberwart and received financial support from the federal budget for the promotion of the national minority groups. A Romany course is held again at Oberwart in 2011.

The Roma-Service association organises Romany language courses in different places; they are attended by adults, young people and also pupils, who participate because the enrolment figure required to start a separate Romany school class is not obtained. Deutsch Kaltenbrunn is one of the places where Romany courses for adults are being held. Further trial courses (*Schnupperkurse*) are planned for summer 2011. Romany can also be studied at the University

of Graz, which is not so far from the southern part of Burgenland in geographical terms. Since 2009 the Roma-Service association has also been organising a special Romany cooking course.

Libraries

One of the tasks of the association “[spi:k] – Language, Identity, Culture. Association to document the language and culture of regional minorities” at the University of Graz is to record and link in electronic form Austria’s libraries on Roma and Romany. The goal of the project is to secure and to archive, on a long-term basis, the total stock of printed and electronic information sources in a bibliographical data base, as well as to provide the compiled information source in the form of a library catalogue that can be accessed on-line. These recording and linking activities are of benefit both for teachers and researchers in the various areas of educational and research work on topics relating to the national minority group of the Roma.

Information

During the “Long Night of Languages 2009” an information event on Romany was also held in Graz. The event with the title “Experience Romany – see, hear, try it!” was also organised by the association [spi:k] and offered the following opportunities to experience the Romany language:

- ▶ Dikhel taj sunel / Look and hear
- ▶ Videos make the traditional Roma story-telling a live experience
- ▶ Mini language course as an invitation to try out Romany
- ▶ Information material (CD with acoustic examples and mini language course)
- ▶ Quizzes to test one’s knowledge about Roma and Romany
- ▶ Factsheets about Roma
- ▶ ROMLEX – find terms and expressions on-line
- ▶ ROMBASE – provides answers to questions about the Roma

III.6.1 Article 11 Media

Radio

Austria has accepted the obligation under Article 11 (1) b) ii).

Article 11(1) b) ii) of the European Charter for Regional or Minority Languages

(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;

In addition to daily news reporting in the Croatian and Hungarian language, the ORF editorial unit for the national minority groups at the Burgenland Regional Studio broadcasts a total of 13 radio magazines on subjects from politics, culture and sports. One magazine per week is broadcast in Romany. The German-language radio and television programmes and the special television productions of the Burgenland Regional Studio also give ample room to subjects relating to the national minority groups. All programmes for the national minority groups can be received simultaneously free-to-air throughout Europe via ORF-digital, the digital satellite Astra, and worldwide via live stream on the Internet. The live stream programmes can also be received via mobile Internet when using an UMTS mobile phone with a suitable, installed player. Moreover, the magazines for the national minority groups are also available on-demand. The mother-tongue programmes of the national minority groups can be received in Vienna via the VHF frequency 94.7. This is also of great importance for the members of the Roma national minority group.

Table 57 Radio Burgenland – in Vienna on VHF 94.7

Programme	Broadcast at	Begin	End	Duration
Roma sam (magazine in Romany)	Mon	20:50	21:10	00:20

Source: Austrian Broadcasting Corporation, ORF General Directorate

Moreover, ORF Burgenland also broadcasts the following television programmes in Romany, amongst others:

Table 58 Television programmes for the national minority groups in Burgenland

Programme	Station	Date	Begin	End	Duration	Language
Servus, Szia, Zdravo, Del tuha	Lokal-B	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland- Croatian, Romany

Source: Austrian Broadcasting Corporation, ORF General Directorate

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

CDs, DVDs and videos receive financial support from the federal budget for the promotion of the national minority groups, whenever they contribute to the dissemination of the languages and/or cultures of the national minority groups or make it easier to learn one of the languages of the national minority groups. This also applies, in particular, to Romany.

On the website of the Roma-Service association films are also available online which have Romany sub-titles, unless they are in the Romany language.

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

As already explained in Second Periodical Report, audiovisual productions in Romany can also be promoted with funding from the federal budget for the promotion of the national minority groups, from promotional budgets of the Federal Province of Burgenland, as well as from funds of the Federal Ministry of Education, Arts and Culture.

Audiovisual interview project – Biographies of Burgenland Roma

In connection with the promotion of audiovisual productions, the interview projects “Mri historija” (My story) and “Amari historija” (Our story) of the Roma-Service association are an interesting undertaking.

The audiovisual documentation and recording and scientific publication of life-story interviews of Burgenland Roma and non-Roma of different generations constitute an important contribution towards establishing the history of the national minority group. As a whole, this commented edition of eye-witness reports is meant to be a (hi)story book of the Burgenland Roma.

The first part comprised mainly interviews with Holocaust survivors of the Burgenland Roma, the subsequent interviews mainly deal with the post-war generations and their biographies. While “Mri historija” primarily highlights the internal perspective of the Burgenland Roma, the follow-up project “Amari historija” focuses on interviews with non-Roma, whose life stories repeatedly crossed with those of the Roma population (neighbours, colleagues, municipal politicians, resistance fighters, former soldiers, etc.). While the interviews for “Mri historija” (My story) was mainly dedicated to coming to terms with one’s own biography, to speaking about personal experiences during the Holocaust and post-war times, the interviews for “Amari historija” (Our history) are also a contribution to the common intercultural dialogue.

III.6.2 Article 12 Cultural activities and facilities

Support for cultural and linguistic activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

- (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;
 - 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;

As was already described in the Second Periodical Report, primarily cultural and linguistic activities of the Roma in Burgenland receive financial support from the federal budget for the promotion of the national minority groups.

The following table shows the financial support given to the Burgenland Roma associations and the [spi:k] project from the budget of the Federal Chancellery for the national minority groups. Financial support by the Federal Province of Burgenland, other cultural grants and financial assistance by the Federal Ministry of Education, Arts and Culture is not contained in this table.

Table 59 Financial support to Roma associations in Burgenland from the budget for the national minority groups⁹ in 2009

National minority group of the Roma	Financial support in EUR
Association Roma-Service	111,500.00
ROMA – Association for the Promotion of Roma	44,520.00
(spi :k) PROJEKT – Language, Identity, Culture. Association to document the language and culture of regional minorities (University of Graz in cooperation with representatives of the national minority groups from Burgenland)	38,000.00
Diocese Eisenstadt – Unit for Ethnic Groups, especially Roma and Sinti (Burgenland)	900.00
Total for associations	194,920.00

Source: Federal Chancellery, Department for the National Minorities

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

It can be assumed that the activities abroad under Austria's cultural policy during the reporting period 2007 to 2011 included the organisation and financial promotion of similar cultural events as the ones that were described in the Second Periodical Report.

III.6.3 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

⁹ Including financial support for the scientific project at the University of Graz that was already described in detail.

Transfrontier research cooperation

In connection with transfrontier research projects on the Roma language, it is particularly the University of Graz with its research department on plurilingualism and the aforementioned association [spi:k] that engage in activities in this field. The following overview provides some insight into the transfrontier research work:

- ▶ Cooperation to develop the Curriculum Framework for Romany as support and quality assurance for Romany teaching in Europe. The development of this Curriculum Frameworks on the basis of the European Language Portfolio was an initiative of the Council of Europe.
- ▶ Project "QualiRom - Quality education in Romany for Europe". The objective of this project is to apply the aforementioned Curriculum Framework for Romany (CFR) and the associated European Language Portfolio (ELP) in concrete educational situations. The outcome of the project is to prepare teaching materials for various European Romany varieties, as well as the training of teachers who will act in the future as multipliers for the use of the newly developed educational instruments and models.
- ▶ Project "RomIdent - The Role of Language in the Transnational Formation of a Romany Identity". The project section covered in Graz examines innovative strategies for the use of Romany in institutional contexts, as well as in texts that are created in these contexts.
- ▶ Factsheets on Roma: Producing and coordinating factsheets on Roma – as agreed with the Council of Europe in the cooperation for the [romani] project – as well as maintenance and updating of the ROMFACTS website, where all factsheets are made available, and where translations into several languages are available as pdf documents. Website: <http://romafacts.uni-graz.at/>

Transfrontier cooperation and cooperation of associations and by national minority groups

Since June 2007 a cooperation project between the Adult Education College for Croatians in Burgenland, the association Roma-Service and the Romani Union at Murska Sobota in Slovenia has been conducted. Thanks to this cooperation, the Romani Union has already published several issues of the children's journal "Mri nevi MiniMulti" in the Prekmurski variety of Romany.

As a rule, the research work and projects by the Cultural Association of Austrian Roma (Vienna) are not transfrontier operations; yet they are valuable research work for the benefit of the Roma group.

III.7 The Slovene Language in the Federal Province of Styria

III.7.1 Article 8 Education

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) iv).

Article 8 (1) a) iv) of the European Charter for Regional or Minority Languages

(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;

Compared to the situation in 2007 there has not been any change in the demand for Slovene-language nursery-school care in the district of Radkersburg. Slovene is not offered in the nursery schools located in the border region, due to a lack of demand, although the nursery school at Bad Radkersburg engages in a partnership with the nursery school at Gornja Radgona on a regular basis.

University education

Austria has accepted the obligation under Article 8 (1) e) iii).

Article 8 (1) e) iii) of the European Charter for Regional or Minority Languages

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

of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects

According to information provided by the Federal Ministry of Science and Research, both the Institute for Slovene Studies and the Institute for Theoretical and Applied Translation Studies at the University of Graz offer Slovene study courses.

The “Club of Slovene Students in Graz” receives regular financial support from the budget of the Federal Chancellery for the promotion of the national minority groups. In this connection, so-called “Slovenian Days” receive assistance, in the course of which Slovene-language or bilingual lectures and workshops are staged.

Adult education

Austria has accepted the obligation under Article 8 (1) f) iii).

Article 8 (1) f) iii) of the European Charter for Regional or Minority Languages

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;

The comments provided in the Second Periodical Report on the adult-education options available to the Slovene population in Styria continue to be valid. Moreover, various organisations, associations or institutes offer the following activities:

- Slovene courses are given at various adult-education colleges (Graz, Leibnitz, Deutschlandsberg, Voitsberg, etc.), by Urania, at the University of Graz (Slavic Studies, Meeting Point Languages) and the Institute for Economic Promotion (Wifi).
- Urania also offers educational trips to the Slovenian part of Styria.
- The association “Regional Future Workshop” offers Slovene courses at Ehrenhausen.
- The training centre “Retzhof” offers educational trips to Slovenia.

At the Pavel House of the Article VII Association for Styria the following adult-education activities are organised:

- Slovene courses for beginners and advanced students
- Guided tours through the exhibition on the national minority, information about the history of the Styrian-Slovene border region

- Guided tours through Bad Radkersburg following the traces of the Slovene, Jewish, Roma and Protestant population groups
- Guided tours following the traces of the Jewish population in Slovenia; primarily Maribor, Prekmurje
- The Article VII Cultural Association organises further training activities with experts from Austria and Slovenia at the Pavel House, for example seminars for Slovene teachers.

III.7.2 Article 11 Media

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

The “Article VII Cultural Association for Styria – Pavel House” has published, amongst others, the following CDs:

- ▶ Acoustic Picture of Southern Styria: a co-production between the Styrian Folklore Song Centre and Pavel House. The diverse, contemporary song and music-playing culture along the border between southern Styria and Slovenia is the content of this CD. The recordings were made in the course of field research and reflect the life and world of this region through music.
- ▶ Pavel House Choir: A first selection of songs in German and Slovene of the still young Pavel House Choir.

Moreover, there are the following audio and audiovisual works about or by the Slovene population in Styria:

- ▶ video about the Slovene population in Styria, produced by the ÖVZ (Austrian Centre for the National Minority Groups)
- ▶ eye witness interviews about life on either side of the border, a Pavel House production
- ▶ reports by ORF, RTV-Slovenija, TV-AS Murska Sobota

Newspapers

Austria has accepted the obligation under Article 11 (1) e) i).

Article 11 (1) e) i) of the European Charter for Regional or Minority Languages

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

The Slovene-language weekly newspaper “Novice” (published by SloMedia - Slovenski medijski center – Slovene Media Centre GmbH javascript:showPanel(YAHOO.hbd.vcard_panel,'vcard_panel'), Carinthia) receives financial support from the Press Promotion Fund and can also be obtained in Styria.

In the future, the municipalities of Radkersburg and Greater Radkersburg will jointly publish a municipal newspaper; one staff member of the Pavel House will work on this project, where one column will particularly focus on events on the other side of the border.

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

Of course, in addition to receiving financial support for audiovisual productions in the Slovene language from the federal budget for the promotion of the national minority groups, other financial assistance in the fields of education, art and culture may also be obtained.

Radio and television from the neighbouring countries / Freedom of expression

Austria has accepted the obligation under Article 11 (2).

Article 11 (2) of the European Charter for Regional or Minority Languages

- (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.

As was described at the beginning of the present periodical report, the Austrian Broadcasting Corporation offers a wide range of broadcasts for the six autochthonous national minority groups in its radio and television programmes in terrestrial form and via satellite, as well as on the Internet, on the video platform ORF-Thek and as teletext. Moreover, all radio programmes for the national minority groups are offered as live stream and on demand at volksgruppen.ORF.at. The topical television magazines for the national minority groups can be accessed as video-on-demand, as of the broadcasting date. The Slovene population in Styria also benefits from the enlarged options offered by the ORF.

Since March 2009 every Sunday at 13.30 hrs. ORF 2 Styria broadcasts the TV magazine “Dober dan, Štajerska” for the Slovene population in Styria, which lasts for 25 minutes. The programme “Dober dan, Koroška” of the Slovene editorial unit at the Regional Studio Carinthia is supplemented by relevant information and topics concerning the Slovene national minority group in Styria and can also be received in Styria at the same time. In addition “Dober dan, Štajerska” is offered on demand on the Internet at steiermark.ORF.at.

Of course, programmes from Slovenia can also be received in Styria via satellite.

Private radio

As far as the Slovene-language private radio station in Styria is concerned, the following current information can be provided:

In the 24-hour full programme for the Slovene national minority group in Carinthia, which AKO Lokaradio GmbH and/or its two owners, Radio Agora and Radi dva GmbH, have been producing in cooperation with the ORF since March 2004 (and will continue to produce until 20 June 2011), relevant information and topics of the Slovene national minority group in Styria are also always included. In the spring of 2010 AKO applied to KommAustria for the transmission capacities required for broadcasting the AKO programme (including the daily eight-hour broadcasting time produced by the ORF) in the relevant regions of Styria.

It was intended that specially trained editors of the national minority group would produce the programmes, as soon as the transmission frequencies have been assigned to AKO for the settlement areas of the Slovene minority group in Styria. Until that time the national minority group programmes on radio and television for the Slovene national minority group in Styria are being produced by the Slovene editorial unit at the Regional Studio Carinthia and/or by Radio AGORA and Radio dva GmbH.

As the license period of AKO will end in June 2011, KommAustria will open a tender in the summer of 2010 for the broadcasting area “settlement area of the Slovene national minority in Carinthia”. As Radio dva GmbH refused to file a further joint, partnership application within the framework of AKO, the two radio providers (Radio AGORA and Radio dva) each filed an application. The decision was taken on 6 June 2011 by the Federal Communications Senate to confirm the granting of a license to Radio AGORA for the next ten years (beginning on 21 June

2011), which was the decision in the first-instance decree issued by KommAustria in April 2011. Already this year, or as soon as the formal criteria permit, AGORA intends to file an application for the frequencies for southern Styria. The ORF Regional Studio Styria (still) plans to finance additional staff members as of the date of a permit in order to produce the specific programme offers for the Slovene national minority group in Styria. These are to be broadcast as part of the full programme broadcast on the frequencies of Radio AGORA (including now the location of transmission stations in Styria). During the broadcasting times provided by AGORA, there will also be contributions from Styria – as has been the case to date.

III.7.3 Article 12 Cultural activities and facilities

Support for cultural and linguistic activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

- (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;
 - 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;

“Article VII Cultural Association for Styria – Pavel House“

In connection with the cultural and linguistic activities of the Slovene population in Styria, one must especially point to the “Article VII Cultural Association for Styria – Pavel House”. In the past 15 years, in particular, the Pavel House at Radkersburg has become established as a centre for the cultural events of the Slovene population in Styria. The Article VII Association is the link between minority and majority in the region of southern Styria and promotes the bilingual and the intercultural dialogue with its cultural events and publications, which are specific of the national minority.

On a regular basis the staff costs and operating costs of the Pavel House, the bilingual annual brochure “Signal”, as well as the Slovene or bilingual advertising for the events at the Pavel

House are supported with funding from the federal budget for the promotion of the national minority groups. For 2010 the financial support amounted to € 60,000.00.

Promotion of the national minority group by the Federal Province of Styria

The Styrian Regional Government awards financial support regularly to the activities of this association of the national minority group, i.e. the “Article VII Cultural Association for Styria – Pavel House”, as well as for one further Slovene association in Styria.

Table 60 Promotion of the national minority groups by the Federal Province of Styria 2006 to 2010 in euros

Organisation of the national minority group	2006	2007	2008	2009	2010
Club of Slovene Students in Graz	-	1,500	1,300	not known	not known
Pavel House of the Article VII Association	17,218	50,000	110,500	80,000	85,000

Source: Office of the Styrian Regional Government

In 2011 the Article VII Association presented a trilingual exhibition on the subject of “August Pavel – A Great European”. August Pavel, who lent his name to the Pavel House, was born in 1886 in the neighbouring municipality of Kaltenbrunn (today Slovenia) as the child of a Slovene family. He experienced the trilingualism of the region and in his family, and it remained an important aspect of his work as a scientist. On account of his transfrontier and multifaceted activities, August Pavel became an important identification figure in the three-country region Slovenia – Hungary – Austria. The exhibition provides some insight into his multi-faceted life in Slovene, Hungarian and German.

In addition, the Article VII Association also takes part in activities that bring people in Styria together such as the event “Culture along the Mur River”, with a (fun) boat competition on the Mur River (different association, companies, fire brigades join from either bank of the Mur River). There are also meetings of brass bands, etc. The transfrontier activities will be listed below in detail.

The cultural activities of the Club of Slovene Students in Graz also receive financial support from the federal budget for the promotion of the national minority groups.

Cultural activities outside the autochthonous settlement area

Austria has accepted the obligation under Article 12 (2).

Article 12 (2) of the European Charter for Regional or Minority Languages

- (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.

The Article VII Association is also very much involved in the cultural activities outside the autochthonous settlement area. Some of these activities also receive financial support from the budget of the Federal Province of Styria. .

- ▶ German-Slovene readings in Graz (cooperation with Werkraumtheater Graz, the Maribor Literature Association, TV-AS Murska Sobota, ITAT, Association for Austro-Slovene Friendship)
- ▶ Performances of the Pavel House Choir in Styria, Slovenia, Hungary, Carinthia
- ▶ Cooperation with leading cultural institutions in Slovenia (state-run and private museums, universities, cultural initiatives, ...)

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

The Agreement between the Government of the Republic of Austria and the Government of the Republic of Slovenia on Cooperation in the Fields of Culture, Education and Science, Federal Law Gazette III No. 90/2002 refers to the “Article VII Cultural Association for Styria – Pavel House” in its Article 35. The article reads as follows:

“Both sides welcome the activities of the cultural centre Pavel House (Pavlova hiša) under the leadership of the Cultural Association Article VII for Styria, underline its significance for the presentation of the Slovene and other different cultures and arts in a broader area and for the publication of technical and scientific works, and encourage it to continue its activities.”

III.7.4 Article 13 Economic and social life

Austria has accepted the obligation under Article 13 (1) d).

Article 13 (1) d) of the European Charter for Regional or Minority Languages

- (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.

With the accession of Slovenia to the EU and the intensive transfrontier contacts on various levels of everyday life, the use of the Slovene language in the border region has also gained in importance.

One can state, by way of summary, that all activities by the Slovene population in Styria, which were described in the various sections, contribute to the social life of the region. The “Article VII Cultural Association for Styria – Pavel House”, in particular, is very active in making it a place of encounter for the different national minority groups, generations, languages and cultures, as well as for the countries in this border region. It is supported in this endeavour primarily by the Federal Province of Styria and the Federal Chancellery.

III.7.5 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

The transfrontier exchanges enjoy great priority in the border region of southern Styria, which shares a common history. The accession of Slovenia to the EU has facilitated the development of numerous transfrontier cooperation projects in recent years.

There are, for example, the following exchanges:

- Transfrontier school projects: lower-level secondary school/secondary modern school Arnfels, lower-level secondary school/secondary modern school Murek, lower-level secondary school Köflach, primary school Straden, primary school Wildon, primary school Radkersburg.
- Transfrontier pupils' meetings at Pavel House

- The nursery school at Bad Radkersburg has a partnership with the nursery school at Gornja Radgona
- Transfrontier literature events in cooperation with the Cultural Association Kibla (Maribor) in the course of the “Festival ljubezni/Festival of Love” at the Negova Castle (SI) and at Laafeld/Potrna, as well as “Dnevi vina in poezije/ Days of Wine and Poetry” at Ptuj Ljubljana, Volče, Krško, Vrba na Gorenjskem, Ormož, Izola, Laafeld/Potrna, Zagreb
- Choir meetings (choirs from the region, Austria/Hungary/Slovenia)
- Participation in the summer festival POPEK at Gornja Radgona
- Presentation of the association and performance of the Pavel House Choir at the Academy of Sciences (SAZU-SRC) in Ljubljana.
- Sinagoga Maribor: “Gone by and forgotten” – 1st and 2nd part of the exhibition by Branko Lenart & Elisabeth Arlt about the remnants of Jewish culture in Slovenia.
- Jointly organised ride on the Mur River to Croatia.

III.8 The Hungarian Language in the Federal Province of Vienna

III.8.1 Article 8 Education

Pre-school education

Austria has accepted the obligation under Article 8 (1) a) iv).

Article 8 (1) a) iv) of the European Charter for Regional or Minority Languages

(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;

The association Kaláka-Club defines itself as an “economic“ interest community of the Hungarian population in Austria. Its activities also receive financial funding from the budget for the promotion of the national minority groups.

As was described in detail earlier, the private Komenský School Association in Vienna offers the option of a bilingual nursery school where also Hungarian is spoken, in addition to Czech, German and Slovak.

The Komenský School Association receives general financial assistance (basic promotional funding) from the budget of the Federal Chancellery for the promotion of the national minority groups. As far as the multilingual nursery school is concerned, the staff costs for one Hungarian-bilingual nursery-school teacher are also promoted by the Federal Chancellery.

In recent years the child-care activities undertaken by the Central Association of Hungarian Associations and Organisations in Austria with its headquarter in Vienna also received financial support from the budget of the Federal Chancellery for the promotion of the national minority groups. The same applies to the children’s dancing activities of the Hungarian Cultural Association Délibáb.

University education

Austria has accepted the obligation under Article 8 (1) e) iii).

Article 8 (1) e) iii) of the European Charter for Regional or Minority Languages

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

Please refer to the chapter on the Hungarian language in the Federal Province of Burgenland concerning the options available for a university education in the Hungarian language.

Adult education

Austria has accepted the obligation under Article 8 (1) f) iii).

Article 8 (1) f) iii) of the European Charter for Regional or Minority Languages

- 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;

In Vienna there is a wide range of adult-education facilities. Hungarian language courses are offered, for example, at several adult-education colleges in Vienna. The Institute for Economic Promotion (WIFI) in Vienna also offers Hungarian courses.

Moreover, language courses are also offered by the association of the national minority groups and receive financial support from the Federal Chancellery. One should mention here the activities of the Hungarian School Association and of the Central Association of Hungarian Associations and Organisations in Austria.

In addition, the Hungarian associations in Vienna also organise lectures, readings, book presentations and discussion evenings in the Hungarian language, specifically for the national minority group.

III.8.2 Article 11 Media

Audio and audiovisual works

Austria has accepted the obligation under Article 11 (1) d).

Article 11 (1) d) of the European Charter for Regional or Minority Languages

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

CDs and DVDs in the Hungarian language receive financial support from the federal budget for the promotion of the national minority groups.

Newspapers

Austria has accepted the obligation under Article 11 (1) e) i).

Article 11 (1) e) i) of the European Charter for Regional or Minority Languages

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

The publication of the Hungarian-language bimonthly newspaper “Bécsi Napló” of the Central Association of Hungarian Associations and Organisations receives financial support from the budget for the promotion of the national minority groups.

In addition, the association newsletters and brochures of the Hungarian population in Vienna also receive financial support from the budget of the Federal Chancellery for the promotion of the national minority groups.

Promotion of audiovisual productions

Austria has accepted the obligation under Article 11 (1) f) ii).

Article 11 (1) f) ii) of the European Charter for Regional or Minority Languages

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

In addition to the possibility to promote audiovisual productions in the Hungarian language from the federal budget for the promotion of the national minority groups, other financial assistance for educational, cultural and artistic projects may, of course, also be obtained.

III.8.3 Article 12 Cultural activities and facilities

Support for cultural and linguistic activities

Austria has accepted the obligation under Article 12 (1) a) and d).

Article 12 (1) a) and d) of the European Charter for Regional or Minority Languages

- (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;
 - 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;

The language offers by the Central Association of Hungarian Associations and Organisations in Austria and of the Hungarian School Association were already mentioned earlier.

One should also mention that the interest in learning Hungarian has clearly increased in Vienna, and also the total amount of the grants earmarked for these purposes has grown in recent years.

The Hungarian Cultural Association Délibáb in Vienna, for example, offers various dancing and music activities and events by the association's groups. In cooperation with the University of Music and the Performing Arts a "Weekend School for Hungarian Folklore Music" was organised, and in cooperation with Collegium Hungaricum Hungarian-language theatre workshops were carried out.

The Association to Promote Hungarian Folk Dance and Folk Music in Vienna – Napraforgók has its own singing group and also offers courses in folklore dancing. The Europa-Club also organises Hungarian theatre performances and other cultural events. The Hungarian Workers' Association and the Umbrella Association of Hungarian Associations in Austria also carry out projects in connection with cultural traditions.

Cultural activities outside the autochthonous settlement area

Austria has accepted the obligation under Article 12 (2).

Article 12 (2) of the European Charter for Regional or Minority Languages

(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.

In this connection one should not forget to mention that Hungarian-language child and youth care activities in regions outside the autochthonous settlement areas (Vienna and Burgenland) also receive financial support. One example is the child and youth care facility operated by the associations domiciled in Linz, which receive financial assistance from the budget for the promotion of the national minority groups.

Altogether, Hungarian associations outside the autochthonous settlement area, i.e. in Graz, Innsbruck, Salzburg and Linz, receive financial support from the budget for the promotion of the national minority groups, i.e. for example, the Club of Hungarian Students and University Graduates in Graz, the Hungarian Roman-Catholic church communities in Linz and Graz, the Hungarian Student Hostel and Cultural Centre Innsbruck, as well as the Association of Hungarian Students and University Graduates Innsbruck, the Cultural Association of the Hungarian Language Group in Upper Austria and the Hungarian Boy Scouts Group.

Cultural policy abroad

Austria has accepted the obligation under Article 12 (3).

Article 12 (3) of the European Charter for Regional or Minority Languages

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

Please refer to the section on cultural policy abroad in the chapter of the Hungarian Language in the Federal Province of Burgenland.

III.8.4 Article 13 Economic and social life

Austria has accepted the obligation under Article 13 (1) d).

Article 13 (1) d) of the European Charter for Regional or Minority Languages

(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.

In connection with describing the measures that enhance social life, one may also assume for the Hungarian population in Vienna that the definition of “social life”, of course, also covers all the aforementioned activities of the associations of the national minority groups.

III.8.5 Article 14 Transfrontier exchanges

Austria has accepted the obligation under Article 14 b).

Article 14 b) of the European Charter for Regional or Minority Languages

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.

Within the framework of the present third periodical report the transfrontier activities cannot be listed in detail. However, by tradition, the transfrontier contacts of organisations or persons from Hungary with representatives of the Hungarian national minority group are very intensive.

Annex: Comments by National Minorities

Comments by Members of the Czech National Minority

Comments by the Advisory Council for the Czech National Minority

Introduction

The Czech national minority group is an urban minority. By tradition, it has its centre in Vienna, the federal capital. The fact that the persons belonging to this national minority are also exposed to the general mobility, and, in the course of time, have come to live also in the surroundings of Vienna and the Federal Province of Lower Austria, will not be discussed in any further detail in these comments. On account of the population density encountered in an urban metropolis, the question concerning a closed settlement area does not arise for the Czech minority group. Percentage figures for the share of the national minority group in the total population can therefore not be used as an argument in the discussions concerning the rights of national minority groups.

The essential characteristic of this national minority is its culture and language. The language will only continue to be alive if it is used as a mother tongue by the persons belonging to the national minority group. As a consequence, learning the language of the national minority in school is of great importance. Adult education or learning the language as a second or third foreign language, where the quality requirements are to acquire language skills for tourist purposes, cannot seriously be regarded as adequate language training.

Public school system for the national minorities versus a private initiative in Vienna

In the comments on Recommendation No. 1, it is stated in item I.4.1, inter alia, that Austria's policy concerning the national minorities combines different approaches in connection with the minority schools system. There are public-law measures, on the one hand, and there are financial measures administered under private-economy management, on the other hand. These two approaches lead to considerable differences in quality. The provisions of the minority schools' laws for Carinthia and Burgenland facilitate a more subject-related efficiency to obtain an education in school in the languages of the national minorities in these regions, as these laws specify the requirements for bilingual teaching. In state-run schools the education in the languages of the national minorities has sustainable financial support, based on public funding. To this very day, a corresponding law has not been adopted for the Federal Province of Vienna, although several recognised autochthonous national minorities live in Vienna. At the end of Chapter II.1 of the report by the Republic of Austria it is stated in the reply to the question raised by the Council of Europe in margin note 24 that the low settlement density of persons belonging to national minorities in Vienna does not justify bilingual teaching throughout

the Vienna region. Indeed, bilingual teaching throughout the Vienna region in the languages of the national minorities cannot be justified. It is a fact, though, that not a single state-run school in Vienna offers any bilingual education. Occasional bilingual learning options offered by the state-run schools can hardly be called bilingual education. The same applies to adult-education courses at adult-education colleges (for which participants pay themselves).

Chapter I.4.3 of the report mentions that very great importance is attached to teacher training. In this respect, too, the relevant measures are limited to Carinthia and Burgenland. National minorities that do not live in those regions cannot benefit from these measures.

The schools of the Komenský School Association

The report by the Republic of Austria repeatedly points to the activities of the schools run by the Komenský School Association. These schools offer the only option in Vienna (but also in the rest of Austria) to acquire in-depth skills in the Czech and Slovak languages. In the absence of any school legislation, the schools of the School Association and the children taught there are deprived of the benefits, in terms of quality, deriving from the relevant school laws of the Federal Provinces of Carinthia and Burgenland (e.g. number of pupils per classroom).

The teachers are paid from public funds. However, in the absence of statutory provisions, the number of teachers required for bilingual classes (team teaching) is still not available. The teachers (credit units) must therefore be paid by the School Association from its own financial resources. There is certainly sufficient demand from the local population which justifies the classes offered by the schools, as is evidenced by the growing number of pupils. As a result, another school building of the School Association needed refurbishing, which became possible thanks to the co-financing of the project from public funds. The public financial contribution amounts to € 2 million, which is slightly less than 50% of the necessary funds.

Unfortunately, the running of the schools continues to lack a sustainable financial basis. The flexibility in funding national minority projects, which is mentioned in the report by the Republic of Austria, is only fictitious. The Czech national minority (the School Association belongs to that national minority group) allocates more than 75% of the funding that it receives from the budget for the national minorities, which is described in Chapter II.3 of the report by the Republic of Austria, to maintaining and running the schools. However, these funds are not sufficient to ensure the maintenance and operation of the schools. Flexibility is therefore limited in two ways. On the one hand, only those investments can be made that are most urgently needed for the operation of the school; on the other hand, only very limited resources are available for other activities by the national minority that are distinct from running the school. In the meantime, the situation may have become similar for the Slovak national minority, as some of their resources are also used to finance the operation of the schools.

In connection with the three approaches mentioned in the summary of Chapter I.4.1 of the report by the Republic of Austria, the following comments are submitted as our opinion on this subject:

- there are no public-law regulations for Vienna,

- the national minorities, which are supported under federal private-economy management, do not receive sufficient funding in order to provide bilingual education that is based on a private initiative, and
- the other forms of language promotion do not live up to the quality requirements of a bilingual education.

Reform of the National Minorities Act

In the course of reforming the National Minorities Act, which is mentioned repeatedly in the report by the Republic of Austria, a working group on the subject of “Education and Language” was also set up. The working group finished its work some time ago and has presented a final report. At present, there are no concrete prospects for any implementation of the measures contained in this report, as these do not fall under the competences of the Federal Chancellery and, according to the report by the Republic of Austria, require further legislative measures.

Necessary changes

Measures in two areas are required in order to improve the situation concerning bilingual education for the Czech national minority in Vienna:

1. The legal status of the private schools of the Komenský School Association and the competences for these schools need to be clarified, and the applicable school law must be adapted to the requirements of a bilingual education
2. Dedicated resources are required to secure the operation of the schools on a long-term and sustainable basis.

As no significant improvements were obtained in either respect in the past 20 years, in spite of the many efforts by *pro bono* officers of the School Association, the School Association is currently working again on a proposal that may help to secure operation of the school, which will then be presented to the public authorities.

Public presence on the media

The Czech national minority is supplied with 35 minutes of radio programmes per week. The programme is broadcast from a Burgenland station in the evening after 20.000 hrs. According to media experts the broadcasting time is not suited for radio programmes. The Burgenland station can be received in Vienna. For listeners living in Vienna who prefer to listen to a Vienna-based station in order to receive the local news, this means that they have to change stations in order to receive the programme. On account of these reasons it is therefore quite natural, that the number of persons listening to this station is very small.

Comments by Members of the Slovak National Minority

Comments by the Chairman of the Advisory Council for the Slovak Minority

Mother tongue

The option to learn Slovak as a mother tongue from nursery school to primary school and up to the school-leaving examination does not exist for children of the Slovak national minority. We have been trying for some time to create awareness among the public authorities for the need to have a Slovak nursery school in Vienna – so far without any success.

There is no adequate option available for children to learn their mother tongue at a public school. They can exercise their right, guaranteed by the Constitution pursuant to the principle of equality, only in a limited form and manner (as a third language, after German and Czech) at the Komenský School and are thus forced to pay tuition for their education.

Presence in the media

To some extent the cooperation and the coordination with the ORF only have alibi character. Some concrete results have hardly ever been the outcome of the many conferences and meetings. The ORF did begin in early 2009 to expand its radio, TV and on-line range of products for Austria's national minorities; yet, this was done in a scope and format that could not succeed in satisfying the Slovak national minority. It is especially the fact that the national minorities are presented on the Internet and in radio programmes at a not very attractive broadcasting time and that the TV programme is a joint programme with the Czech minority that leaves ample scope for improvement.

Comments by Members of the Roma National Minority

Comments by the Chairman of the Advisory Council for the Roma Minority

Number of members and size of the national minority

The figure is taken from the data of the 2001 census conducted by Statistics Austria. Generally speaking, there are four groups of Roma in Austria:

- The autochthonous Roma who have been recognised by law and in legal terms by the Republic of Austria since 1983.
- Roma who came to Austria from the former Yugoslavia during the migrant-worker wave at the beginning of the 1960's. Many of them have become Austrian nationals in the meantime.
- Roma who became EU citizens on account of EU enlargement.

- Roma who had to escape from Kosovo and are exposed to deportation to Kosovo.

The autochthonous group derives its rights from the settlement area, i.e. Burgenland, although the law should cover all of Austria. In terms of percentages, there are fewer Roma in Burgenland than in Vienna.

Schools, learning assistance and mother-tongue teaching

Mother-tongue classes are also only possible in Burgenland, as the Burgenland Minority Schools Act contains the relevant provisions. On account of the small numbers of pupils, enrolment figures are low.

Municipal Department 17 (Integration and Diversity) of the City of Vienna supports people who live in Vienna in becoming integrated. This also includes the Roma who have migrated to Austria. The non-autochthonous Roma are asking to have the same rights as the autochthonous Roma. However, under the National Minorities Act this is not possible.

There is more of a response to extra-mural learning assistance, which is financed by the public sector. Outside the settlement area pedagogical attention is only possible in Vienna, where the existing Roma associations provide this assistance. The children come mainly from migrant families and are an important module for integration. There is a great demand for school education in both groups.

Comments by Mag. Mirjam Karoly, Advisory Council Member

Number of members/Size of the national minority

The census results, which were obtained on the basis of the everyday language used in Austria, are neither representative for the number of Roma living in Austria, nor for the number of persons speaking Romany. Any promotion of Romany, the language of this national minority, should be guided by demand and should be based on a realistic number of the Roma living in Austria and should take account of their internal migration movements and trends (e.g. from rural regions to urban centres like Vienna).

Mother-tongue education in Romany

Mother-tongue teaching in Vienna is a positive development. However, at present adequate teaching materials are not available, and there is also no adequate training programme for the teaching staff, which would ensure **high-quality, mother-tongue teaching**.

The association Romano Centro has been trying for years to turn the Roma school assistant project into a sustainable measure. Although the service provided by the Roma school

assistants has been used at schools in Vienna for more than 10 years, negative answers have been received to date from the responsible authorities (City School Board, Federal Ministry of Education) in connection with systematising/institutionalising the Roma school assistants.¹⁰

As an EU member state, Austria was asked by the Decision of the European Council of 24/25 June to expediently implement the Council Conclusions dated 19 May 2011 on the EU framework for national Roma integration strategies up to 2020.¹¹ As part of this commitment it would be an important goal to institutionalise the Roma school assistants in order to ensure sustainable integration measures.

Comments by Members of the National Minority of the Burgenland Croats

Joint comments by the following Croatian organisations and associations

Kroatischer Akademikerklub / Hrvatski akademski klub – Hak / Club of Croatian University Graduates

Kroatisches Zentrum / Hrvatski centar – Beč / Croatian Centre

Burgenländisch-kroatischer Kulturverein in Wien / Hrvatsko-gradišćansko kulturno društvo u Beču – Hgkd / Burgenland-Croatian Cultural Association in Vienna

Kroatischer Kulturverein im Burgenland/ Hrvatsko kulturno društvo u Gradišću – Hkd / Croatian Cultural Association in Burgenland

Kroatischer Presseverein / Hrvatsko štamparsko društvo – Hštd / Croatian Press Association

KUGA - Kulturna zadruka

Wissenschaftliches Institut - Znanstveni institut GH – Zigh / Scientific Institute

As was the case with the two first periodical reports, the 3rd Periodical Report was only presented to the so-called advisory councils for the national minorities that were appointed by the Government. At the same time, the time frame for possible comments was very tight and was also scheduled during the holiday season. Our comments therefore do not claim to be all-inclusive.

Introduction

Under constitutional law Austria's national minorities are covered by constructive and comprehensive protective provisions (Article XIX of the 1867 State Constitution Act, Article 62-69 of the 1921 State Treaty of St. Germain, Article 7 of the 1955 State Treaty of Vienna). To some extent the applicability of these provisions, or parts thereof, is contested claiming that more recent substantive provisions have replaced them. However, also in areas where academe and case law have fully acknowledged the applicability of the cited provisions, the

¹⁰ For details about the Roma school assistant project please visit http://www.romano-centro.org/NEW/index.php?option=com_content&view=article&id=4%3Aroma-assistenten&catid=12%3Aprojekte&Itemid=4&lang=de

¹¹ http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/de/ec/123098.pdf

Republic of Austria has always been anxious to delay the factual implementation of the national minority rights for as long as possible (many of the rights guaranteed under Article 7 were implemented by way of specific implementing provisions as late as in the 80's and 90's, after the Constitutional Court had issued the relevant decisions). In doing so, the Government has always been at pains to keep the implementing laws and ordinances as restrictive as possible.

With the amendment of July 2011 of the National Minorities Act, Federal Law Gazette I No. 46/2011, the legislator has enacted provisions under constitutional law that have cancelled the case law of the Constitutional Court in connection with topographical signs and official languages and has introduced arrangements that are contrary to the principle of equality and international law.

One main problem to this very day is the implementation of the guaranteed protection standards for the national minorities, as it is deficient, restrictive and, to some extent, has not been taken care of to date. This contradiction between enacted laws and reality, between appearance and reality can be noticed in several examples and is a threat to existence of the language minorities in Austria.

To some extent this restrictive approach has a long tradition in Austria; to some extent, though, it received a new basis with the ratification of the Charter. In any event, the result is that the language rights are now being interpreted with even greater restrictions than before, limiting them to the autochthonous settlement areas, and/or that the autochthonous settlement is being reduced in size. Written and very detailed proposals by the organisations of the national minorities on a future-oriented and more minority-friendly form of ratification by Austria were not taken into consideration.

The rights of the minorities have been further restricted on account of the factual and statutory form of ratifying the Charter restrictively. The full language rights under Part III of the Charter can now only be enjoyed for "Burgenland-Croatian in the Burgenland-Croatian language area" (!) in the Federal Province of Burgenland, for Slovene in the Slovene language area of the Federal Province of Carinthia, as well as for Hungarian in the Hungarian language area of the Federal Province of Burgenland". As a result, the language rights of the Croatian minority in Vienna, of the Slovene minority in Styria, as well as of the Hungarian minority in Vienna are being curtailed.

Comments on the statements in the Periodical Report

Ad I.2.

"Implementation of the Constitutional Court decisions on bilingual topographical signs ... on the basis of the broadest consensus possible with the national minority groups ..."

In this connection we would like to state that there was not any such broad consensus, as the representatives of the Croatian national minority were not included in the process, in spite of vehement protests and interventions. Moreover, contrary to the provisions in § 3 (1) of the National Minorities Act, the advisory council for the Croatian minority was not involved in this matter.

As to the content, it must be stated that the new law is limited to a minimum concerning topographical solutions, and that the concept of “signs and designations of a topographical nature” has been reduced to place-name signs and direction signs, contrary to all rules on interpretation (see the Comments on the Draft Amendment, page 4, concerning the express restriction).

In addition, the comments expressly indicate that municipalities have the possibility to elegantly “dispose of” Croatian as an official language by delegating matters in the Croatian language to the territorial corporation, although they come under the domain of the municipality as such (express reference in the Comments on the Draft Amendment, page 5).

Ad I.4.1

Recommendation to adopt a structural policy for the protection and promotion of all languages in Part II of the Charter, especially in Vienna, and to create favourable conditions for their use in public life

This recommendation was not implemented; not a single restriction on the use of the minority languages before authorities was removed during the reporting period. On the contrary, the amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, which entered into force in 2011, will actually deteriorate the status of the minority languages in public life, as the amendment cancels the case law of the Constitutional Court and specifies provisions that violate the principle of equality and clearly contradict provisions under international law.

The Periodical Report also admits that “measures under public law on official language, bilingual topographical signs, as well as the minority schools’ system are limited to defined bilingual areas.” Vienna, the federal capital, which is particularly underlined in the recommendations of the Committee of Ministers, is not part of the defined bilingual areas. Croatian, Romany, Slovak, Czech and Hungarian, which are autochthonous minority languages in Vienna, cannot be used at all in public life. Slovene may also not be used in Styria, which is in contrast to the constitutional provisions of Article 7 (3) of the State Treaty of Vienna.

Ad I.4.2.

Recommendation to ensure that the decision of the Constitutional Court on the use of the Slovene language before administrative authorities in Carinthia is implemented without any further delay

The new provisions (especially the aforementioned possibility to delegate matters) also affect the Croatian national minority which, as was stated earlier, was not included in this process, in spite of vehement protests and interventions.

Ad I.4.3.

Recommendation to ensure that the growing demand for classes in the regional or minority languages is satisfied by an adequate offer, both for speakers and non-speakers of these languages

In our opinion a satisfactory development of the language skills can only be ensured by making bilingual classes compulsory at *de lege* bilingual schools.

- All other measures can only slow down, but not stop, the total loss of language competences and speakers of the national minority languages. The Croatian population in Vienna therefore regards it as indispensable to counter the threat to the existence of the national minority, caused by the present disadvantaged status of persons belonging to the national minority in Vienna, as compared to that of persons belonging to the national minority in Burgenland, by creating bilingual educational facilities (nursery schools, primary schools, lower-level secondary schools, upper-level secondary schools, all the way up to the school-leaving examination) on the basis of a minority schools' law to be provided by the Federal Government. This minority schools' law and/or the measures associated to it shall also give persons of the national minorities living in Austria the opportunity to facilitate an education in the language of their national minority for their school-age children.
- Furthermore, the Federal Province of Vienna and the Federal Government are asked to immediately increase the promotional funding for the provision of educational options for the national minorities in Vienna, which is paid to the currently existing associations of the national minorities that are engaged in educational matters.

Ad I.4.4.

Recommendation to ensure that the Burgenland-Croatian, Slovene and Hungarian languages can actually be used before the relevant courts and administrative authorities

The general lack of civil servants with language skills in the language of the national minority makes the swift and efficient (primarily written) handling of submissions in the Croatian language more difficult. Calling in an interpreter, who is not necessarily present at all times, further delays the matters, so that the use of the German language as the official language is preferred in these cases for reasons of time and expediency.

Amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, adopted in July 2011

With regard to the official languages, the amendment contains **provisions with constitutional status which lead to a deterioration of the legal situation in comparison to the existing regime** and which comprise an unfounded discrimination of the individual members of the national minority. For details see below:

a) In the Comments on the Draft Amendment, i.e. on item 8 (§ 13 (1)) and item 16 (Annex 2), it is clearly stated that “in municipalities where it is possible to use the Croatian, Slovene and Hungarian language in addition to German as official languages, **representatives of legal entities**, which include in their bylaws matters relating to a national minority, may also file submissions in the language of the relevant national minority”. Under the old legal and practical regime all legal entities, irrespective of the purpose defined in their bylaws, were able to file submissions in the language of a national minority if that language of the national minority was admitted as an official language in that location. This **deterioration** is of practical relevance for all legal entities that do not explicitly mention “matters of concern to the national minorities” as a purpose in their bylaws. In the future this will no longer be possible, as – according to their bylaws – these legal entities do not deal with matters pertaining to a national minority but are just plain economic entities.

b) Moreover, it is stated in the Comments on the Draft Amendment, i.e. on item 8 (§ 13 (1)) and item 16 (annex 2), that municipalities “may **transfer**, upon their application, **the handling of specific matters** within their own competences to general administrative authorities (*what is meant here are most likely district administrative authorities*) by way of an ordinance of the regional governor or, depending on the competences, by the regional government.” The reference to Article 118 (7) of the Federal Constitution Act in the Comments on the Draft Amendment, containing the express statement that municipalities may “transfer specific administrative matters that are not to be handled in German to the district administrative authority with local competences” is an invitation and/or direction to outsource matters pertaining to the minority languages and to restrain their practical use. This trend is further underlined by the reasons given for such a transfer such as the limited performance capacity of a municipality, or **efficiency, thriftiness and economy**. Instead of engaging in tendencies that are hostile to the national minorities, one should promote citizen-friendly and minority-friendly solutions, particularly by granting financial refunds of the extra costs from the federal budget, for example, to municipalities that actually use the languages of the national minorities.

c) The **old regime on official languages was extremely complex and should be simplified so as to enhance its applicability**. One could use electronic communication with the authorities; one could also draw up a series of forms and certificates that comply with European standards; the forms in the languages of the national minorities should be equivalent to the German ones and not only serve as translated orientation. One should also facilitate the use of the relevant diacritic signs of the minority languages. The amendment to the National Minorities Act that was adopted in July 2011 achieved the exact opposite. For example, Croatian, Slovene and/or Hungarian are only admitted as official languages for acts under public administration but not for acts administered by territorial corporations and other public-law corporations under private-economy management. However, citizens find it difficult to see the difference between these matters.

d) In keeping with the National Minorities Act (in the version of the amendment, Federal Law Gazette I No. 46/2011) the citizens of 27 municipalities in Burgenland have the right to use Croatian as an official language, as well as before 6 district administrative authorities and 6 local courts. Many villages with a fairly sizable Croatian population were not included in the arrangements concerning official languages. The same applies to Eisenstadt, the regional

capital, which also has quite a large Croatian population. The inhabitants of the recognised bilingual municipalities have the right to use Croatian as an official language at the district and regional authorities, as well as before those federal authorities that have an office in Burgenland. The same applies to other service units such as, for example, the tax office or the labour exchange. Further units can be identified in analogy to what has been established for “Slovenes in Carinthia”. In addition, it is also admissible to use the Croatian language before certain administrative authorities located in Vienna (e.g. the Vienna Regional Fiscal Directorate) and the Calibration Office Graz.

Contrary to the indication in the Periodical Report (II.1.2, margin note 133) there are hardly any bilingual documents.

Ad I.4.5.

Recommendation to expand the scope of television programmes in Hungarian and to ensure adequate financial means for newspapers in Burgenland-Croatian, Slovene and Hungarian

a) Electronic media:

The television programmes broadcast in all national-minority languages are absolutely insufficient (30 minutes on Sundays, not a single word in the national-minority languages on television during the week, + 1 x per month a 30-minute magazine for the national minorities). For decades it has been uncontested that television is the most important medium. As a rule, audiences will pay more attention to television programmes than to radio programmes. The ORF spends much more money on its television channels – also from the money that listeners/viewers pay for the programmes – than for the radio channels. Approximately 97% of households in Austria have a television set.

The radio stations (regional programme for Burgenland), too, “speak” Croatian only for 3 minutes during the day (news at 12.37 h); all other programmes are broadcast in the evening. It would be desirable to be able to also listen to the languages of the national minorities early in the morning, in the course of the morning and in the afternoon.

b) Print media

There are no daily newspapers in any of the languages of the national minorities in Austria. Nor do the daily newspapers publish anything in the languages of the national minorities. The organisations of the national minorities publish a Slovene weekly newspaper in Carinthia and a Croatian one in Burgenland, and the Roman-Catholic Church also publishes one weekly newspaper in each of these two languages. Every other week a Czech newspaper is published in Vienna by the organisation representing the Czech population. In addition, there are the regular periodical publications and/or “association newsletters” in the languages of the national minorities, which are published by the organisations of the national minorities on a regular basis – sometimes every month, but mostly every quarter.

All aforementioned periodicals face enormous financial difficulties; to a large part they are produced by volunteers, except for the weekly newspapers, and they depend on subsidies and donations.

Ad II.3.

Resolute procedure in granting promotional funding

It must be stated here that, in the last analysis, it is the Federal Chancellery that decides on the ranking of projects, as well as on the amounts of promotional funding for the individual projects and thus on the actual priorities. One must also state that the overall amount of the budget available for the national minorities has remained unchanged since 1995, which is tantamount to a real decrease of approximately 30% after adjusting for inflation. The practical method applied when granting promotional funding also needs to be improved: the funds are paid out late (often as late as the third or fourth quarter of a year), so that associations have to take out loans to finance their operations. It is not possible to obtain a refund for the interest due on these loans from the promotional grants.

In July 2011 Parliament adopted a “Federal law awarding a dedicated grant to the Federal Province of Burgenland on the occasion of celebrating Burgenland’s 90 years of affiliation to Austria” in the amount of four million euros (!) in order to strengthen identity and diversity in Burgenland. To give one example: the Croatian Cultural Association received € 10,000 (!) from that amount.

On further statements in the Periodical Report

Ad II.3, pages 32 and following

(Replies to the questions raised in margin notes 31, 35): There is no financial support for learning to play the Tamburica at music schools in Burgenland. The year-on-year expansion of the classes taught in Croatian relates solely to primary schools and new middle schools, but not to upper-level secondary general schools, upper-level secondary vocational schools and teacher training facilities.

Ad II.6, pages 37 and following:

Not all suitable formats are offered on all levels.

At the university level only one single course is offered in Burgenland-Croatian; the second course was cancelled in 2009 for “reasons of economy”, without offering any replacement.

Ad III.1.1.**Pre-school education**

In the day-to-day nursery-school routine, the extent to which Croatian is used as the “nursery-school language” depends primarily on the language skills and the personal commitment of the nursery-school teacher. It, in turn, depends upon the local council and/or the mayor (as the employer) whether the nursery-school teacher speaks any Croatian at all or not. In some nursery schools children speak and play in Croatian, in others the children only learn a few Croatian songs and poems. Primary-school teachers, too, complain about the insufficient skills of first-grade pupils in Croatian. One can state, in general, that only in a few exceptional cases the allegedly bilingual nursery schools in Burgenland comply with the statutory targets. Occasionally the intentions underlying the legislation are ignored completely or reduced to absurdity. The law specifies that assistant nursery-school teachers should be used who should assist the teacher in the use of the Croatian language (as language skills are lacking, or there are too few bilingual staff members at the nursery school). Initially, the costs of the assistants were covered from the regional budget. As the municipalities must eventually pay for these costs, they lose all interest in deploying assistants.

Many parents try to counter the linguistic assimilation of their children, but many simply put up with the given situation and thus deprive their children of the opportunity to learn two languages simultaneously by playing.

Primary-school education

Within the scope of the Minority Schools Act for Burgenland it is possible to cancel a pupil's enrolment in a bilingual class at the traditionally bilingual schools. Pressure may be exerted on teachers (“If my child gets a low grade, I will simply take him/her out of the bilingual class”). In the opinion of the school authorities in Burgenland the “normal” standard (monolingual) curriculum applies to pupils who have cancelled their attendance of bilingual classes. This means that the teacher must not speak Croatian to that child. The child will not have three lessons of Croatian but one German lesson, one physical exercise lesson and one lesson of handicrafts. However, who will go to the gym with these “un-enrolled” pupils or do handicrafts with them if no teacher is available?

Moreover, there is no a clear definition of the term “bilingual education”. It is up to the teacher and/or the language skills of the pupils to what extent Croatian is used and how much pupils are required to achieve. For some, one Croatian poem per month is too much, for others this is much too little. A pupil who does not even know how to say “hello” in Croatian may be given a grade “good” and, as a result, his/her attendance is perhaps cancelled, while a pupil who is fluent in Croatian will be graded “very good”. In many cases, this exhausts the full range of grades that pupils may get.

The law should at least define a minimum level of use of the Croatian language, a target for the language skills or a teaching target. Compulsory bilingual classes in the traditionally bilingual region would be ideal for preserving the language.

An impartial evaluation is required of the effectiveness of school classes (in analogy to PISA).

Secondary-school education

Lower-level secondary schools

The bilingual lower-level secondary schools that were previously operated as pilot projects were put on a statutory basis in the Minority Schools Act for Burgenland. Apart from these, the law specifies monolingual (Croatian or Hungarian) lower-level secondary schools, which is a dead-end street in terms of educational policy, because today nobody will send his/her child to a school where German is only taught as a subject. Whenever if there is demand and classes (minimum: nine enrolled pupils) or class units (minimum: 5 enrolled pupils) must be set up at other lower-level secondary schools, which are otherwise run in German, these pupils must not be taught in two languages but in one language, i.e. Croatian. The legislators plead that they interpret Article 7 of the State Treaty of Vienna to the letter. As an alternative, pupils may enrol for Croatian classes in the form of language classes, with Croatian being one language subject. The rapid drop in pupils attending classes taught in Croatian upon transfer from the fourth to fifth grade has become even more pronounced in recent years.

Middle and upper-level secondary schools

The law specifies that one (single) upper-level secondary general school (grammar school or modern-language grammar school) is to be set up. When looking at the geographical shape of Burgenland it becomes clear that hardly anybody from Neudorf/Novo selo or Osip/Uzlop will attend the bilingual grammar school at Oberwart/Borta. Article 7 speaks of a “proportionate number of special secondary schools”. While there are two secondary schools for the Slovenian population in Carinthia, for example, the law specifies that one single secondary school be set up for the Croatian population (including Hungarians), which is much larger. There are no further bilingual/multilingual upper-level secondary general schools or upper-level secondary vocational schools in Burgenland. Here, not so much attention was paid to interpreting Article 7 to the letter.

All other language-education projects conducted at other upper-level secondary general schools were not included in the standard school system; they continue to be pilot projects that may be terminated at the end of every school year.

At present, work is under way on a new regime for the school-leaving examination. What is striking here is that the option to take a written test for the school-leaving examination in Croatian will continue to be available (however, only after protests by the Croatian Cultural Association); yet, only at upper-level secondary general schools but not at upper-level secondary vocational schools. One should also mention that pupils may enrol in Croatian classes as an optional compulsory subject only at the Federal Commercial College Stegersbach but not at the other 6 federal commercial colleges or higher teaching institutes for commercial occupations.

As a general comment it is stated that there are attempts to reduce the available language options every time that the law is amended.

We support the proposal made by the working group “Education and Language”, i.e. that the continuation of bilingualism on the secondary-school level should be incorporated in the law on the national minorities, allowing for a cancellation of the enrolment at the same time.

University education

As was mentioned before only one course in Burgenland-Croatian is offered on the university level, the second course was cancelled in 2009 for “reasons of economy”, without offering any replacement.

The course “Introduction to Slavic Linguistics ...”, which the Federal Chancellery mentions, refers to Burgenland-Croatian only as a side topic, one can certainly not say that “Burgenland-Croatian is being offered as an option”.

Ad III.1.1.1.

The history and culture of the national minorities is offered on a small scale and only in the settlement areas of the national minorities. The fact that the social-studies text books of the fourth grade of primary school (only in Burgenland!) comprise a chapter on the national minorities can only be regarded as a “fig-leaf” solution! It is urgently demanded that the subject of “national minority groups in Austria” is dealt with on a broad basis throughout Austria, at all types of schools and at all school levels (not only in the fourth grade of primary school in Burgenland!) in order to raise the understanding for our concerns. Without any doubt this should be part of our general educational background.

Ad III.1.2. and II.1.3.

We refer to the comments under item I.4.4 with regard to the topics judicial and administrative authorities.

Ad III.1.4.

Please refer to comments und item I.4.5 with regard to the topic of media.

Summary

There is a strong need to adapt Austria’s legislation for the national minority groups to the contemporary challenges of protecting minorities. In fact, all Federal Governments of the past decade announced fundamental improvements for the protection of the national minorities in Austria. At present, several working groups at the Federal Chancellery have been dealing with this task since the end of 2009; for the time being without having obtained any tangible results, although high-level experts have prepared specific proposals, which the organisations of the national minorities support. This seems to be leading towards delaying tactics that are to create the impression of being engaged in an ongoing dialogue. In any event, the amendment of the National Minorities Act, Federal Law Gazette I No. 46/2011, was enacted without any involvement of the aforementioned working groups or the organisations representing the

national minorities in Austria, except for those of the Slovene population in Carinthia, and, in fact, without the involvement of the advisory councils for the national minorities, which the Federal Government has appointed for this purpose, and which would have a statutory right to comment on a bill. The relevant organisations representing the Austrian national minorities, which are independent of any political party, reject the amendment as being restrictive and contrary to the principle of equality. It is also a serious restriction of the rights of minorities under Article 7 of the State Treaty of Vienna and must therefore be interpreted as a one-sided revision of the international-law obligations under the State Treaty of Vienna. As core sections of the amendment have the status of constitutional law, the Constitutional Court has been deprived of checking on the legality of major areas relating to the protection of the minorities.

A large part of the criticism voiced here could be remedied in the near future by pursuing a long overdue amendment of the National Minorities Act.

The dialogue with the other national minorities, the responsible State Secretary and the civil servants of the Federal Chancellery should acquire more transparency and sustainability by drawing up a list of requirements for a modern law for the national minorities, which will put the needs and priorities of the national minorities into clearer focus.

A draft for a new law for the national minorities, which renowned Austrian legal experts have prepared and which the Austrian Centre for the National Minorities has presented to the working group on structural and legal issues in the Federal Chancellery, has so far not received any consideration.

We hope that a constructive dialogue will soon be launched which – as was promised in the face-to-face talks with State Secretary Ostermayer in June – will lead to a broad consensus with the representatives of the national minorities on the draft legislation.

Comments by Mag. Edith Mühlgaszner, Member of the Advisory Council

Mag. Edith Mühlgaszner communicated the following comments for the benefit of clarification and/or correction:

In Table 10 “Bilingual primary schools and classes and/or classes with Croatian as a compulsory subject” the figures refer to the 2010/2011 school year. The column “class/compulsory subject” in the table always includes separate classes which are either bilingual classes or classes with Croatian as a compulsory subject.

School supervision

It can be added that since 1 August 2004 the regional school inspector for the minority schools’ system has also been in charge of supervising the teaching of Croatian at upper-level secondary general schools, upper-level secondary vocational schools and vocational middle schools.

Transfrontier exchanges

There are numerous transfrontier activities and projects in Burgenland on the school level which are comparable to those listed under this item for the other national minority groups. Please refer to the publication by the Croatian Culture and Documentation Centre “Vielfalt macht Schule – Schule macht Vielfalt. Grenzüberschreitende Projekte burgenländischer Schulen“. This brochure was also published in English “Diversity promotes Learning – Learning Promotes Diversity” (Transfrontier projects by schools in Burgenland).

The brochure gives a good overview of the transfrontier projects by schools in Burgenland with the neighbouring countries and is the result of an Interreg project that was co-financed by the European Union and the Federal Province of Burgenland.

Numerous partnership projects also take carried out by nursery schools and associations.

Comments by Members of the Hungarian National Minority

Comments by the Chairman of the Advisory Council for the Hungarian Minority

The report offers a broad range of information which document the growing volume of activities in the life of the national minorities. It creates the impression that the Federal Government and the respective Federal Provinces have been paying more attention to the national minorities and their activities in recent years than in the past, thanks to the initiatives of the national minorities.

When merely looking at the educational sphere, one can observe that there is more intensive promotion of the languages. The same applies – although on a more modest scale – to the media landscape. However, the purely descriptive nature of the presentations offers an unproblematic perspective; in other words, the problems are not discussed, in particular one cannot discern the (lacking) quality behind the quantity.

It is therefore necessary to critically refer to several urgent problems that have remained unchanged:

While interest in the Hungarian language in Burgenland is growing, and so are the options available to interested persons, which is evidenced by the figures, there is, in reality, no in-depth effect of this interest and this language offer. One cannot but note that bilingualism is developing to the disadvantage of the languages of the national minorities.

Moreover, the intercultural projects are not necessarily to the benefit of the national minority groups. There is peaceful co-existence, and in the bilingual municipalities conversations are – in any way – conducted in the German language. Intercultural projects have their place whenever there are tensions; for example, they would be useful for the integration of migrants.

Bilingualism must be given a genuine opportunity in the field of education. In practice, there are rather lessons in Hungarian than teaching in Hungarian. Moreover, one can speak of teaching

in Hungarian only in connection with primary schools, as children and juveniles do not have an opportunity to acquire a perfect command of the Hungarian language beyond that stage.

In Vienna one can hardly get an overview of the large number of projects and school projects; they rather create confusion than clear information as to where children and juveniles will be able to obtain an effective education.

The “language courses” held by associations need to be commended, and they are indispensable, but they should rather be conducted as a supplement to teaching in school. As is the case in Oberwart, a full-fledged bilingual school must also be set up in Vienna, where children from 6 to 18 years of age can obtain an education in German and Hungarian and/or German and Croatian, up to the level of the school-leaving examination.

The radio and television programmes must be further expanded with consistency. The number of television programmes must be raised to 12 per year. Moreover, the daily radio broadcasting periods must be doubled in length.

Bécsi Napló is the only newspaper in the Hungarian language in Austria. Last but not least for financial reasons it is not possible to re-design it as a monthly journal, although the newspaper staff works on a purely voluntary basis.

For Vienna, in particular, the associations are listed that receive financial support for their activities. The amounts are not indicated. This therefore creates the impression that the financial support is considerable, whereas in reality the amounts are quite moderate.

Comments by Members of the Slovene National Minority

Comments by the Council of Slovenes in Carinthia

Ad I.1:

In the outline of Austria’s population according to everyday language, there is also an entry relating to “Windisch” which is used by 567 persons. It is commented that this is a variant of Slovene interspersed with German words.

While this is true, the comment in the footnote already clearly indicates that there was no reason to carry “Windisch” as a separate category, as this is a variant of Slovene. It needs to be pointed out that this category was introduced by the Nazis and used for the first time during the 1939 national census. The Republic of Austria continued this practice, in spite of massive criticism on the part of the organisations representing the Slovene national minority. It has legal implications, though, that “Windisch” is carried as a separate category, because the Austrian Constitutional Court always based its decisions on the issue of bilingual topographical signs on the census results; yet, expressly, it did not add the category of the “Windisch” to the population using Slovene as an everyday language. This had quite concrete effects, for the first time when the decision on St. Kanzian/Škocjan was appealed: On the basis of the result of the 1991 census, the Constitutional Court first demanded in 2001 that bilingual topographical signs

should be put up. The Court repealed this decision in 2006 by referring to the results of the 2001 census, as the percentage of the Slovene population had decreased. One can presume that if the category of the “Windisch” population had also been taken into account, the percentage obtained at the 2001 census would also have been sufficient for the Constitutional Court to confirm its earlier decision. In addition, the omission to consider the “Windisch” as a category had quite concrete implications in connection with a decision by the Constitutional Court concerning the village of Gallizien/Galicija: The Constitutional Court refused to grant this village bilingual topographical signs because, on average, the share of the Slovene population had only amounted to 9.9%, and thus not to more than 10%, in the last two censuses. The difference was 1 in absolute figures, in other words, only one person was missing. Especially in the municipality of Gallizien/Galicija, the category of the “Windisch” had been most strongly represented at the past censuses.

As the “solution to the topographical signs issue”, obtained by the 2011 National Minorities Act, took account of all Constitutional Court decisions, which had been issued for the individual municipalities, one may presume that at least two villages, but perhaps also more, will not receive bilingual topographical signs, on account of introducing and preserving the artificial category of the “Windisch”, although they would have received bilingual topographical signs when adding the “Windisch” population as a category to the population using Slovene as an everyday language.

Ad I.2:

The Austrian Periodical Report points out that a hearing was held on 03 December 2009 on the reform on the National Minorities Act and that three working groups were then set up to deal with specific issues of the national minorities. It is pointed out that the results of these working groups have not yet been implemented; especially the working group “Structural and Legal Issues” apparently served the exclusive purpose of documenting activity, as the group did not really tackle any of the relevant political questions. The most topical issue, namely the issue of arrangements for the official languages, as well as for the topographical signs in Carinthia was explicitly excluded, as it was not desirable to deal with these issues from a legal perspective.

In addition, the Periodical Report expressly refers to the new provisions of the National Minorities Act, which cover the new arrangements for the bilingual topographical signs and the official languages. In this connection, the Association of Slovene Lawyers in Carinthia issued a statement before the law was adopted. This statement was communicated to all associations that are customarily heard in an evaluation procedure, because – in striking contrast to standard legislative procedure – there was no evaluation procedure at all on this issue.

As the bill was then adopted without any modifications, the statement by the Association of Slovene Lawyers in Carinthia continues to be of topical significance and is therefore enclosed with the report in order to refer readers to this set of issues.

The foregoing applies especially also to the case law of the Constitutional Court which is cited on pages 14 and 15. The case law of the Constitutional Court was expressly disregarded when drafting the new provisions of the National Minorities Act, except for the specific cases that the

Court adjudicated. Moreover, the provisions also deviate massively from the principles evolved by the Constitutional Court.

Ad I.4:

In its Recommendation No. 1 the Council of Europe recommended to develop a structured policy for the protection and promotion of the languages in order to create more favourable conditions for their public use.

Exactly the opposite has been achieved with regard to the use of Slovene as an official language. For the municipalities Eberndorf/Dobrla vas and St. Kanzian/Škocjan the new provisions on official languages have limited the previous options for the use of Slovene as an official language to a few villages; in several other municipalities the use of Slovene, which previously had been possible in theory according to the law, has now been excluded under constitutional law. The possibility to use both languages in court has not been expanded. In this connection, reference is made to the enclosed statement on the National Minorities Act. As far as the Slovene language as an official language is concerned, the Republic of Austria has, as yet, not complied with the recommendation of the Council of Europe.

In its Recommendation No. 2 the Council of Europe demanded that it be ensured that the case law of the Constitutional Court concerning the use of the Slovene language before public authorities in Carinthia be implemented without any delay. In this connection, the Federal Government refers to the new National Minorities Act. However, this is not an implementation of the case law issued by the Constitutional Court. In the concrete case of the municipality of Eberndorf/Dobrla vas the Constitutional Court decided that Slovene be admitted as an official language for one inhabitant of that village. However, the new provisions of the National Minority Act under constitutional law have now abolished the possibility of using Slovene as an official language in the village of Eberndorf/Dobrla vas – of all places. This is not a matter of implementing the case law of the Constitutional Court, but a way of bypassing this case law by issuing new provisions under constitutional law.

In its Recommendation No. 4 the Council of Europe demanded that it be ensured that the language of the Slovene population, amongst others, can be used in practice before the relevant administrative authorities and courts. The Federal Government points out that a violation of these provisions concerning official languages is sanctioned by nullity under procedural law. However, in practice, this is disregarded to a large extent. In the case of the municipality of St. Kanzian/Škocjan, cases have been pending for years because the municipality stubbornly refuses to use the Slovene language. The municipality uses forced collection to enforce claims against citizens who do not pay their municipal taxes out of protest, because they are not served the relevant decrees in the Slovene language. If the comments provided by the Austrian Federal Government were correct, the courts would have to declare null and void the municipal orders on outstanding taxes. However, the courts do not proceed along these lines, but regularly grant the chicanery of forced collection by the municipalities.

Legal entities appearing before the Regional Court Klagenfurt/Celovec continue to be denied the possibility of using Slovene as official language, based on the argument that legal entities

do not have a “mother tongue”. The opportunity was missed to solve this issue when adopting the new provisions of the National Minorities Act.

Ad II.1:

The Federal Government invokes the provision on a national objective pursuant to Article 8 (2) of the Federal Constitution Act. It is stated in this connection that this provision has not been invoked in a single case to date and, as far as is known, it is not raised in the case law. To a large extent it is of no effect.

Comments on the working groups set up by the Federal Chancellery were made earlier.

Ad II.2:

The Charter calls for the respect of the geographical territory of the regional and minority languages. This precisely has not been the case concerning the Slovene population in Carinthia. The new National Minorities Act excludes, by constitutional law, 109 places that ought to have been given bilingual topographical signs according to the case law of the Constitutional Court. The geographical territory has thus been considerably restricted.

In addition, the new National Minorities Act specifies that direction signs need to be bilingual only if they point from bilingual place to another one. This, too, is a massive restriction of the geographical territory.

The principle contained in the provisions on national language according to item 3 of Article 7 of the State Treaty of Vienna stipulates that Slovene must be admitted as a national language in administrative and court districts with a Slovene or mixed population, and that topographical signs must be bilingual in such areas. The new National Minorities Act has turned this principle upside down; there are now ten municipalities where bilingual topographical signs are admitted for individual villages, but where the Slovene language is not admitted (or only admitted to a limited extent) as an official language. This, too, is a massive restriction of geographical territory and thus a violation of Article 7 (1) b) of the European Charter for Regional or Minority Languages.

Ad II.3:

The Federal Government refers to the promotional measures implemented so far. It should be pointed out that the promotional funding has remained more or less unchanged since 1995 which constitutes, in fact, a decrease by at least one third when considering inflation.

Several promotional measures are planned in the “Memorandum” to which the Federal Government refers. However, they are more or less only sufficient to cover some of the debts. It does not contain a systematic new structure for the areas mentioned. Additional credit units for the Slovene grammar school do not constitute any promotion of the national minority, but a standard requirement to ensure the operability of a school where one more language than in other schools is being taught. Accordingly, such a school will need more credit units.

The National Minorities Office of the Carinthian Regional Government, which the Federal Government mentioned, is massively under-staffed and over-worked with translations. Whenever a person uses Slovene as an official language, he/she must expect long waiting times.

Ad II.4:

In connection with the programmes offered to the national minorities, a public tender was put out for the license covering the Slovene settlement area in Carinthia, in the course of which the license was granted to Radio Agora, which offers a bilingual programme that takes account of “alternative target groups”. Radio Dva, which had wanted to offer a completely Slovene programme, went away empty-handed. The reason given for decision was that Radio Agora will ensure a greater diversity of opinions. It was overlooked, though, that this was the license for the Slovene settlement area and that diversity of opinion would have to be provided by all other stations. It is not admissible that the single license holder for the Slovene settlement area should also be required to cover other target groups. An action concerning this matter is currently pending before the Constitutional Court.

Ad II.6.:

The Federal Government does not mention that it is now compulsory to go to nursery school in the year before entering primary school. Accordingly, it would have to be ensured that there is the possibility in every municipality to enrol children at a nursery school where the care is also provided in the Slovene language. However, there is neither a legal basis, nor a factual possibility to ensure this option in all municipalities of the bilingual area.

Ad II.10.:

The Federal Government argues that the advisory councils for the national minorities look after the issues defined in Article 4 (7). It is pointed out that an advisory council for the Slovene minority has not existed since 2009, and that the Administrative Court has also ruled that the last two advisory councils had been put together unlawfully.

Ad III.2:

The Council of Europe asked to make the rights of the Slovene minority group more transparent. The Office of the Carinthian Regional Government reacts to this demand by mentioning that there is a National Minority Office and that there is the Culture Week of Slovenes in Carinthia. This is not an answer to the justified question which the Council of Europe raised. To this very day, many Slovenes in Carinthia do not know – without obtaining legal advice on this matter – which language rights they have and which rights they do not have. The new provisions in the National Minorities Act have made things even more complicated; depending on the level of protection and the scope of the language rights, one can now distinguish 16 categories of Slovenes in Carinthia.

It has been a wish for many years to take account of the Slovene minority group in the Carinthian regional constitution. Carinthia continues to disregard this wish; it is a topic that is not even worth discussing.

Ad III.2.1:

The working group on education in the Federal Chancellery has worked out meaningful recommendations, which have not been implemented to date and, in fact, have not even been dealt with.

The Council of Europe specifically asked for the impact of introducing a compulsory year of nursery-school attendance on the bilingual education at primary schools in Carinthia. The reply given by the Federal Government is not satisfactory. It is pointed out again that there is no supply of bilingual nursery-school facilities covering the entire bilingual area.

The Council of Europe also inquired about the training that bilingual nursery-school teachers receive. Again, the answer provided by the Federal Government is unsatisfactory. To this day there are no formal qualifications for bilingual nursery-school teachers; only a voluntary subject is being offered. The fact that traineeships in Slovenia are mentioned clearly indicates that Austria does not see any urgent need for action.

Slovene at secondary schools is still not being offered at an adequate level. One would have to provide the option of also being able to continue a general bilingual education at secondary schools. This is a core issue of the recommendation by the working group on education.

The problems concerning principals at bilingual schools continue to be unresolved. In the selection procedure no special credit is given to the additional qualification for Slovene of bilingual candidates, although this is an essential requirement when heading a bilingual school. Again, in this context proceedings are pending which relate to allegedly deficient appointment procedures for school principals (for example, the primary school at Maria Gail/Marija na Zili).

Bilingual afternoon care continues to be an unresolved issue.

In connection with the question raised by the Council of Europe concerning the teaching of history and culture of the Slovene minority, the Federal Government – under “Teaching history and culture” – merely points to the fact that the Carinthian referendum of 10 October 1920 is being dealt with. This, exactly, is the crux of the matter: The Slovene minority is being reduced to the 1920 referendum, and, in this connection, it is often presented in a negative manner. Quite often, the average young Carinthian is completely without any information; in a growing number of incidents people are of the opinion that the Slovene population migrated to Carinthia only after the war, and that they are now not justified in claiming rights to which they are not entitled. However, this is not only a problem related to the education one obtains at school; it is also a problem of how the media present this subject.

Ad III.2.2.:

The new National Minorities Act has determined under constitutional law that only the three courts that have always existed will be bilingual courts. As a result, the use of Slovene, which

has been admitted as an official language in numerous municipalities, has been banned from being used in court.

The judicial authorities continue to be unable to correctly produce the Slovene diacritic signs, i.e. š, č, and ž. This leads to parties being addressed incorrectly and to names being falsified in the land register. It is not even possible to set up a company using one's correct surname if that surname comprises a diacritic sign; the diacritic sign (referred to in German as "Haček") must be left out. In this connection, a case is pending before the European Court of Human Rights.

To this very day it is still not possible to enter purchase contracts in the land register when they have been signed in the Slovene language. The court requires a translation into German – which is contrary to the provisions of the National Minorities Act.

The intention under the new National Minorities Act, i.e. to deprive legal entities of the possibility to conduct litigation in Slovene, will lead to a massive decrease in court proceedings that are conducted in Slovene. The Federal Government states that the new National Minorities Act no longer contains any restriction for legal entities; yet, one should read the explanatory comments on the National Minorities Act. In practice, there are still considerable difficulties at the Regional Court of Klagenfurt/Celovec in this connection, as it is incorrect that no such proceedings are being conducted; rather judges reject applications to conduct proceedings in the Slovene language.

Ad III.2.3:

In connection with the provisions on official languages for administrative matters, one has to refer again to the discriminating solution that applies to the municipalities of Eberndorf/Dorblava and St. Kanzian/Škocjan. Moreover, please refer to the enclosed statement by the Association of Slovene Lawyers in Carinthia.

The Council of Europe inquired what measures have been taken in order to secure that applications can also be submitted in the Slovene language in all those municipalities in Carinthia where the Slovene language is the customary traditional language. Here, the Federal Government points out that the amendment to the National Minorities Act ensures this possibility. This is incorrect. The amendment to the National Minorities Act only ensured that the existing municipalities with Slovene as an official language are covered by constitutional law. The reverse conclusion applies to all other municipalities, also for those in the traditional Slovene settlement area, namely that there is no longer the possibility to use Slovene as an official language in these municipalities.

Concerning the inquiries by the Council of Europe what measures have been taken in order to facilitate announcements by the local authorities in the Slovene language, the Federal Government points out that this up to the individual municipalities. This is insufficient; especially local authorities are exposed to various influences, so that it is difficult for them to take a decision. An unambiguous statutory solution would be necessary here.

With regard to the way in which Slovene names are written in their original form, the Federal Government maintains that "there ought to be no difficulties". The Federal Government is well

aware of the fact that this is incorrect, that there is correspondence with the Federal Ministry of Justice which refers to the massive problems in this respect for land-register and company-register matters and, in general, in the judicial field. Since the introduction of electronic legal communication lawyers have found it impossible to submit written pleadings with the correct Slovene spelling of surnames whenever they comprise Slovene diacritic signs, because the software does not offer this option. The answer to this question must therefore be regarded as demonstrating ignorance.

Ad III.2.4 Media:

Please refer to the earlier comments on Radio Agora and/or Radio Dva.

To this day, the time-frame of the Slovene-language television programmes has not been expanded.

With regard to the print media, the Federal Government lists the funding provided to "Novice", the newspaper, to amount to € 31,220.60. This does not even cover the costs of a single issue. Without massive support by the Republic of Slovenia it would not be possible to publish "Novice", the newspaper. In spite of statements to the contrary by the Federal Government, the provisions for press promotion continue to be completely inadequate. It may be interesting to ask the question what is meant by "projects with flexible funding" (*Auffangprojekt*) for "Skupnost", the newspaper of the Community of Slovenes in Carinthia. Apparently, this association received massive financial support in recent years – bypassing the advisory council for the national minority. The impression that this is remuneration for political well-behaving cannot be dispelled.

Ad III.2.5:

For years the Slovene Music School has been fighting massive financial difficulties, as it has been receiving only a fraction of the support to date that is being spent on Carinthian music schools, which is contrary to the clear stipulations in the Carinthian Music Schools Act. In this context, the Federal Government refers to the Memorandum. However, the sum determined in the Memorandum only serves to pay off accumulated debt. If no structural solution is found, the Slovene Music School will be facing the same problems in two to three years' time, as it had to face at the beginning of 2011, and it will have to consider closing down.

Ad III.7:

In connection with the Slovene population in the Federal Province of Styria it needs to be underlined again that this group is actually expressly mentioned in the State Treaty of Vienna with regard to official language and topography, but was completely left out in the new National Minorities Act. As a result, constitutional law rules out the applicability of item 3 of Article 7 of the State Treaty of Vienna to the Slovene population in Styria.

It can be stated, by way of summary, that

- of course, there have been improvements concerning topographical signs by enlarging the number of bilingual topographical signs;
- on the other hand, that the case law of the Constitutional Court has not been taken into consideration;
- the situation has deteriorated for the Slovene population in Carinthia concerning provisions on official language; and
- to a large extent the recommendations of the Council of Europe with regard to the Slovene minority in Carinthia have not been implemented.

Comments by the Article VII Cultural Association for Styria – Pavel House

Pre-school education:

During the 2010/2011 school year Slovene was also offered at the nursery schools of Ratsch a.d. Weinstraße and Laafeld.

It would be desirable to have a focus on the Slovene language at the Federal Institute for Nursery-School Pedagogy (BAKIP) at Mureck.

School system:

Mother-tongue teaching of Slovene in Graz:

The quota for mother-tongue teaching in Graz was not expanded to include the Slovene language. Classes were made possible from other resources for the 2010/2011 school year; whether they will be possible next year is doubtful.

Moreover, Styria is still not covered by a minority schools law.

University education / Adult education:

There are possibilities to train as a Slovene teacher for the compulsory schools.

Media:

It is not seen to be necessary to set up a separate Styrian editorial unit for the radio and television programmes on “Dober dan, Štajerska”.

Provisions on official language, Amendment to the National Minorities Act (July 2011):

Here I would like to mention once again that the Slovene population in Styria is no longer mentioned in respect of ordinances on topography and official languages.