

5th Report by the Republic of Austria

pursuant to Article 25 (2) of the Framework Convention
for the Protection of National Minorities

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volksgruppen@bka.gv.at.

Introduction

The Republic of Austria is committed to the protection of the national minorities that have traditionally been living on its federal territory and has been a Contracting Party to the Framework Convention for the Protection of National Minorities of the Council of Europe (hereinafter briefly referred to as “the Framework Convention”) since 1998. Austria regards the Framework Convention as a well-suited instrument in order to safeguard and promote the existence as well as the linguistic and cultural characteristics of its national minorities. Austria therefore welcomes the monitoring activities of the Council of Europe concerning the measures to implement the Convention and stands ready to support the Advisory Committee with further exchanges, which may also take place in the course of an on-site visit.

As indicated in the guidelines under Article 25 of the Framework Convention for the Fifth Monitoring Cycle, the focus of the present Fifth State Report of the Republic of Austria is on implementing the recommendations issued during the previous monitoring cycle as well as current new developments.

The margin notes cited in the present Fifth State Report thus refer to the review report (“Opinion”) of the Advisory Committee during the Fourth Monitoring Cycle. Whenever no changes need to be reported, reference is made to a previous state report. Part 1 of the present report is a general overview of the political implementation measures. Part 2 focuses on the implementation of the recommended “Issues for immediate action” contained in the Resolution of the Committee of Ministers on the Implementation of the Framework Convention for the Protection of National Minorities by Austria, CM/ResCMN (2017)6 of 17 October 2017. Part 3 provides information in connection with the individual articles of the Framework Convention and takes account of the “Further recommendations” in the Resolution of the Committee of Ministers as well as further findings of the Advisory Committee.

Please refer to Austria’s statement on the occasion of ratifying the Framework Convention with regard to the scope of the reporting obligation and/or the subject of the monitoring process. The statement indicates that according to Austria’s understanding, the term “national minorities”, as used in the Framework Convention, comprises those groups of Austrian nationals with a non-German mother tongue and own ethnicity who live in parts of the federal territory, which they regard as their domicile. They are covered by the scope of application of the National Minorities Act, Federal Law Gazette No. 396/1976.

In compliance with the foregoing, the present report (in its German version) uses the terminology of the National Minorities Act. The term “*Volksgruppen*”, as defined in this law, are the autochthonous national minorities.

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1 Implementation of the Framework Convention

Austria ratified the Framework Convention for the Protection of National Minorities on 31 March 1998. The Framework Convention entered into force in Austria on 1 July 1998. The Resolution of the Committee of Ministers of 4 February 2004 [ResCMN(2004)1] completed the First Monitoring Cycle, the resolution of 11 June 2008 [ResCMN(2008)3] completed the Second Monitoring Cycle, the resolution of 13 June 2012 [ResCMN(2012)7] completed the Third Monitoring Cycle, and the resolution of 17 October 2017 [ResCMN (2017)6] completed the Fourth Monitoring Cycle. Austria is now submitting the Fifth State Report.

Austria supports the level of awareness for the Framework Convention by publishing the text of the Framework Convention as well as important documents from preceding monitoring cycles, especially Resolution CM/ResCMN (2017)6 (in German and English) on the website of the Federal Chancellery. It is also planned to publish the present Fifth State Report, both in English and German, on the website.¹

The English site is directly linked to the relevant site of the Council of Europe/Framework Convention.²

The repeated drafting process for the state reports and the on-site visits of the Advisory Committee support awareness-raising, not only among the members of the national minorities but also among the territorial corporations and administrative bodies. The present state report was drafted with the participation of the federal provinces concerned as well as the relevant federal ministries.

¹ <https://www.bundeskanzleramt.gv.at/themen/volksgruppen/rahmenubereinkommen-zum-schutz-nationaler-minderheiten.html>

² <https://www.bundeskanzleramt.gv.at/en/topics/ethnic-groups.html>

2 Concerning the immediate actions recommended by the Committee of Ministers

2.1 Modernising the legislative framework for the national minorities

The Committee of Ministers recommends to engage in a comprehensive process of modernising the legislative framework pertaining to national minorities with a view to ensuring the consistent application of the Framework Convention to all persons belonging to national minorities, based on an individual rights approach on an article-by-article basis where appropriate.

The current Programme of the Federal Government, only recently published in early January 2020, dedicates a separate chapter to the national minorities and addresses several concerns raised by the representatives of the national minorities. It contains at least two items which could be summarised as meeting the recommendation for modernisation, as expressed by the Committee of Ministers, i.e. the first item “new codification of the provisions under constitutional law” and the fourth item “considering a modernisation of the representation of the national minorities”. Below is the full text of the chapter in the Programme of the Federal Government relating to the national minorities:

- New codification of the provisions under constitutional law relating to national minorities (including a commitment to the minorities school system, the languages of the national minorities, as well as topography)
- Promotion of the national minorities
 - Commitment to a near-time increase of the promotional funding of the national minorities and securing the promotional funding for the media by a separate budget item (one publication medium per national minority)
 - The Federal Government is committed to engaging in talks with the federal provinces and the municipalities, with the goal of making available the necessary

- funding collectively in an impact-oriented manner (quality assurance in the education group), in order to ensure the construction, maintenance and promotion of bilingual and multilingual nursery schools for the national minorities as well as other early childhood care facilities.
- Commitment to making the national minorities more visible on the ORF (Public Broadcasting Corporation)
 - Ensuring the radio programmes in the languages of the national minorities
 - More attention to the national minorities in compliance with the public-law obligations of the ORF
 - Increasing the television programme slots on the ORF III channel
 - Attention to the languages of the recognised national minorities
 - Setting up a working group, including the representatives of the national minorities, to examine the modernisation of national minority representation
 - National minority languages in the virtual space
 - Official language in the virtual space
 - Tax office
 - Websites of municipalities and online services of municipalities (may be implemented via the tax offices)
 - Bilingual proceedings for the national minorities at district courts
 - Ensuring bilingual court proceedings in the autochthonous settlement areas; ensuring that court proceedings in the languages of the national minorities continue to be an equitable and efficient component of Austria’s judicial system, when merging district courts in bilingual regions.
 - Examining the recognition of the Yenish national minority

The national minorities are also mentioned in the chapter “Arts and Culture” of the Programme of the Federal Government:

- Strengthening the artistic and cultural projects within the realm of the recognised national minorities.

And also in the chapter on “Public Administration”:

- Step-by-step expansion and optimisation (especially with regard to user-friendliness and workable applications) of the digital channels for conducting transactions with the public authorities, both for physical persons and enterprises, step-by-step expansion in offering these services to the recognised national minorities as well as in English.

As early as on 28 February 2020, a first meeting took place of the government minister responsible for the national minorities and the chairpersons and deputy chairpersons of the national minorities' advisory councils. In addition to being a first personal meeting, this meeting was also meant as a first exchange of opinions concerning the Programme of the Federal Government. The purpose of the meeting was to determine the approach to implementation and to set the priorities, in cooperation with the representatives of the national minorities. Since then, several meetings have been held in this format. Austria attaches utmost attention to conducting the political process in close cooperation with the representatives of the national minorities and, in particular, the national minorities' advisory councils. In view of the many projects, which occasionally meet with divergent views from the representatives of the national minorities, it is necessary to engage in a broad-based opinion-building process.

In connection with earlier efforts to amend the National Minorities Act, please refer to the Fourth State Report, in particular the contents of the consultation draft dated February 2012.

2.2 Ensuring equality before the law for all persons belonging to national minorities

The Committee of Ministers recommends to ensure systematically full and effective equality before the law of all persons belonging to national minorities by guaranteeing effective access to a legal remedy to challenge the denial of the enjoyment of minority rights, including language rights.

It should be mentioned, by way of introduction, that the administrative and judicial systems operate exclusively on the basis of laws. If the members of a national minority are of the opinion that they were unlawfully deprived of their minority rights, especially the right to use the language of the national minority as official language, they can challenge such a decision by resorting to the respective legal remedy. The title to use as official language has been worded as an individual right and thus enjoys protection as an individual right. The same applies to the right to receive bilingual education, which is safeguarded in the minorities school system. The procedure for appointing the members of the advisory councils for the national minorities grants the representative organisations of the national minorities the right to apply for a legal remedy. Proceedings – also before the Supreme

Administrative Court and most recently before the Constitutional Court for the first time – prove that these legal options are being used.

The competences of the Constitutional Court were expanded by an amendment of the Federal Constitution Act, Federal Law Gazette I No. 114/2013, which became effective on 1 January 2015:

Since that date, the parties in civil and criminal proceedings can turn to the Constitutional Court directly – in the context of an appeal against a first-instance court decision – if they are of the opinion that the laws to be applied in proceedings are contrary to the Constitution, or that applicable ordinances are unlawful (the so-called application for judicial review by a party). In addition, since 1 January 2015, first-instance ordinary courts (previously: second-instance courts) may also appeal to the Constitutional Court, if they presume that a law which they are to apply is unconstitutional.

The legal provisions concerning official language and bilingual topographical signs differ, depending on their local sphere of application. The differences in these provisions are essentially due to the different settlement density of the national minorities and thus justified on the basis of facts. Moreover, what also needs to be borne in mind is the fact that, especially in Carinthia, the court districts and the administrative districts do not cover the same territory.

Since the amendment of the National Minorities Act in 2011, Annex 1 to this law lists the municipalities where the topographical signs must be provided in two languages. The same applies to the municipalities, administrative authorities and courts where the language of a national minority is admitted as an official language. These are now listed in Annex 2 to the National Minorities Act. Both annexes have the status of constitutional laws and thus enjoy increased protection.

2.3 Reform of the national minorities' advisory councils

The Committee of Ministers recommends to prioritise the reform of the national minorities' advisory councils to ensure that they constitute a functional mechanism through which persons belonging to national minorities can

participate effectively in all relevant decision-making processes, beyond the allocation of cultural support.

For every national minority an advisory council has been set up with the Federal Chancellery. The national minorities' advisory councils are called upon to advise the Federal Government and/or the federal minister in all matters with impact on the interests of the national minorities. The national minorities' advisory councils have to preserve and represent the overall cultural, social and economic interest of the national minorities and, in particular, they must be heard, within a set reasonable period, prior to the adoption of legal provisions and in connection with general plans concerning the funding policies affecting the interests of the national minorities. The national minorities' advisory councils can also submit proposals for improving the situation of the national minorities and their members (§ 3 (1) of the National Minorities Act / VoGrG). The national minorities' advisory councils are also called upon to advise the regional governments, whenever they are asked to give advice (§ 3 (2) of the National Minorities Act / VoGrG). (The restriction is required for legal reasons relating to the regional competences.)

As early as 1976, the Explanatory Notes to the Government Bill for a national minorities law stressed the fact that the national minorities' advisory councils were created to establish a forum for the members of the national minorities where and by means of which they can represent their legitimate interests.

The task of the national minorities' advisory councils to submit the annual recommendations for promotional funding is the task that is most visible in its immediate effect. In addition, the national minorities' advisory councils also deal with numerous other questions that have an impact on the national minorities. The Advisory Council for the Roma Minority, for example, dealt with issues concerning the culture of remembrance, or the Advisory Council for the Slovene Minority addressed the issue of a possible new organisation of the bilingual courts, or the Advisory Council for the Croatian Minority dealt with the cooperation of the national minorities in the Burgenland region with the Pedagogical College Burgenland as well as the Education Directorate Burgenland.

Time and again, the national minorities' advisory councils become involved in the consultation review process for bills. The Office of the Carinthian Regional Government, in particular, consistently sends the drafts for regional laws to the Advisory Council for the Slovene Minority.

It should be highlighted that the appointment of the members of the national minorities' advisory councils must be based on the (unanimous) decision of the Federal Government. The representative organisations of the national minorities have the right to appeal against a decision by the Federal Government. Once members of national minorities' advisory councils have been appointed, they can only be recalled by a decree of the Federal Chancellor and/or the competent federal minister, when specific requirements are met. Here, too, legal remedies are available against such decrees. The members of the advisory councils are thus independent in the exercise of their office. The members of the advisory councils who belong to a general representative body (the so-called "political senate"), or who are proposed by a religious denomination (the so-called "ecclesiastical senate") are also appointed *ad personam*.

The Federal Government must comply with the following legal requirements, among others, when appointing members of national minorities' advisory councils: one half of the members must be appointed upon proposal by the representative organisations of the national minorities. The other half is made up of persons who belong to a general representative body (municipal council, regional parliament, National Council, Federal Council) as well as persons who are nominated by a church or religious denomination. The overall composition of national minorities' advisory councils must adequately reflect the main political and ideological views. Only those persons can be appointed as members of national minorities' advisory councils who can be expected to actively advocate for the interests of their national minority and the objectives of the National Minorities Act.

On account of their expertise, the members of the national minorities' advisory councils are important contact persons for the public administration and, at the same time, spokespersons of their national minority.

With regard to efforts in the past to amend the law governing the national minorities' advisory councils, reference is made to the draft sent out for consultation in February 2012. This consultations draft for an amendment of the National Minorities Act envisaged a new method for appointing the members of the national minorities' advisory councils as well as changes in their competences. The representative organisations of the national minorities were to have the right to propose three fourths (instead of one half) of the members of the advisory councils. One fourth were to be experts with specific expertise in the fields of education, pedagogy, culture, religion, social, economic and legal affairs or regional politics of importance to the respective national minority, or with specific expertise in the field of national minorities in general. The obligation to appoint members belonging to general

representative bodies and churches/religious denominations was to be deleted. The national minorities did not succeed in reaching a consensus on this draft.

The current Programme of the Federal Government now envisages that a working group is to be set up, involving the representatives of the national minorities, in order to examine a modernisation of the representation of the national minorities.

3 As to the individual articles

3.1 Article 1

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

Austria has signed the following international instruments, which – to some extent – are also of relevance to the protection of national minorities:

- International Covenant on Civil and Political Rights of 19 December 1966 (CCPR)
- International Covenant on Economic, Social and Cultural Rights of 19 December 1966 (CESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966 (CERD)
- European Convention for the Protection of Human Rights and Fundamental Freedoms, together with its Additional Protocols (ECHR)
- Charter of the Council of Europe
- European Charter for Regional or Minority Languages (ECRML).

The State Treaty of 15 May 1955, which restored an independent and democratic Austria, also contains provisions on rights that are relevant for the protection of the national minorities.

One must also mention the numerous pertinent OSCE documents, which Austria supports.

Austria is regularly monitored in the field of human rights, especially by the European Commission against Racism and Intolerance (ECRI) and the Committee on the Elimination of Racial Discrimination (CERD), as well as the Universal Periodic Review (UPR) mechanism of the UN Human Rights Council.

3.2 Article 2

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

Please refer to the comments made in the Second State Report.

3.3 Article 3

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

3.3.1 Scope of application of the Framework Convention in Austria

Austria stated in its ratification document in relation to the Framework Convention that the concept of “national minorities” according to the Framework Convention is to be understood to comprise those groups of Austrian nationals with a non-German mother tongue and own ethnicity who live in parts of the national territory which they regard as their domicile, and who fall within the scope of application of the National Minorities Act, Federal Law Gazette No. 396/1976. The constituting elements are therefore:

- group
- Austrian citizenship
- non-German mother tongue
- own folklore tradition
- to have lived in parts of the federal territory (continued settlement)

National minorities therefore need a social base, they must make up groups. The minimum size of such groups has not been standardised. However, individual families living scattered in different areas are not considered as sufficient for forming a national minority.

The concept of continued settlement is understood to mean that there is a continuous settlement history over a period of at least three generations. A period of 30 years is used as a yardstick to define a generation. The total period is therefore approximately 100 years. One cannot speak of continuity in settlement in case of a rolling minority, i.e. when there are frequent inflows, while the earlier arrivals either become assimilated, or return or move on.

The Ordinance for the National Minorities' Advisory Councils contains concrete terms, on the basis of the National Minorities Act, as to which groups meet these requirements:

- Croatian minority group
- Slovene minority group
- Hungarian minority group
- Czech minority group
- Slovak minority group
- Minority group of the Roma

Please refer to the Second State Report (item II.1.) for the history of the national minorities that have settled continually in Austria. Please refer to the Fourth State Report, where the figures of the most recent national census, conducted in 2001, are listed to give an approximate impression of the numerical strength of the national minorities that have settled continually in Austria. No current data are available, as no indication for the informal language used by persons is required anymore in a national census. The authorisation to collect data on the informal language used, as contained in § 1 (3) Register Census Act, Federal Law Gazette I No. 33/2006, in its currently valid version, has not been used. Please refer to the Fourth State Report for more information on the national census and register census.

3.3.2 Freedom to declare one's affiliation with a national minority

Austria is committed to the principle that the members of national minorities are free to declare their affiliation with a national minority. The content of Article 3 (1) of the

Framework Convention correlates with the content of § 1 (3) and (4) of the National Minorities Act, which read as follows:

§ 1 (3) National Minorities Act: Members of the national minorities shall not suffer any disadvantage due to the exercise or non-exercise of the rights to which they are entitled as members of a national minority.

§ 1 (4) National Minorities Act: Persons shall not be obliged to prove their affiliation with a national minority.

The Explanatory Notes to the Government Bill for the national Minorities Act state that by putting exercise and non-exercise of minority rights on an equal footing, it is intended to demonstrate that it is the free decision of national minority members to avail themselves of their legal rights. Paragraph (4) is intended to demonstrate non-discrimination, as it rules out any obligation to declare affiliation with a national minority. The legal situation in Austria therefore correlates with the definition concerning affiliation with a national minority as contained in Article 3 of the Framework Convention (in this context, please refer also to the recent decision of the ECtHR [GC] of 19 December 2018, *Molla Sali vs. Greece*, appl. 20452/14, margin note 156 and following).

3.3.3 Individual rights and collective rights

Most rights of the national minorities have been designed as individual rights and are safeguarded as protected individual rights. The members of the national minorities can assert the rights granted to them under the Austrian legal regime by taking the legal actions provided by the Constitution.

The Advisory Committee reiterates its urgent call on the authorities to engage in a comprehensive and genuine effort to review the legislative framework for the protection of national minorities with a view to ensuring the consistent application of the Framework Convention throughout Austria to all persons belonging to national minorities in line with the constitutional provision and based on an individual rights approach. (Margin note 11)

The rights of the various national minorities differ because of their actual differences as well as in comparative terms and due to the differences deriving from their basis under international law; they also differ depending on the settlement area. These differences

relate to the provisions on official language, topography and the minorities school system, which are essentially guided by the provisions of the State Treaty of Vienna. The State Treaty of Vienna has provisions which benefit the Slovene minority and the Croatian minority. Otherwise, a minorities school system, the use as official language as well as bilingual topographical signs have only been stipulated for the Hungarian minority in Burgenland. This can be explained by the fact that the Hungarian minority – settling in the same federal province as the Croatian minority – was given the same treatment as the Croatian minority, although it is not mentioned in the State Treaty of Vienna.

Besides the differences under international law, there are also major actual differences. The national minorities do not have such a settlement density in Styria, nor in Vienna, which would justify the use of the minority languages as official language, the affixing of bilingual signs or a minorities school system, as we find it in Carinthia and Burgenland.

The educational situation in Vienna (like in many other metropolitan areas) is characterised by a very broad linguistic pluralism among pupils and students. In this context, more than fifty percent of the pupils in primary schools have a migration background. On account of the broad linguistic and social heterogeneity at schools in Vienna, the focus of public efforts is on integration and balancing possibly poorer educational opportunities. Austria's efforts are oriented towards continuously improving the prerequisites for preserving the languages and the cultural activities of the national minorities – also in a metropolitan environment. Quite deliberately, the City of Vienna pursues a promotional approach that is specific of the respective target group, with the objective of creating equal treatment and equal opportunities for all. The mainstream school system provides the possibility to use the offered “mother-tongue teaching”. Please refer to the comments in connection with Articles 13 and 14 for more details. In addition, in the framework of promoting the national minorities, extra-mural language options offered by various organisations of the national minorities are promoted in a focused manner.

The Advisory Committee further calls on the authorities to engage in a constructive dialogue with representatives of the Polish community with a view to establishing the application of the Framework Convention to persons belonging to this group on an article-by-article basis. (Margin note 12)

Austria continues to hold the view that the prerequisites for the existence of a national minority are not met. The Polish population in Vienna shows the socio-graphic characteristics of a group of immigrants. What is absent, in particular, is the continuity in

settlement over the required period of time. The Committee of Experts under the European Charter for Regional and Minority Languages recently also supported this view in its review decision dated 4 April 2018. Austria does not plan to extend the scope of application of the Framework Convention.

3.4 Article 4

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

3.4.1 General principle of equality and principle of non-discrimination

The principle of equality has been enshrined in the Austrian legal system repeatedly under constitutional law, due to Austria's historical development. The sources of law are described in detail in the Fourth State Report.

The principle of general equality is one of the pillars of Austria's constitutional system. This principle of equality is binding upon all state entities, both federal and regional entities as well as municipal bodies. Laws and ordinances as well as individual acts by administrative units must comply with the principle of equality. Moreover, the Constitutional Court monitors these acts and has developed very detailed case law on the principle of equality. With the help of this case law, the principle of non-discrimination has been further developed in the direction of a general principle of objectivity. In consequence, all legal standards must provide for objective distinctions among the persons to whom the law applies. It must be possible to derive statutory distinctions from factual differences.

3.4.2 Constitutional provision for the targeted objective of protecting the national minorities

The principle of general equality does not prevent the legislator from granting preferential treatment to members of a national minority, as against the majority population. According to the case law of the Constitutional Court, the principle of equality requires the legislator to attach the same legal consequences to identical sets of facts, as well as to attach different legal consequences to diverging sets of facts. In connection with minority protection, in particular, the Constitutional Court has ruled (court decision in Collection of the Findings and Most Important Decisions of the Constitutional Court/VfSlg. 9224/1981) that, in their entirety, the many different provisions on a constitutional level which relate to national minorities constitute a value judgment under constitutional legislation, in favour of minority protection. Whenever (simple) legislation is adopted, there must be compliance with this value judgment. Putting national minority members on a more or less equal footing with members of other groups in society will not always achieve compliance with this value judgment under constitutional law. Depending on the subject requiring regulation, protecting national minority members against members of other groups in society may factually justify, or even require, that the minority is given a preferential treatment in certain areas.

Article 8 (2) of the Federal Constitution Act/B-VG is the constitutional provision that was added to the Federal Constitution Act in 2000 in order to protect national minorities.

Article 8 (2) Federal Constitution Act: The Republic (federal, regional and local authorities) is committed to the linguistic and cultural diversity, as it has developed over time, and which finds expression in the autochthonous national minorities. The language and culture, the existence and preservation of these national minorities shall be respected, safeguarded and promoted.

A constitutional provision concerning a targeted objective does not grant an individual right but constitutes a mandate for the entities of a state to act in line with this provision. The Constitutional Court also regards such constitutional provisions, which define an objective of the state, as support for interpretation; regulations that serve this objective thus obtain a factual justification.

With the amendment of the Carinthian Regional Constitution in 2017, a provision for the targeted objective to protect the autochthonous Slovene minority was included in the Carinthian Regional Constitution (Article 5 of the Carinthian Regional Constitution/K-LVG).

3.4.3 Legal protection by the courts

Austria has a well-developed system of legal protection. The Constitutional Court rules on violations of rights granted under constitutional law such as, in particular, the equal-treatment requirement, both when reviewing adopted legislation and in individual cases – when a party files a complaint against a decision by an administrative court.

In connection with the ordinary courts of jurisdiction, parties in proceedings before ordinary courts have been granted the possibility to submit an application for judicial review, which became effective in January 2015. Under specific circumstances, they can apply for a review of constitutionality concerning the legal provisions that are applied in their specific court case (Federal Law Gazette I No. 114/2013).

In cases of an unlawful and culpable infringement of the equal-treatment requirement by public entities in the course of enforcing laws, there may even be ground for claims for damages under the Official Liability Act.

3.4.4 Review of maladministration by the Ombudsperson³

The Ombudsperson checks on any mismanagement by administrative authorities. Any violation of a human right, including any discrimination based on ethnic affiliation, committed by an administrative entity, constitutes maladministration, as defined by the law.

Article 148 a of the Federal Constitution Act stipulates that everybody can complain to the Ombudsperson in case of an alleged maladministration by a federal entity, including government activities conducted by private-law undertakings, especially for alleged violations of human rights, provided that the person is affected by the maladministration and he/she cannot or no longer resort to other legal remedies. The Ombudsperson must investigate these complaints. The result of the investigation, together with any possibly

³ <https://volksanwaltschaft.gv.at/>

taken steps, must be communicated to the complainant. The Ombudsperson has the right to conduct an *ex officio* investigation if any maladministration by federal entities is suspected, including government activities conducted by private-law undertakings, especially in case of suspected violations of human rights. The Ombudsperson is independent in the exercise of his/her duties.

The Ombudsperson also acts as the national human-rights institution: It does not only check whether administrative bodies act within the respective legal framework but also whether, in so doing, they also comply with human-rights standards.

The recommendations of the Ombudsperson to the authorities concerned in connection with individual complaints, the comprehensive annual report on activities to Parliament and optional reports on specific observations have proven to be effective instruments for raising awareness and promoting the development of adequate solutions. An independent evaluation expert report in the context of Austria's OSCE chairmanship in 2017 did not contain any significant criticism either, in relation to the work of the Ombudsperson for the protection of human rights, acting as a "national prevention mechanism" (NPM). The report examined, in particular, compliance with international standards on the prevention of torture.

3.4.5 Equal treatment legislation

The legislation on equal treatment prevents that persons are placed at a disadvantage in certain areas, on account of their gender, their ethnic affiliation, their religion and ideology, their age, any handicap, or their sexual orientation. Austria has been transposing the relevant EU directives (Directive 2000/43/EC on racial equality, Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, Directive 2002/73/EC amending the Equal Treatment Directive, Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and services, Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity). On account of the distribution of competences in a federal state, the transposition requires several laws.

The Federal Law on Equal Treatment, briefly referred to as Equal Treatment Act/GIBG, Federal Law Gazette I No. 66/2004, in its currently valid version in Federal Law Gazette I No. 40/2017, covers all grounds for discrimination, except when handicaps are the source of discrimination. However, it is limited to the areas where there are federal competences for legal action. Handicap as a source of discrimination is governed by a separate law.

The Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudsperson, briefly referred to as GBK/GAW law, Federal Law Gazette No. 108/1979, in the version published in Federal Law Gazette I No. 107/2013, governs the institution, competences and procedures of the Equal Treatment Ombudsperson and the Equal Treatment Commission.

The Federal Law on Equal Treatment in Federal Entities, which is briefly referred to as Equal Treatment for Civil Servants Act / B-GIBG, Federal Law Gazette No. 100/1993, in the version published in Federal Law Gazette I No. 58/2019, has been enacted to protect federal civil servants as well as persons applying for recruitment as civil servants against discrimination. The Federal Equal Treatment Commission is responsible for cases of discrimination resulting from a service contract with a federal entity.

The federal provinces have enacted equal treatment laws or anti-discrimination laws for those areas where they have legislative competences. The respective equal-treatment and anti-discrimination units of the federal provinces are responsible for cases of discrimination arising from (requested) service contracts of civil servants working for regional or municipal entities, as well as for cases of discrimination arising within their scope of competences.

For an overview of the legal sources, please refer to the website of the Equal Treatment Commission.⁴

There is constructive interaction among the different information centres so that persons seeking advice can be referred quickly to the competent unit. In addition, the trade unions, chambers of labour and non-governmental organisations offer advice and support in issues relating to discrimination.

⁴ <https://www.gleichbehandlungsanwaltschaft.gv.at/rechtliches/gleichbehandlungsrecht-in-oesterreich.html>

Please refer to the Third and Fourth State Reports concerning the development of the Equal Treatment Act / GIBG law and equal treatment laws on the regional level. No further major amendment has been enacted for the Equal Treatment Act and/or the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudsperson / GBK/GAW law since the Fourth State Report.

3.4.5.1 The Federal Equal Treatment Ombudsperson^{5 6}

The Equal Treatment Ombudsperson, set up at the Federal Chancellery, has its office in Vienna and four regional offices in the federal provinces, namely in Graz, Klagenfurt, Innsbruck and Linz. Since July 2017, the regional offices have been responsible for the entire area of the Equal Treatment Act (previously only for the equal treatment of women and men in the working environment).

3.4.5.1.1 Competences and tasks of the Federal Equal Treatment Ombudsperson

The work of the Equal Treatment Ombudsperson focuses on the following main issues:

- Advice and support in individual cases
- Information to, and awareness-raising among the general public
- Forwarding legal issues relating to equal treatment to the political level
- Safeguarding compliance with the rules for non-discriminatory job vacancy announcements and non-discriminatory postings of housing space.

The Equal Treatment Ombudsperson has the following competences:

- Advice and support to persons who feel discriminated under the terms of the Equal Treatment Act
- Conducting independent investigations into discrimination issues
- Publication of reports
- Submitting recommendations on all issues relating to the fight against discrimination
- The right to attend all meetings of the Equal Treatment Commission
- The right to obtain statements from employers or other responsible persons

⁵ <https://www.gleichbehandlungsanwaltschaft.gv.at/>

⁶ <https://www.gleichbehandlungsanwaltschaft.gv.at/english/Ombud-for-equal-treatment.html>

- Obtaining information from works councils, from employees in companies involved or from other responsible persons, or other persons providing information
- The right to obtain information from social-security bodies on the contribution base (= income) of certain persons
- The right to submit cases to the Equal Treatment Commission
- The right to file for a declaratory relief, when a situation is in violation of the non-discrimination rule, once the Equal Treatment Commission has established such a situation and the employer and/or the person responsible for the discrimination does not stop the discrimination. A pre-condition for the court action is the consent of the discriminated persons.
- The right to file for the initiation of administrative criminal proceedings, whenever the rule for non-discriminatory job vacancy announcements or for non-discriminatory housing space postings has been violated. The right to file a complaint against official decisions in such cases as well as to object to penal orders.
- Participating in the report on the implementation of the Equal Treatment Act, which must be submitted to the National Council every two years.

The Equal Treatment Ombudsperson conducts numerous individual counselling sessions, helps to establish the facts of a case, informs the persons affected about their rights, supports the parties affected in the out-of-court enforcement of their rights and documents the cases.

The Equal Treatment Ombudsperson also serves in a clearing function by providing the so-called “first counselling”. Persons who cannot be advised by the Equal Treatment Ombudsperson for lack of its competences will therefore be directed to those institutions that have responsibility for the case in question. The first-counselling teams receive regular training in order to be able to ensure a high level of quality during the so-called first counselling sessions. In addition, a tool has been set up on the website of the Equal Treatment Ombudsperson which can be used by persons as assistance to readily find the competent institution.⁷

The Equal Treatment Ombudsperson also has preventive competences as well as competences beyond individual cases. It has the right to call on the district administrative authorities to punish persons who announce job vacancies or housing space in a

⁷ http://www.faktenatlas.gv.at/articles/gleichbehandlung_antidiskriminierung.php

discriminatory manner, contrary to § 23 and § 36 of the GIBG law. The Equal Treatment Ombudsperson acts as a party in such proceedings and has the right to file a complaint against decrees and to object to penal orders (§ 24 and § 37 of the GIBG law).

The members of the Equal Treatment Ombudsperson are not bound by instructions, act autonomously and independently (§ 3 (3) of the GBK/GAW law).

3.4.5.1.2 Personnel and financial resources of the Equal Treatment Ombudsperson

The costs of staff, materials, further training and office rent of the Equal Treatment Ombudsperson are met from the budget of the Federal Chancellery. The Equal Treatment Ombudsperson comprises 24 staff positions, plus two administrative trainees and one apprentice. The annual budget for the information and public relations activities of the Equal Treatment Ombudsperson amounted to € 70,000 in 2020.

3.4.5.2 The Equal Treatment Commission under the GBG/GAW law⁸

It is stated, by way of introduction, that there are two equal treatment commissions on the federal level in Austria. There is, first of all, the Equal Treatment Commission under the GBG/GAW law and, secondly, the Federal Equal Treatment Commission for the federal civil service (please refer to item 3.4.5.3 for more details).

The Equal Treatment Commission has three senates; the GIBG law defines their competences. Senate I deals with discrimination based on gender in the working environment, Senate II with discrimination based on ethnic affiliation, religion or ideology, age or sexual orientation in the working environment, and Senate III deals with ethnic affiliation in connection with the access to goods and services.

The chairpersons of the Equal Treatment Commission (as well as the Federal Equal Treatment Commission) are delegated by the competent government departments and the Federal Chancellery, respectively. The chairpersons exercise their functions during their service hours and do not receive any extra remuneration. The chairpersons are independent in the exercise of their functions. The members of the senates are appointed and are independent in the exercise of their functions. They are representatives of the federal

⁸ <https://www.bundestkanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlungskommissionen/gleichbehandlungskommission.html>

ministries and the social partners, and they exercise their functions during their service hours on a pro bono basis, i.e. without any extra remuneration. The Equal Treatment Commission (as well as the Federal Equal Treatment Commission) is managed administratively by the responsible department in the Federal Chancellery.

The Equal Treatment Commission has the following personnel resources: There are currently four positions (held by lawyers) to manage the Equal Treatment Commission for the private economy. In case of bottlenecks, additional civil servants will be made available to Senate I, whenever possible, as it deals with most of the applications (discrimination based on gender and multiple discriminations). Several civil servants from Department III provide administrative support. Two administrative trainees (lawyers) are currently assigned to the various senates.

In the event of discrimination in the private economy due to gender, ethnic affiliation, religion or ideology, age or sexual orientation, an application can be filed with the Equal Treatment Commission (online and free of charge). The procedure before the Equal Treatment Commission is free of charge and does not require representation by a lawyer, thus offers low-threshold access. If an application is filed to review a situation for a possible discrimination, the procedure, including hearings, will take place, and the senate will take its decision at the end. The decision is the basis for an expert opinion which the Equal Treatment Commission issues.

The Equal Treatment Commission issues expert opinions on whether an act of discrimination has occurred, and for what reason. It can issue a recommendation on imposing reasonable damages. Claims need to be filed with the labour court or the civil courts. In court proceedings for violation of the rule requiring equal treatment, the court must deal with the expert opinion and/or the individual review result of the Equal Treatment Commission and must state the reasons when issuing a divergent court decision (§ 61 of the GIBG law).

Setting up a low-threshold institution, compared to courts, like the Equal Treatment Commission, which is characterized by a more informal procedure, offers the possibility of having easy access to claiming an act of discrimination – in addition to reporting to the courts, which is possible any time – although the procedure ultimately does not provide for the enforcement of claims, as this step is reserved to the courts.

Applying to the Equal Treatment Commission and the Equal Treatment Ombudsperson is both possible and independent from one another.

3.4.5.3 The Federal Equal Treatment Commission⁹

The Federal Equal Treatment Commission has competences to deal with acts of discrimination in connection with federal service contracts.

The Federal Equal Treatment Commission has two senates. Senate I is responsible for the equal treatment of women and men, Senate II for the equal treatment without distinction concerning ethnic affiliation, religion or ideology, age or sexual orientation. The Federal Equal Treatment Commission (Senates I and II) is operated by two persons (lawyers).

3.4.5.4 Activity reports of the equal treatment commissions

The activity reports of the Equal Treatment Commission and the Equal Treatment Ombudsperson provide information about current developments and specific cases under equal treatment law. Every two years, the responsible federal ministers must submit a report to Parliament on the implementation of the Equal Treatment Act. The report shall comprise, in particular, information on the activities and observations of the Equal Treatment Ombudsperson, the procedures before the Commission and the other activities of the Commission. Every second report must be expanded to comprise contributions by the representatives of employee and employer interests. These fairly voluminous reports, with descriptions of numerous cases, are published.^{10 11} The decisions of the equal treatment commissions are also published in the Federal Legal Information System (RIS).¹²

⁹ <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlungskommissionen/bundes-gleichbehandlungskommission.html>

¹⁰ <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-der-privatwirtschaft.html>

¹¹ <https://www.bundeskanzleramt.gv.at/agenda/frauen-und-gleichstellung/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-des-bundes.html>

¹² <https://www.ris.bka.gv.at/Gesamtabfrage/>

Figure 1 Summary: Federal Equal Treatment Commission/B-GBK and Equal Treatment Commission/GBK, applications 2008-2018

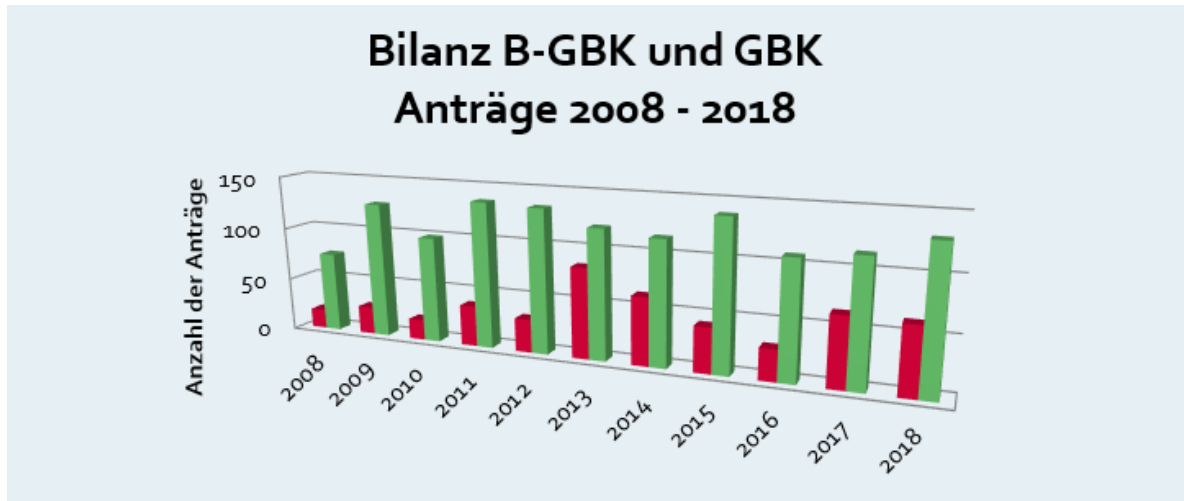


Table 1 Summary Federal Equal Treatment Commission/B-GBK and Equal Treatment Commission/GBK, applications 2008-2018

Year	B-GBK	GBK
2008	18	75
2009	26	127
2010	19	99
2011	38	136
2012	31	134
2013	84	120
2014	63	115
2015	42	138
2016	29	108
2017	64	114
2018	62	130

There are regular meetings of the federal equal treatment commissions and those of the federal provinces in order to ensure exchanges between the federal and the regional institutions concerning equal treatment.

3.4.5.5 Law enforcement in case of violations of GIBG law

The Advisory Committee further encourages the authorities to explore all available means to ease access to effective redress mechanisms for the affected individuals, including investing the Ombudsperson for Equal Treatment with the power to provide legal aid and to address the courts on behalf of the victim. (Margin note 18)

GIBG law stipulates that the legal consequences of a violation of the relevant non-discrimination rule shall be claims for damages. As a result, the person considering herself/himself as being discriminated against by a violation of the non-discrimination rule can address herself/himself to the courts, in the event that an out-of-court settlement cannot be obtained, possibly with mediation by the Equal Treatment Ombudsperson or the Equal Treatment Commission.

The Equal Treatment Ombudsperson cannot award any damages (the Equal Treatment Commission cannot do this either). Nor is the Equal Treatment Ombudsperson entitled to act as a party representative in court proceedings. There are no provisions for class-action lawsuits. There are only two situations in which the Equal Treatment Ombudsman can lodge court proceedings on behalf of the person affected:

According to § 12 (5) of the GBK/GAW law, the Equal Treatment Ombudsperson can lodge proceedings to determine a violation of the equal treatment rule, if the following conditions are met cumulatively:

- The Equal Treatment Ombudsperson brought the case before the Equal Treatment Commission
- The Equal Treatment Commission is also of the opinion that the case constitutes a violation of the equal treatment rule and communicates to the employer or the person responsible for the discriminatory act a proposal for achieving equal treatment and requires these persons to end the discriminatory acts
- The employer and/or the discriminating person does not comply with this instruction within two months
- The person affected agrees to the lawsuit.

Moreover, § 12 (4) of the GBK/GAW law stipulates that the interest groups represented in the relevant senate (social partners) can file for a declaratory judgment (here without the consent of the person affected).

According to § 5 (6) of the GBK/GAW law, the Equal Treatment Ombudsperson can also file for a declaratory judgment pursuant to § 12 (5) of the GBK/GAW law, even if the Equal Treatment Commission does not share the view of the Equal Treatment Ombudsperson.

However, the person affected can refrain from seizing the Equal Treatment Ombudsperson or the Equal Treatment Commission and file a lawsuit directly with a labour court or a civil court.

According to § 26 of the Code of Civil Procedure, parties in a lawsuit have the possibility to authorise a representative to perform procedural steps, whenever it is not mandatory to retain a lawyer in the court proceedings. Non-governmental organisations can also act in such a representative function and perform such steps. In analogy, § 40 (2) 4 of the Labour and Social Court Act stipulates that in first-instance proceedings it is possible to be represented by an “appropriate person”. Of course, this also includes representatives of non-governmental organisations.

§ 62 of the GIBG law provides the so-called third-party intervention for court proceedings, as one further option for participating in cases. The provisions of the Code of Civil Procedure define a third-party intervener as a person who has a legal interest in the lawsuit and participates in a legal action pending between two other persons, without being a party herself/himself, in order to support one of the parties. In general, this option to participate is open to everybody, but it was modified for the Claimants’ Association (*Klagsverband*) for the enforcement of the rights of victims of discrimination. It need not explain any legal interest, as this is assumed to be a fact.

The Claimants’ Association can therefore participate in court proceedings in a supportive function if the plaintiff (or discriminated person) so wishes. The Claimants’ Association as such is a group of different non-governmental organisations specialised in fighting discrimination. However, it is not necessary to be a member of the Claimants’ Association in order to engage in a third-party intervention. As a result, every other non-governmental organisation can provide this legal support to victims of discrimination. The Claimants’ Association receives public funding.¹³

¹³ <https://www.klagsverband.at/>

Furthermore, the interest groups of employees (chambers of labour¹⁴, trade unions) also provide legal advice to their members and in certain cases also legal protection in proceedings before labour and social-affairs courts.

3.4.6 Awareness-raising for equal treatment legislation

Austria is aware of the fact that, for the purpose of prevention, great importance attaches to disseminating knowledge on a broad scale about the rules on equal treatment and/or the rules on non-discrimination.

The Equal Treatment Ombudsperson, in particular, is actively committed to awareness-raising. It organizes workshops and lectures for persons affected as well as multipliers, and it produces information material, statements and recommendations which are published on the website of the Equal Treatment Ombudsperson. The newsletter of the Equal Treatment Ombudsperson is published every two to three months. The “case of the month” describes the course of a counselling session from the practical work of the Equal Treatment Ombudsperson. It is published regularly in the newsletter and on the website.

One should mention the brochure *“Schauen Sie hin, nicht weg! Was tun gegen Diskriminierung?”* (Look at it, Don’t look the other way! What to do against discrimination?) for multipliers¹⁵, which describes the legal possibilities and the service offered by the Equal Treatment Ombudsperson in cases of discrimination. There is also the folder *“Nein zu Diskriminierung! Die Gleichbehandlungsanwaltschaft berät und unterstützt vertraulich und kostenfrei”*¹⁶ (Stop discrimination! The Equal Treatment Ombudsperson offers advice and support confidentially and free of charge). This folder also appeared in an English version¹⁷ and in an easy-to-understand language version. Information about wearing a scarf at the workplace was also published in the languages of the largest immigrant populations. Experience from counselling sessions has shown that accumulations of discriminatory acts can be recorded in connection with access to housing space, but also at club doors

¹⁴ <https://www.arbeiterkammer.at/beratung/arbeitsrecht/Gleichbehandlung/index.html>

¹⁵ <https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:ad6382eb-96b2-495d-859e-e931f8be26c0/Schauen%20Sie%20hin-%20nicht%20weg!.pdf>

¹⁶ Folder „Nein zu Diskriminierung“: https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:a886de8d-4dd8-4cea-8152-bc6508f26003/GAW_Folder_Diskriminierung_DE_LL_WEB.pdf

¹⁷ Folder “Stop discrimination”: https://www.gleichbehandlungsanwaltschaft.gv.at/dam/jcr:9507f012-51b4-487f-b66e-72b27f9046e7/130920_GAW_Folder_Diskriminierung_EN_Web.pdf

(discriminatory admission policies at clubs). In consequence, information material for the specific target groups was developed for the persons affected by discrimination in these areas of life. In the course of the MeToo debate there was a rise in enquiries about how to handle (sexual) harassment and/or possible preventive measures. Recently, a guide on how to deal with sexual harassment at the workplace was developed in response.¹⁸ The collected information material of the Equal Treatment Ombudsperson can be found on the website.¹⁹

The Equal Treatment Ombudsperson continues to hold numerous workshops and training sessions.²⁰ During the period under review, the Equal Treatment Ombudsperson focused on several key topics that were covered in awareness-raising information activities. In addition to the topic of multiple discrimination, several measures were taken especially under the key word: "Equal treatment: Companies". These are oriented specifically at companies and personnel managers, but they also deal with governmental intervention measures, such as the allocation of funding, which is intended to lead to more equality and diversity in organisations.

The equal treatment and/or anti-discrimination entities of the federal provinces are also engaged in awareness-raising activities. For example, the Vienna Office for Combating Discrimination reports that it organises numerous one-day to two-day seminars on the topics of anti-discrimination and mobbing counselling. The seminar design – a few theoretical modules and much time for practical exercises and discussions by the participants – is in great demand and always gets excellent ratings.²¹

Moreover, the awareness-raising work by the NGO "Verein ZARA – Zivilcourage und Anti-Rassismus-Arbeit" (Association ZARA – Civil Courage and Anti-Racism Work) and the Claimants' Association for the enforcement of rights of discrimination victims also need to be mentioned here.

3.4.6.1 Awareness-raising for equal treatment among the judiciary and the police

Since the beginning of 2008, all candidate judges attend the inter-disciplinary three-day fundamental rights module "*Curriculum Grundrechte*" in the course of their basic training.

¹⁸ [Guide "Gegen sexuelle Belästigung"](#)

¹⁹ <https://www.gleichbehandlungsanwaltschaft.gv.at/publikationen-und-links/informationmaterial.html>

²⁰ <https://www.gleichbehandlungsanwaltschaft.gv.at/unser-angebot/veranstaltungen-und-workshops.html>

²¹ <https://www.wien.gv.at/verwaltung/antidiskriminierung/>

Fundamental and human rights, including the legislation on equal treatment and anti-discrimination have also been subjects at the examinations of candidate judges since 2008 (§ 16 (4) 8 of the Judges and Public Prosecutors Services Act / RStDG). The topic of anti-discrimination is compulsory for court staff at different points in their respective training regulations. The Federal Ministry of the Interior attaches great importance – both during the basic and the further training of police staff – to communicating knowledge about human rights as well as combating prejudices that may lead to racial discrimination. The topic “discrimination” can be found in nearly all training subjects and is addressed from various angles. Please refer to Article 6 for more details.

3.4.6.2 Awareness-raising among federal civil servants concerning antiziganism

Since 2018, the Federal Administration Academy has been offering federal civil servants annual workshops for their further training on the subject of “sensitization for antiziganistic prejudices”, as a target-oriented measure for the key topic “fight against antiziganism” in Austria’s Roma inclusion strategy (please refer to item 3.6.12.3. for further details). As an exception, this further training was also available free of charge to regional and municipal civil servants and was publicised via the disseminating channels of the National Roma Contact Point in the Federal Chancellery.

The Advisory Committee calls on the authorities to increase the support for the activities of and co-operation between the various entities responsible for the promotion of equality at federal and regional level, and to proactively raise awareness among relevant actors and society as a whole of the applicable anti-discrimination standards and the judicial and administrative remedies available in case of violations. (Margin note 17)

The broad landscape of public anti-discrimination entities makes it necessary to coordinate these entities. This is achieved every year at the meeting of the anti-discrimination officers of the federal provinces, which is organized by the liaison office of the federal provinces. The Federal Equal Treatment Ombudsperson also attends these meetings. The conference serves primarily for an exchange of information.

In mid-December 2018, a jointly organised and held public event of the Federal Equal Treatment Ombudsperson and the Office for Combating Discrimination of the federal province of Vienna took place, which also led to more intensive cross-linking between the two anti-discrimination offices. The Vienna Office for Combating Discrimination, the Federal Equal Treatment Ombudsperson and NGOs such as “Verein ZARA” or the “Romano Centro”

association meet regularly for networking events, where current topics and problems and also joint coping strategies are discussed. On these occasions, topics relating to the national minorities such as, for example, the Roma and Sinti in Austria and in Vienna are also addressed.

Other public entities²² such as the equal treatment entities of the federal provinces or professional/occupational interest groups also provide information, occasionally via other relevant counselling offices.

Excursion: Data collection

As no survey concerning the national minorities is conducted in Austria, and as there are also no statistics including minority affiliation, it is not possible to present a break-down of any data material for the entire federal territory. At best, school and educational statistics concerning language use and sociological studies can be used in order to deal with this topic in more detail. As part of the Roma integration strategy, sociological studies were therefore conducted on the topics of education, employment, health and the housing situation of the Roma. At present, the Austrian Roma strategy is being evaluated by the University of Vienna. In any event, it is not possible to determine exactly the socio-economic situation of the national minorities.

3.4.6.3 The situation of the Roma

The Advisory Committee calls on the authorities to proactively step up the implementation of measures aimed at the protection and promotion of effective equality of the Roma, based on a comprehensive understanding of the specific challenges faced by persons belonging to Roma communities and in line with a clear strategic direction and indicators that are developed in close consultation with Roma representatives. (Margin note 23)

3.4.6.3.1 National strategy to continue the inclusion of Roma in Austria²³

Since 2012, the EU Framework for National Roma Integration Strategies up to 2020 has been the programme framework, which covers both autochthonous and allochthonous Roma. In June 2017, the national Austrian strategy dating back to 2012 was updated,

²² Example: <https://www.wien.gv.at/verwaltung/antidiskriminierung/adressen.html>

²³ <https://www.bundeskanzleramt.gv.at/themen/volksgruppen/roma-strategie.html>

following intensive exchanges and a coordination process with Roma civil society. The updated strategy continues to focus on education and employment. In addition, the following additional key topics were included in the current strategy, as an immediate reaction to the comments by Roma civil society to the draft paper:

- Fight against antiziganism
- Empowering Roma women and girls (Romnja)
- Empowering Roma juveniles
- Participation
- Strengthening organised Roma civil society

At present, the University of Vienna is working on an external evaluation of Austria's strategy, involving the Roma civil society. The results of the evaluation, which can be expected for July 2022, will serve as a basis for then developing the next Austrian Roma strategy.

In April 2021, the Council of Ministers adopted the continuation of Austria's strategy on Roma inclusion, as proposed by the Federal Government. The Federal Government is thereby committed to the implementation of the EU Framework for the Roma up to 2030 and to continue promoting the inclusion of the Roma, involving Roma civil society, as an element of Austrian and European history and culture.

A National Roma Contact Point has been set up at the Federal Chancellery to liaise with EU institutions. It coordinates the further development and implementation of the Roma strategy and supports the cross-linking of federal ministries, regional authorities, municipalities to associations of civil society as well as experts from science and research.

The Roma Dialogue Platform²⁴ was set up at the Federal Chancellery in order to institutionalise the dialogue among the parties involved. It stages meetings at regular intervals. The aim of the Dialogue Platform is to embed Roma-specific issues on the administrative level as well as to promote cooperation and the exchange of experience. The EU Commission refers to this participative format as a showcase model for a civil-society dialogue in the context of Roma inclusion. The regular participation by representatives of authorities responsible for Roma inclusion offers Roma civil society a low-threshold

²⁴ <https://www.bundeskanzleramt.gv.at/themen/volksgruppen/roma-strategie/dialogplattform-roma-strategie.html>

possibility to have access to the relevant administrative units. In the course of discussing Roma-specific topics between Roma associations and representatives of authorities, projects and project ideas can be presented and coordinated. At the same time, they allow for a better cross-linking among the Roma associations and other project sponsors that have successfully implemented projects.

Every platform meeting is dedicated to one specific topic. The 24th Roma Dialogue Platform, for example, which was held on 19 November 2019, dealt with the issue of “Empowering Roma children and juveniles”. Roma school mediation in Vienna, learning assistance in Burgenland and the issue of Roma activism were the topics of the discussions. At present, three Roma school mediators work at seven schools in Vienna, and two learning assistants work as learning assistants in Burgenland. The three Roma school mediators in Vienna are employed by the Romano Centro association and funded by several funding sources.

With a view to the expiry of the EU Framework for the Integration of Roma in the year 2020, the National Roma Contact Point organised an antiziganism conference in the course of Austria’s EU Presidency under the motto “How can anti-Gypsyism be addressed in a post-2020 EU Roma Framework?” About 100 participants, including the national Roma contact offices from EU member states and the Western Balkan, representatives of the European Commission as well as the European Parliament, the EU Fundamental Rights Agency, the Council of Europe, the Austrian administrative system as well as (Roma) civil society and science were requested to prepare specific recommendations in the field of antiziganism for a possible post-2020 Roma framework. The schedule and the content of the conference was drawn up in detailed exchanges with Roma civil society in two preparatory workshops in June and September 2018. After the antiziganism conference, the results were published in the form of expert recommendations.²⁵

3.4.6.3.2 Involving the Roma in the development of measures

Great importance is addressed to developing inclusion measures not only for the Roma but also in cooperation with the Roma population. The aforementioned Roma Dialogue Platform already takes account of this aspect of participation. The national Roma integration strategy was updated in this spirit in the years 2016/2017, with the close

²⁵ <https://www.bundeskanzleramt.gv.at/dam/jcr:e4dd0a8e-99d5-4f6d-b382-05db80ad96c0/Conference%20on%20anti-Gypsyism%20%E2%80%93%20How%20to%20address%20anti-Gypsyism%20in%20a%20post-2020%20EU%20Roma%20Framework%20%E2%80%93%20Expert%20rec.pdf>

involvement of Roma civil society. In this context, it was possible to consult online the draft for an adapted Roma strategy paper as well as to participate in a survey between 28 September and 28 November 2016. During this period, a total of 1,068 users visited the website online. On the basis of the results of this survey, Austria's Roma strategy was updated.²⁶ The ECRI report 2020 regards this process as innovative, strengthening the participation of the relevant actors.

Since November 2014, the National Roma Contact Point at the Federal Chancellery has also taken part in the working group of the Fundamental Rights Agency of the European Union, which is intended to support Member States in developing value indicators within the framework of Roma integration.

The Advisory Council for the Roma has been set up as a consultation body for the Federal Government in connection with the concerns of the autochthonous Roma. Various members of this advisory council also regularly attend the meetings of the Roma Dialogue Platform and thus constitute a connecting link.

3.4.6.3.3 Financing

In keeping with its statutory objective, the promotional funding which the Federal Chancellery allocates to the national minorities serves "to preserve and secure the existence of the national minorities, their folklore as well as their specific characteristics and rights" (§ 8 (1) of the National Minorities Act). Compared to other national minorities, less money is spent on cultural events and activities, but more on counselling and education (of the young).

Associations of the national minorities, amongst others, have the right to apply for funding, which ensures the acceptance and low-threshold access to the offered subsidies, on the one hand, and, on the other hand, underlines the autonomy of the persons concerned. Special focal points of the promotional activities are advice about the labour market and learning assistance for Roma children.

²⁶ Strategy to continue the inclusion of the Roma in Austria

Table 2 Promotional funding for the national minorities by the Federal Chancellery (BKA), allocated to Roma associations, 2019

Roma minority	Grant under the VoGrG*)	Other grants	Intercultural project funding	Total
"Vivaro" – Viva Romnja (Association of Roma women)			€ 7,000	€ 7,000
Dr. Dieter W. Halwachs			€ 7,000	€ 7,000
EXIL – Verein zur Förderung ganzheitlicher Weiterbildung, Kurzform Verein Exil (Association for Holistic Further Training, in short: Association Exil)			€ 7,000	€ 7,000
HANGO ROMA	€ 2,750			€ 2,750
KARIKA – Für Roma und Sinti (for Roma and Sinti)	€ 2,250			€ 2,250
Kulturverein österreichischer Roma – Dokumentations- und Informationszentrum (Culture Association of Austrian Roma – Documentation and Information Centre)	€ 42,000			€ 42,000
Lovara-Roma Austria			€ 5,000	€ 5,000
Roma Volkshochschule Burgenland – VHS Roma, "Romengeri Flogoskeri utschki Ischkola Burgenland" (Roma Adult Education Centre Burgenland – VHS Roma)	€ 4,000		€ 3,000	€ 7,000
Romano Centro – Association for Roma	€ 158,000	€ 17,800		€ 175,800
Roma-Pastoral – Diocese Eisenstadt, formerly department for ethnic groups, especially Roma and Sinti	€ 3,500		€ 4,300	€ 7,800
Roma-Service	€ 164,500			€ 164,500

Roma minority	Grant under the VoGrG*)	Other grants	Intercultural project funding	Total
Voice of Diversity - Verein zur Förderung von Kunst und Kultur der Volksgruppe Roma (Association to Promote the Art and Culture of the Roma Minority)	€ 3,300		€ 1,500	€ 4,800
Total	€ 380,300	€ 17,800	€ 34,800	€ 432,900

Source: Federal Chancellery / Department for National Minorities Issues

*) VoGrG = National Minorities Act

The Federal Ministry of Education, Science and Research, the Federal Ministry for Labour as well as the federal provinces and municipalities allocate promotional funding to the Roma associations, in addition to the Federal Chancellery.

Moreover, Austria continues to expect that general improvements in education (for example, free nursery schools, more options for afternoon care at schools or full-day classes; introduction of the middle school, external apprenticeship training) and in the healthcare and social fields (for example, social benefits, free orthodontic treatments for children, access to municipal housing) will also bring improvements to the living conditions of the Roma.

The Federal Ministry for Labour promotes projects to empower Roma for the labour market in the framework of the European Social Fund (please refer to item 3.15.2.1.5. for details). Under the Operational Programme Employment 2014-2020, with funding from the European Social Fund, Austria has earmarked funding for Roma-specific measures in the framework of the investment priority "Active Inclusion". The objective is to significantly support a sustainable integration of the national minority into the labour market and society by way of counselling and qualification measures. For 7 budget years, a total of € 8 million has been budgeted for implementation.

The ECRI report 2020 commended Austria for this commitment, as it made it possible to obtain positive results (e.g. a higher percentage of Roma obtaining vocational training and recognised qualifications).

3.4.6.4 Real equality through effective legal remedies

The Advisory Committee urges the authorities to ensure full and effective equality before the law of all persons belonging to national minorities by guaranteeing access to an effective legal remedy to challenge the denial of access to minority rights. (Margin note 22)

The two-tier administrative court system, which was described in detail in the Fourth State Report, made it necessary to adapt certain administrative issues. With the 2014 School Authorities Administration Reform and Legal Consolidation Act, dated 9 July 2014, Federal Law Gazette I No. 48/2014, these adaptations were made concerning the authorities as well as legal protection in the school system. This also led to changes in the minorities school laws for Carinthia and Burgenland.

The introduction of the two-tier administrative court system also required an adaptation of the National Minorities Act. The law published in Federal Law Gazette I No. 84/2013 amended the appeal stages in connection with complaints against the composition of the national minorities' advisory councils. Previously, the representative associations of the national minorities could file complaints against the composition of the respective national minority's advisory council with the Supreme Administrative Court. As of now, the Federal Administrative Court has competences to decide complaints of this type. An appeal against a decision by the Federal Administrative Court can then be filed with the Supreme Administrative Court.

During the period under review, the Austrian law enforcement system was improved in one further aspect. The competences of the Constitutional Court were expanded with effect as of 1 January 2015, by an amendment of the Federal Constitution Act, published in Federal Law Gazette I No. 114/2013.

Article 140 of the Federal Constitution Act / B-VG now reads (excerpt):

The Constitutional Court decides on the unconstitutionality

1. of laws

a) upon application by a court

b) ex officio for

c)

d) upon application by a person who maintains to have been violated in her/his rights in a legal matter decided by an ordinary first-instance court, due to the

application of an unconstitutional law, in connection with a legal remedy filed against this decision;

.....

Since that date, parties in civil and criminal proceedings can address the Constitutional Court directly if they are of the opinion that the laws to be applied in the proceedings and/or applicable regulations are unlawful (so-called application for judicial review by a party). Moreover, since 1 January 2015, first-instance courts (previously: second-instance courts) can turn to the Constitutional Court, if they presume that one of the laws which they should apply is unconstitutional.

3.5 Article 5

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

In keeping with Article 8 (2) of the Federal Constitution Act (B-VG), the Republic of Austria is committed to its grown linguistic and cultural diversity, which finds its expression in the autochthonous national minorities. The language and culture, existence and preservation of these national minorities shall be respected, safeguarded and promoted. § 8 (1) and (2) of the National Minorities Act state that the Federal Government – irrespective of general promotional measures – shall promote measures and projects that serve to preserve and safeguard the existence of national minorities, their folklore traditions as well as their characteristics and rights, and facilitate the promotion of intercultural projects.

There are many different challenges to the preservation of the national minorities. Modern living conditions foster assimilation and make it difficult to pass on the minority language to the next generation. Please refer to the Fourth State Report for details.

The national minorities have promotional funding at their disposal, which serves the objective to secure and preserve the language and culture of the national minorities and to provide targeted support. This funding is enshrined in law and was doubled in 2021 from an amount of four to eight million. Especially the Federal Ministry of Education, Science and Research, as well as the federal provinces and municipalities allocate further promotional funding to specific projects of the national minorities. Of course, the national minorities can also participate – under the general conditions – in other options for promotional funding, such as, for example, grants to the press and journalism, labour market financing, film funding, promotional funding for adult education or research.

3.5.1 Promotional funding for the national minorities by the Federal Chancellery

3.5.1.1 Doubling of the promotional funding for the national minorities as of 2021 and a new strategic orientation

The Advisory Committee reiterates its urgent call on the authorities to increase significantly the funds, including baseline funding, made available to national minority associations in order to enable them to preserve and develop their distinct identities effectively as an integral part of the cultural diversity of Austria. Support for activities in other spheres, such as education or the media, must be made available through separate funding options, as they serve an equally important but different purpose. (Margin note 27)

As the national minorities had asked for an increase for many years, the promotional funding by the Federal Chancellery for the national minorities was increased to a total of € 7,868,000 as of 2021, and thus more than doubled. A new budget item to promote the media of the national minorities was created and allocated € 700,000. For the first time, calls for promotional funding were published for the promotional funding chapters “intercultural promotion” and “other grants” as well as for the new funding chapter “media

of the national minorities”. After receiving feedback from the national minorities’ advisory councils, these were used to define the priorities for the promotional activities.²⁷

The funding chapter “other grants” now comprises the following priorities for promotional activities:

- Education in the languages of the national minorities
- Digitalisation
- Projects involving several national minorities
- National minority youth/Youth development
- Stocktaking activities

Table 3 Budget – Promotional funding by the Federal Chancellery (BKA) for the national minorities, 2021

Promotional funding for the national minorities	Detailed budget 10/01/07	Total amount in €
Grants based on the National Minorities Act	account 7670002	4,600,000
Other grants	account 7671003	2,268,000
Intercultural promotion	account 7671004	300,000
National minority media	account 7671006	700,000
Total		7,868,000

Source: Federal Chancellery / Department for National Minorities Issues

According to § 9 (2) of the National Minorities Act, the recipients of cash benefits from the promotional funding for the national minorities can be “associations, foundations and funds that serve to preserve and secure a national minority, in particular its special folklore as well as its characteristics and rights, according to their purpose (organisations of the national minorities)” as well as “churches and religious communities as well as their institutions”

²⁷ <https://www.bundeskanzleramt.gv.at/themen/volksgruppen/volksgruppen-foerderung.html>

according to (3). It should be noted in this context that the national minorities are mainly organised in associations under the law on associations.

The Federal Chancellery, as provider of funds, aims at achieving the following medium and long-term effects in the promoted areas:

The structural funding given to organisations of the national minorities is meant to support their ability to act and to preserve and improve the infrastructure necessary to comply with their tasks. Especially in the fields of educating children and juveniles, the goals of promoting the national minorities can be pursued with particular effect when granting structural funding such as, for example, for childcare facilities and learning assistance organisations.

With the targeted promotion of the publication of periodical media, the use of the languages of the national minorities in everyday life becomes more visible. These publications constitute an important information instrument, both within the national minority and also vis-à-vis the rest of the population – if they are published bilingually. This serves to strengthen the everyday use of the languages of the national minorities as well as the linguistic competence of its members. In the long term, the promotion of media projects (these may be weekly newspapers, other periodicals or newsletters of associations) can achieve a strengthening of the functionality of a minority language as an important identity-forming characteristic and it helps the consistent preservation of the specific thesaurus of a national minority.

Promoting educational projects serves both to teach languages and to communicate specific content of the national minorities. The intention is to enhance the use of the minority languages and to expand the linguistic and intercultural competences. In this context, it is of particular importance that language is passed on to the younger generations, as a form to express the specific identity of the national minority. The successful preservation of a national minority depends – last but not least – on whether the language and culture are passed on to children and young people, and that they accept them. The targeted promotion of projects for small children is intended to support the learning of the minority language at the earliest possible phase of language development. A better involvement of the parents in this process also has a positive effect on cross-linking in the minority language.

Promoting cultural projects serves to preserve and pass on the specific cultural forms, the cultural identities of a national minority, and thus also the internal cohesion of a national minority. In this context, the transfer of the specific traditions of a national minority to the younger generation plays an important role. Cultural activities also lend themselves specifically to involving the rest of the population, which helps to enhance mutual understanding.

Promoting scientific and research-related aspects helps to secure knowledge and awareness in the specific context of a national minority (e.g. by linguistic research, dealing with the historical legacy, etc.). The intended impact can also create regional added value, which may find expression not only in a diverse cultural attractiveness but also in conflict resolutions, as the historical legacy is dealt with jointly. This does not only strengthen the identity of the national minorities but also highlights regional multiple identities and their equalising effect.

Promoting sports clubs with funding from the budget for the national minorities does not only help to promote sports as such, but it also helps children and juveniles to learn the minority language when participating in training units held in the minority language. As a result, the younger generation becomes involved in an environment of the national minority, as most young people regard sports as an attractive pastime, which promotes competence in the minority language as well as the use of the language.

Every year, a report must be addressed to the National Council on the promotional activities on behalf of the national minorities. These reports can be accessed on the website of the Federal Chancellery.

On the occasion of raising the budget for the promotional funding of the national minorities, a process of stocktaking and evaluating the promotional funding for the national minorities is being launched. The goal is to develop impact indicators which will be used in the future for allocating and evaluating the promotional funding as well as to give the promotional funding for the national minorities a stronger strategic orientation. This process is being conducted in close cooperation with the national minorities' advisory councils and accompanied by external experts in the field of impact-oriented promotion.

3.5.1.2 Processing the promotional funding for the national minorities by the Federal Chancellery

The Advisory Committee further reiterates its urgent call to simplify and accelerate the process leading to the actual disbursement of funds to enable the associations to plan and implement their activities in an efficient and cost-effective manner. (Margin note 28)

During the period under review, Austria launched the following measures in order to accelerate and simplify the disbursement of the promotional funding for the national minorities:

- Bringing the submission deadline forward
- Bringing the deadline forward for obtaining the advisory council recommendation
- Accelerating the decision on the allocation of promotional funding by a re-organisation of the internal processes.

Since 2018, it has been the rule that the promotional funding allocated on the basis of a recommendation by the advisory council was already used up by the middle of a year. The applications for the funding years 2020 and 2021 were submitted as early as November of the year preceding the funding year, the respective recommendations were obtained as early as December of the year preceding the funding year. As a result, approximately 97% of the full amount available for promotional funding could be spent by 31 August 2020, in spite of circumstances that were further complicated on account of a provisional budget and the COVID-19 pandemic.

Moreover, by introducing simpler accounting requirements in connection with baseline funding, it became possible in 2019 to give significantly more room for manoeuvre to the associations of the national minorities.

3.5.1.3 Use of the promotional funding for the national minorities

In 2019, the Federal Chancellery allocated a total amount of € 3,921,380 as promotional funding to the national minorities. The difference to the budget shown above can primarily be explained by repayments that were re-allocated.

Table 4 Promotional funding for the national minorities according to national minorities and type of funding in absolute figures, 2019

National minority	Grant under the VoGrG*)	Other grants	Intercultural project funding	Total
Croatian	€ 1,107,100	€ 3,300		€ 1,110,400
Roma	€ 380,300	€ 17,800	€ 34,800	€ 432,900
Slovak	€ 79,800	€ 45,000		€ 124,800
Slovene	€ 1,151,700	€ 205,780	€ 66,000	€ 1,423,480
Czech	€ 382,100	€ 3,300	€ 8,000	€ 393,400
Hungarian	€ 429,000	€ 4,900	€ 2,500	€ 436,400
Total	€ 3,530,000	€ 280,080	€ 111,300	€ 3,921,380

Source: Federal Chancellery / Department for National Minorities Issues

*) VoGrG = National Minorities Act

Please refer to the table below, which is a breakdown of the promotional funding according to the different federal provinces. In previous years, the allocation to the different national minorities and the different federal provinces had always remained largely the same. Here, too, the Federal Chancellery followed the recommendations of the advisory councils.

Table 5 Promotional funding for the national minorities by the Federal Chancellery (BKA) according to federal province, national minority and budgeted amount; 2019

Federal province	Intercultural project funding	Other grants	Grant under the VoGrG*)	Total
Burgenland	€ 9,800	€ 8,200	€ 1,334,750	€ 1,352,750
Croatian		€ 3,300	€ 947,600	€ 950,900
Roma	€ 7,300		€ 177,000	€ 184,300
Hungarian	€ 2,500	€ 4,900	€ 210,150	€ 217,550
Carinthia	€ 66,000	€ 205,780	€ 1,074,500	€ 1,346,280
Slovene	€ 66,000	€ 205,780	€ 1,074,500	€ 1,346,280

Federal province	Intercultural project funding	Other grants	Grant under the VoGrG*)	Total
Upper Austria			€ 3,500	€ 3,500
Hungarian			€ 3,500	€ 3,500
Salzburg			€ 2,000	€ 2,000
Hungarian			€ 2,000	€ 2,000
Styria	€ 7,000		€ 67,850	€ 74,850
Roma	€ 7,000			€ 7,000
Slovene			€ 65,350	€ 65,350
Hungarian			€ 2,500	€ 2,500
Tyrol			€ 700	€ 700
Hungarian			€ 700	€ 700
Vienna	€ 28,500	€ 66,100	€ 1,046,700	€ 1,141,300
Croatian			€ 159,500	€ 159,500
Roma	€ 20,500	€ 17,800	€ 203,300	€ 241,600
Slovak		€ 45,000	€ 79,800	€ 124,800
Slovene			€ 11,850	€ 11,850
Czech	€ 8,000	€ 3,300	€ 382,100	€ 393,400
Hungarian			€ 210,150	€ 210,150
Total	€ 111,300	€ 280,080	€ 3,530,000	€ 3,921,380

Source: Federal Chancellery / Department for National Minorities Issues

*) VoGrG = National Minorities Act

Every year, the Federal Chancellery reports to the National Council about the use of the promotional funding for the national minorities. The reports can be accessed from the website of the Federal Chancellery:

(www.bundeskanzleramt.gv.at/themen/volksgruppen/volksgruppen-foerderung.html).

3.5.2 Donation for referendum

In connection with the 100-year anniversary of the referendum in Carinthia, when the resident population in the referendum area decided to remain a part of the Republic of Austria, the Federal Government is granting a total amount of € 4 million in the years 2020 to 2024 to promote the Slovene-speaking population and to support projects that serve a harmonious life together, as well as the cultural diversity and the development of the economy and the infrastructure of the municipalities.

3.5.3 Promotional funding for the national minorities by the Ministry of Education

In addition to the promotional funding for the national minorities embedded in the Federal Chancellery, especially the Federal Ministry of Education, Science and Research allocated promotional funding to specific education-oriented purposes of the national minorities.

Table 6 Promotional funding for the national minorities by the Federal Ministry of Education, Science and Research, 2018; breakdown according to national minorities

National minority	€
Croatian minority	98,500.00
Slovene minority	290,800.00
Hungarian minority	30,000.00
Roma minority	99,800.00
Czech minority	40,000.00
National minorities in general and/or jointly	73,400.00
Total	632,500.00

Source: Federal Ministry of Education, Science and Research

Table 7 Amounts of promotional funding per project (non-exhaustive list)

Object of promotional funding (2018)	€
Language coaching for children of the Slovene minority	36,500.00
Contributions to printing costs for books in the Slovene language	36,500.00
Refurbishment of the gym (sports hall) at the Komenský School	40,000.00
National minority centre	55,000.00
Extra-mural learning assistance for children of the Roma minority	35,500.00
Kroatisch Minihof (Croatian library)	18,000.00

Source: Federal Ministry of Education, Science and Research

3.5.4 Promotional funding by the Federal Chancellery – Arts and Culture²⁸

Just like the majority population, the members of the national minorities or organisations of the national minorities also have the right to apply for funding in the fields of the arts and culture. In 2018, the following activities related to the national minorities received funding from the budget for the arts and culture (non-exhaustive list):

²⁸ https://www.bmkoes.gv.at/dam/jcr:07491dd8-771e-44c3-aebb-59c100f97369/KunstKulturBericht_2018.pdf

Table 8 Activities concerning the national minorities, arts and culture budget

Funding recipient	Subject/project description	Total in €
Drava Verlag – Založba Drava	Funding for publishing house	30,000
	Book package	10,000
	Shared stand at Leipzig book fare	7,400
Mohorjeva družba v Celovcu/Hermagoras association in Klagenfurt	Funding for publishing house	30,000
	Book package	25,000
Wieser Verlag	Funding for publishing house	60,000
	Book package	10,000
Slovensko prosvetno društvo Rož	Cultural programme and cultural education	12,000
University Culture Centre UNIKUM in Klagenfurt	Cultural programme and cultural education	65,000
Romano Centro Association for Roma	Literature project	3,000
Društvo/Association Peršman	Museum funding – educational programme	25,000
Athabasca University Press	Grant for translation into English of the work “Kaj smo, ko smo” (“What we are, when we are”) by Cvetka Lipuš, a Carinthian Slovene	1,500

Source: Arts and Culture Report 2018, Federal Chancellery; own compilation

In addition, Florjan Lipuš, the well-known writer and member of the Slovene minority was awarded the Great Austrian State Prize 2018 with a prize money of € 30,000.

3.5.5 Promotional funding by the federal province of Styria

The federal province of Styria continues to subsidise the Article VII Culture Association for Styria – Pavel House. The Pavel House at Radkersburg serves the Slovene population in Styria as a centre for cultural events. The Article VII Culture Association for Styria is the link between the minority and the majority population in Southern Styria. With its cultural and minority-specific events and publications, it promotes the bilingual as well as the intercultural dialogue. The federal province of Styria promoted the annual cultural

programme of the Article VII Culture Association with an amount of € 55,000 in the year 2018.

The Club of the Slovene Students in Graz received € 1,000 for its project “Slovenian Days 2018”.

3.5.6 Promotional funding by the City of Vienna

The Municipal Department MA 7 of the City of Vienna also regularly subsidises various cultural activities on national minority topics in the framework of its activities to promote cultural projects, especially within the promotional priority “Urban District Culture and Inter-Cultural Activities”²⁹. Below is an excerpt from the report on promotional funding in 2018 (non-exhaustive list).

Table 9 Promotional funding by the Municipality of Vienna 2018 (taken from the report on promotional funding)³⁰

Funding recipient	Subject/Project description	Total in €
Freunde der Slowakischen Kultur+ (Friends of Slovak Culture+)	Slovak evening at the Danube	2,500
	Traditional Slovak Christmas	2,250
Hrvatski centar za kulturu, naobrazbu i politiku/Croatian Centre for culture, education and politics	Annual activity	12,000
	Street festival at Schwindgasse	1,000
Hrvatsko Kulturno Društvo NAPREDAK Austrija – Bec (Croatian cultural association NAPREDAK Austria – Vienna)	20-year anniversary of the Dance Group AKroBiH	2,000
	Sunday for Croatians at Mariabrunn – garden party in the 14th district and Advent season at Rudolfsheim	2,200
Croatian Institute	Vienna as a Magnet	4,000

²⁹ <https://www.wien.gv.at/amtshelfer/kultur/projekte/subventionen/stadtteilkultur.html>

³⁰ <https://www.wien.gv.at/kultur/abteilung/pdf/kunstbericht2018.pdf>

Funding recipient	Subject/Project description	Total in €
Österreichisch-Kroatische Gesellschaft (Austro-Croatian Society)	Exhibition: Otto Wagner and Croatian architecture	2,150
	Christmas concert and crib exhibition, literary and musical evening: A magic reverberation	1,500
Verein zur Förderung der kroatischen Musik (Association to promote Croatian music)	Concert	2,500
NAPRAFORGOK – Verein zur Förderung von ungarischem Volkstanz und ungarischer Volksmusik in Wien (Association to promote Hungarian folk dance and Hungarian folk music in Vienna)	20 th Hungarian Dance Hall Gathering	1,000
Ungarischer Arbeiterverein in Wien, gegründet 1899 in Floridsdorf (Hungarian Workers' Association, founded 1899 at Floridsdorf)	Concert	2,000
	9 th Goulash Festival	1,000
Wiener Ungarischer Kulturverein Delibab – Bepsi Magyar Kultúregyesület Délibáb (Hungarian Cultural Association Delibab in Vienna)	Annual programme	4,600
	International Folk Dance Gathering	4,000
Club Pannonia, Gesellschaft zur Pflege der österreichisch-ungarischen Beziehungen (Club Pannonia, Society to Maintain Austro-Hungarian Relations)	Annual subsidy	2,500
Österreichisches Institut für ungarische Studien (Austrian Institute for Hungarian Studies)	Conference: Peter Nadas Parallel Stories	1,500
Voice of Diversity – Verein zur Förderung von Kunst und Kultur der Volksgruppe Roma (Voice of Diversity – Association to Promote the Arts and Culture of the Roma Minority)	Annual programme	2,200
	10 th Baranka Park Commemoration	7,000
	World Jam Sessions Ottakring	2,200
Vivaro – Viva Romnja. Romafrauen Verein. (Roma Women Association.)	Visibility – Romnja in the middle of Vienna	700
Bahtalo Rom, Gesellschaft zur Erhaltung & Förderung der Roma-Kultur (Bahtalo Rom, Society for the Preservation & Promotion of Roma Culture)	12 th Roma Festival	2,500
Romano Centro – Verein für Roma (Association for Roma)	Annual subsidy	15,000

Funding recipient	Subject/Project description	Total in €
Kulturverein österreichischer Roma – Dokumentations- und Informationszentrum (Roma Cultural Association in Austria – Documentation and Information Centre)	Annual subsidy	115,000

Source: Activity Report on the Arts, Culture and Science of the City of Vienna 2018, own compilation

3.5.7 Promotional funding by the federal province of Carinthia

The objective of the promotional funding by the federal province of Carinthia for cultural activities expressly includes the preservation of the various ethnic influences – including the influence of the Slovene minority – resulting in cultural diversity (§ 1 (3) f of the Carinthian law on promotional funding for cultural activities).

The cultural activities offered by the Slovene minority in Carinthia are organised by clear plans and committed activities by the two umbrella organisations, the Christian Cultural Association and the Slovene Cultural Association. Both are headquartered in Klagenfurt and pool the cultural activities of about eighty local cultural associations, groups and initiatives, which mostly belong to both umbrella organisations. The local cultural associations and groups, in turn, develop sufficient independent creativity and innovation.

The promotional funding to the Slovene cultural associations and organisations amounted to a total of € 58,400 in 2016, after deducting the residual subsidy for the Slovene Music School which was integrated into the Regional Music School. During the budget years 2017 and 2018 the amount rose to more than € 80,000 in each year. In 2019, 24 Slovene cultural institutions received a total amount of € 115,000, on account of more applications as well as moderate increases and subsequent subsidies.

In addition to promoting the Slovene cultural institutions as such, cultural projects and programmes by other applicants are also given special attention, when they are characterized by a large part of programme content in the Slovene language or in both languages (Slovene, German). A complete presentation or “subtracting the Slovene share” is possible only to a very limited extent. The share was particularly big in the year 2017, as the focus in that year was on “art in public spaces” and the “Handke year”, oriented specifically to bilingualism. Altogether, a total amount of about € 227,000 was allocated to this segment. In 2018, 17 cultural institutions and projects in this category were supported by an amount of € 143,111 in cultural funding. In 2019, the amount spent was € 211,538,

of which an amount of € 53,267 was granted for the first time as baseline funding to the Robert Musil Institute at the University of Klagenfurt/Carinthian Literature Archives, taking account of the Slovene literature represented both in the programme of events and in the work for the archives and literature science.

Table 10 Promotional funding by the federal province of Carinthia to cultural institutions and projects with a major programme component in Slovene and/or two languages (German, Slovene), 2018, examples

Funding recipient	Subject/Project description	Total in €
Slovene Ethnological Institute “Urban Jarnik”	Activities 2018	10,000
Mohorjeva družba v Celovcu – Hermagoras Association in Klagenfurt	Calender for the year 2019	1,000
	Publishing house funding for 2018	11,111
Drava Verlags- und Druckgesellschaft	Poetry book “Gefangen zwischen den Zeilen” (Caught between the lines) and the children’s book “Zmaj Direnda (Direndaj, the Dragon)”	2,000
	Publishing house funding for 2018	10,000
Association of Slovene Authors, Translators and Journalists in Austria	Literature magazine “Rastje”	1,000
Wieser Verlag	Publishing house funding for 2018	10,000
Denkwerkstatt/Kovačija Misli (Think Tank)	Commemorative exhibition: 750 years market town of Eisenkappel / Železna Kapla	2,100
Slovene culture association “Danica”	St. Primus – theatre project	1,500
Slovene culture association “Šentjanz”	Theatre project “5&20 Udarcev/Schlagzeilen”	5,000
Lepenska Šola – Association to develop rural areas	Activities 2018	3,000
Slovene Cultural Association	Activities 2018	10,100
Christian Cultural Association	Activities 2018	10,100
Slovene culture association “Celovec” in Klagenfurt	Activities 2018	1,000
Slovene culture association “Globasnica”	Series of events “Trivium / tri poti / drei Wege”	2,500

Funding recipient	Subject/Project description	Total in €
Slovene culture association “Rož”, St. Jakob/Ros.	Activities 2018	6,000
	Recognition award for special merits in the field of independent cultural activities 2018	5,000
Slovene culture association “Zarja”	Activities 2018	3,000
University Cultural Centre UNIKUM	Activities 2018	22,000
Catholic culture association “Šmihel”	Theatre work, Cikli Cakl Festival	5,000
Octet Suha	Internation Octet Festival 2018	2,000
Slovene culture association “Kočna”, Suetschach	37 th International Suetschach Painters’ Week	700
Catholic culture association “Drava”, Schwabegg	Activities 2018	3,000
Kulturni dom Bleiburg-Pliberk	Activities 2018	10,000

Source: Report on promotional funding for cultural activities by the federal province of Carinthia, 2018, own compilation

For more details please refer to the report on promotional funding for cultural activities by the federal province of Carinthia 218, pp. 52 and following as well as the attached tables.³¹

Moreover, the 2001 Carinthian Culture Promotion Act (K-KFördG 2001) served as a basis to award prizes and bursaries to representatives of the Slovene minority.

Please also refer to the report on the situation of the Slovene minority in Carinthia, 2020, pp. 42 and following.³²

In addition, it should also be pointed out in this context that the Office of the Carinthian Regional Government organizes the Culture Week / Kulturni teden as well as the European National Minorities Congress in Klagenfurt every year.

³¹ https://www.kulturchannel.at/fileadmin/user_upload/kulturberichte/kulturbericht_2018.pdf

³²

https://www.ktn.gv.at/DE/repos/files/ktn.gv.at/Abteilungen/Volksgruppenb%3%bcro/Dateien/Art.69a%20-2020/2020_69a%20Bericht_de_web.pdf?exp=783412&fps=2104169c5f314a23537de095184d26f8f9ade3ac

3.5.7.1 Celebrations on the occasion of the 100-year anniversary of the referendum in Carinthia ³³

Because of the 100-year anniversary commemorating the referendum in Carinthia on the question of whether the bilingual regions should remain within the Republic of Austria, the year 2020 was an important and symbolic year for the federal province of Carinthia. This anniversary was an occasion for dealing with its own history and identity. It served to assess the position of the region and its people and to cast a glance into the future. In line with participation, the entire programme was determined by bidding procedures and jury evaluations to select the most innovative projects in the various fields (culture, art & folklore, schools, science). The project applicants were responsible for implementing the individual projects; the federal province of Carinthia supported them by maximum funding of 60% and handled the advertising for the entire programme.

On the basis of the bidding process, 89 project applications were received for art/culture/folklore. Of these, 53 projects were selected (five further projects received funding via the Department 3 – Municipalities). The 53 projects included 13 projects that were submitted by Slovene culture associations. A specifically bilingual orientation to and/or prioritisation of the Slovene language / national minority and/or major involvement by representatives of the Slovene minority can also be found in about 20 further projects. Unfortunately, many events had to be cancelled due to the COVID-19 pandemic.

3.5.8 Promotional funding by the federal province of Burgenland

The federal province of Burgenland reported the promotional funding activities for 2018 that are shown in the table below. They do not only cover regional promotional funding but also that of the municipalities. In addition, it includes the subsidies to minority organisations and specific minority projects as well as expenditure by the territorial corporations, in particular the so-called official-language allowance for civil servants who use the minority languages in their work.

³³ <https://carinthija2020.ktn.gv.at/>

Table 11 Promotional funding for the national minorities by the federal province of Burgenland; 2018

National minority	Total in €
Croatian	521,586.68
Hungarian	49,686.60
Roma	45,654.96
Covering several minorities	27,128.80
Total	644,057.04

Source: Office of the Burgenland Regional Government

Below, more details are given concerning the promotion of cultural activities by the Burgenland Regional Government to associations of the national minorities, or specific activities of the national minorities (non-exhaustive list):

Table 12 Promotional funding by the Burgenland Regional Government, 2018

Funding recipient	Subject/Project description	Total in €
HAK – Hrvatski akademski klub – Croatian Academic Club	“Dan mladine”	1,000
Junge Initiative KroatischMinihof (Youth Initiative Croatian Minihof)	Minority Culture Prize 2018	1,500
	Musical “Promises,Promises”	10,000
Kroatischer Kulturverein im Burgenland (Croatian Cultural Association in Burgenland)	Annual activities	2,000
	Educational projects	3,000
	Vacation language course at Stinatz	500
Croatian Culture and Documentation Centre	Book and song projects	3,000
Leseverein der Reformierten Jugend Oberwart (Reading Association of the Reformed Youth Oberwart)	55 years – Anniversary	500
Mehrsprachiges Offenes Radio MORA (Multilingual Open Radio MORA)	Project subsidies	15,000

Funding recipient	Subject/Project description	Total in €
Tamburica Cindrof/Siegenderdorf	55-Year Anniversary	1,000
Tamburizzaorchester Steinbrunn (Tamburica Orchestra Steinbrunn)	Subsidies to youth projects	500
Tamburizzaorchester Schandorf (Tamburica Orchestra Schandorf)	Purchase of traditional costumes	500
	Arrangement for new music scores	1,500
Verein KARIKA – für Roma und Sinti (KARIKA Association – for Roma and Sinti)	Annual activities	4,000
	Purchase of notebooks	750
	International Roma Day	2,500
Verein Roma Service (Association Roma Service)	Project “Roma-Butschu”	2,000
	Project “RomBus”	10,000
	Learning support	1,500
Volkshochschule der Burgenländischen Kroaten (Adult Education Centre of the Burgenland-Croats)	Annual activities	3,000
	Project subsidies	4,000
Volkshochschule der Burgenländischen Roma (Adult Education Centre of the Burgenland Roma)	Annual activities	4,100
	Projects subsidies	1,500
Volkshochschule der Burgenländischen Ungarn (Adult Education Centre of the Burgenland Hungarians)	Annual activities	4,500
	Project subsidies	1,500
Wissenschaftliches Institut der burgenländischen Kroaten (Scientific Institute of the Burgenland Croats)	Language commission	3,000
Kulturvereinigung Kroatisches Institut (Cultural Association Croatian Institute)	Pannonian Yearbook and information sheet “Panonski list”	500
UMIZ – Ungarisches Medien- und Informationszentrum (Hungarian media and information centre)	Annual activities	2,000
	Project subsidies	500
Gassner Herbert, Zillingtal	Reading and meeting zone for the Kausich Library	2,500
Zweisprachige Bibliothek der Jungen Initiative Kroatisch Minihof (bilingual library of the Youth Initiative Croatian Minihof)	Purchase of shelves and software	400
PAX, Croatian Geresdorf	40-year anniversary	3,000
Theatre Group Nikitsch	Promotion of Croatian culture	1,500

Funding recipient	Subject/Project description	Total in €
KUGA Kulturvereinigung Großwarasdorf (Cultural Association Großwarasdorf)	Annual activities and association management	61,870
	Programme highlights	13,130
Poljanci, Wulkaprodersdorf	Purchase of music instruments	1,500

Source: Report on Promotional Funding 2018³⁴, own compilation

3.6 Article 6

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

The Advisory Committee calls on the authorities to demonstrate a firm commitment to dialogue and respect in all efforts aimed at the protection and promotion of the specific rights of persons belonging to national minorities as integral and valued members of diverse Austrian society. (Margin note 33)

The Advisory Committee calls on the authorities to increase their efforts towards fostering a public debate on societal integration that is based on mutual respect and tolerance, and to ensure that all segments of society are adequately informed, included and consulted with respect to the goals and activities at federal, regional and local levels with a view to

³⁴

https://www.burgenland.at/fileadmin/user_upload/Downloads/Kultur/Burgenlaendische_Kulturberichte/Kulturbericht_2018.pdf

promoting an overall positive attitude towards diversity and societal integration. (Margin note 34)

3.6.1 Tolerance and intercultural dialogue in Carinthia

The relationship between the Slovene minority and the majority population in Carinthia has continued to improve. The federal province of Carinthia is committed to its national minority and supports, with consistency, the improvement in the relationship between the national minority and majority population. This finds expression in numerous institutions and measures:

- Own office of the national minority at the Office of the Carinthian Regional Government
- Support for the information pages on the website of the regional government in the Slovene language
- Organisation of the annual European National Minorities Congress in Klagenfurt
- Organisation of the annual Culture Week / Kulturni teden
- Regular meetings of the Dialogue Forum chaired by the regional governor
- Introducing a state target objective for the benefit of the national minority in the Carinthian Regional Constitution
- Introducing a reporting obligation for the Carinthian Regional Government to the Carinthian Regional Parliament
- Public honours bestowed on well-known persons from the Slovene minority
- Comprehensive involvement of the national minority in the celebrations in October 2020, on the occasion of the 100-year anniversary of the public referendum determining whether the bilingual region should be part of Carinthia
- Europeada 2020 (unfortunately, it had to be postponed to 2021).

The above items will be discussed in more detail below.

3.6.1.1 Changes in the Carinthian Regional Constitution

With the amendment of the Carinthian Regional Constitution (Regional Law Gazette No. 25/2017), a state target objective was included in the Carinthian Regional Constitution for the protection of the autochthonous Slovene minority. Article 5 of the Carinthian Regional Constitution (K-LVG) now reads as follows:

(1) The German language is the language of the region, namely the language of law-making and – without prejudice to the rights granted to the minority under federal laws – the language used to enforce laws in the region.

(2) In keeping with Article 8 (2) of the Federal Constitution Act, Carinthia is committed to its grown linguistic and cultural diversity, as it finds expression in Carinthia in the Slovene minority. The language and culture, traditions and the cultural heritage shall be respected, safeguarded and promoted. The public welfare provided by the region shall equally apply to all citizens of the region.

The new version of Article 5 of the Carinthian Regional Constitution Act refers to the existence of the Slovene minority in Carinthia by using the word “minority” in the singular (see Havranek/Sturm: *Der Kärntner Landtag – Rechtsgrundlagen für die Landtagsarbeit*, Anm. 1 zu § 4 K-LTGO [The Carinthian Parliament – Legal Basis for the Work in the Regional Parliament, Comment 1 to § 4 Procedural Rules of the Carinthian Regional Parliament / K-LTGO]). As the regional legislator does not have any competence to rule on the minority language as an additional official language in transactions with the authorities, the proposed solution, namely that the German language is the “language of the region”, as well as the reference to the rights of the minority according to Article 5 (1) of the Carinthian Regional Constitution Act take on the importance of a declarative repetition of Article 8 (1) of the Federal Constitution Act. This order also applies to the federal provinces (see Kolonovits: *Sprachenrecht in Österreich [Language Laws in Austria]*, page 192; Marko, Article 8 (1) of the Federal Constitution Act in: Korinek/Holoubek et al., *Österreichisches Bundesverfassungsrecht [Austrian Federal Constitutional Law]*, margin note 6).

The rights granted to the minority concerning the use of their own language instead of the national language are governed under federal (constitutional) law, especially by the State Treaty of St. Germain (see Article 66 (3) and (4)), in the 1955 State Treaty of Vienna (see Article 7 Clause 3) and in the National Minorities Act, Federal Law Gazette I No. 84/2013. These provisions are not affected by Article 5 of the Carinthian Regional Constitution Act in the meaning of Article 99 (1) of the Federal Constitution Act.

This amendment of the regional constitution, Regional Law Gazette No. 25/2017, also introduced an obligation for an annual report by the Carinthian Regional Government on the situation of the Slovene minority to the Carinthian Parliament. The report by the Carinthian Regional Government is to give some insight into the evolution of the Slovene

minority in Carinthia and thus offers a basis for the further development of a peaceful life together in Carinthia.

Article 69a of the Carinthian Regional Constitution Act now reads as follows:

Every year, the Regional Government shall present a report on the situation of the Slovene minority in Carinthia to the Regional Parliament by 30 June at the latest, which shall be published.

In the meantime, three reports pursuant to Article 69a of the Carinthian Regional Constitution Act have been presented to the Carinthian Parliament and published on the website of the region.^{35 36 37}

3.6.1.2 Dialogue Forum to develop the mixed-language region

The Dialogue Forum, which was first presented in the Fourth State Report, continues to be active.

The Dialogue Forum was set up on the basis of the “Memorandum concerning bilingual topographical signs, the official language as well as measures for the cooperation with the Slovene-language minority” dated 26 April 2011. This Memorandum does not only contain the historic “Compromise on Place-Name Signposts” but also various other measures, including, for example, the creation of a Dialogue Forum to develop the mixed-language region. The regional governor chairs the meetings of the Dialogue Forum. It is intended to meet at least once per year. Internal rules of procedure govern in more detail the working method of the Dialogue Forum.

Please refer to Article 15 for more information about the composition of the Dialogue Forum and its meetings to date.

³⁵ [Report on the Slovene minority, 2019](#)

³⁶ [Report on the Slovene minority, 2018](#)

³⁷ [Report on the Slovene minority, 2020](#)

3.6.1.3 The Office for the Carinthian Minority

In the year 1990, a special administrative unit was set up within the Office of the Carinthian Regional Government to support the Slovene minority. “The Office for the Carinthian Minority is an administrative entity of the region which serves to facilitate better communication between the members of the Slovene minority and its organisations and the Carinthian regional administrative units, and to facilitate an appreciative response to the concerns of the Slovene minority.” Equipped with this comprehensive instruction, the Office for the Carinthian Minority operates within the framework of the Regional Administrative Directorate with a team of six employees, as the central service unit for matters relating to the Slovene minority. This kind of entity is unique in Austria.³⁸

Below is a detailed list of the tasks managed by the Office for the Carinthian Minority:

- Preparing proposals to improve the situation of the national minority and plans for the co-existence of the national minority and the majority population
- Preparing position papers on bills and draft regulations and other administrative processes, to the extent that they have an impact on the Slovene minority
- Coordination between the regional and federal entities in relation to concerns of the national minority
- Administrative office for interaction with the Slovene organisations in Carinthia and the Advisory Council for the Slovene Minority
- Managing the regional citizen service for the members of the Slovene minority
- Translation service
- Providing forms in the Slovene language (applications for passports, identity cards, driving licences, fishing permits, hunting permits, ...)
- Processing applications for subsidies
- Publications (series of publications “Carinthian Documentation”)
- Organising the annual intercultural “Culture Week / Kulturni teden” and the European National Minorities Congress
- Administrative office and coordination office for the Dialogue Forum
- Drafting the report of the Regional Government to the Regional Parliament on the situation of the Slovene minority.

³⁸ https://www.ktn.gv.at/Verwaltung/Amt-der-Kaerntner-Landesregierung/Abteilung-1/Volksgruppen_Menschenrechte/Volksgruppenb%3bc3%bcro

Moreover, the Office for the Carinthian Minority is also responsible for the following topics, in addition to the issues with impact on the Slovene minority:

- Coordination office for human rights issues
- Administrative office of the Carinthian Human Rights Advisory Board and Human Rights Jury; preparing the award ceremony for the Carinthian Human Rights Prize
- Organising the Human Rights Symposium on 7 December 2017
- Participating in the “Joint Committee Carinthia: Slovenia” (member of Working Group II “Cross-Linking People” – public administration)
- Documentation office for contemporary history, culture of remembrance and commemorative culture.

3.6.1.4 Citizen service and translation service

The services provided to citizens by the Office for the Carinthian Minority are characterised by daily personal and telephone contacts as well as written submissions. The translation and interpreting service offers the running of written and oral errands. Other services offered by the Office for the Carinthian Minority also include public access to its specialised library. Moreover, one service relates to the information and content available on the bilingual website of the Office for the Carinthian Minority (www.volksgruppenbuero.at). Please refer, in particular, to the forms and information on COVID-19 measures, both in the Slovene language. The cross-linking of the websites of the three district authorities (Völkermarkt, Klagenfurt-Land and Villach-Land) to the Internet site of the Office for the Carinthian Minority is one further service. This ensures up-to-date references to information sources that are of relevance to the national minority.

3.6.1.5 European National Minorities Congress

In every year since 1990, the Office for the Carinthian Minority has organised and held the European National Minorities Congress of the Carinthian Region. Just like the Culture Week / Kulturni teden, the congress features among the most renowned events of the Carinthian region. Every year, some 200 persons from Austria and abroad attend the National Minorities Congress. The goal and purpose of the congress is to highlight current topics of the European national minorities, presented by national and international speakers. Until 2019, more than 400 national and international experts gave presentations in this series of events to participants from Austria and abroad.

In the course of recent years, the spectre of topics at the National Minorities Congress has been expanded. It now also covers issues relating to intercultural discourse, in addition to issues addressed by classical national minority and ethnicity research.

3.6.1.6 Publications on the subjects of national minorities and human rights³⁹

The papers presented at the European National Minorities Congress of the Carinthian Region are published in a series of books “KÄRNTEN DOKUMENTATION” (Carinthian Documentation). In 2020, the 36th volume was published on the topic of “Change of Perspectives: From Conflict via Dialogue to Consensus”. In previous years, more light was shed on topics such as “1918-2018: War and Peace – Highlights of Remembrance, Reflection and Recollection” (2019) or “National Minorities in an Age of a Digitalisation” (2018).

3.6.1.7 “Culture Week / Kulturni teden”

For more than twenty years, this bilingual series of events has served to trigger a dialogue in this region and is an example for the interaction and co-existence of German-speaking and Slovene-speaking Carinthians. Every year, a joint cultural programme is coordinated and prepared in a host location by the central cultural umbrella associations of Slovene Carinthians. This event is an innovative, confidence-building platform for encounters, exchanges, the deconstruction of prejudices and for strengthening the co-existence of the German-speaking and the mixed-language population in Carinthia. It was held in Spittal an der Drau in 1993 for the first time.

With the slogan “Dialogue & CulturA”, the “Culture Week / Kulturni teden” was broadened in 2020 – the year which marked the 30th year of existence of the Office for the Carinthian Minority and, at the same time, the Carinthian memorial year for “100 Years of Referendum” – to become the Culture Year/Kulturni leto 2020. The programme for the year can be accessed on the website of the regional government in the form of a bilingual brochure with information about more than 40 events as well as descriptions of the respective cultural associations.⁴⁰ However, on account of the COVID-19 measures, numerous events had to be cancelled or postponed.

³⁹ [Kärnten Dokumentation](#)

⁴⁰ https://www.ktn.gv.at/Verwaltung/Amt-der-Kaerntner-Landesregierung/Abteilung-1/Volksgruppen_Menschenrechte/Volksgruppenb%3%bcro/Kulturwoche%20-%20Kulturni%20teden

3.6.1.8 Celebrations on the occasion of the 100-year anniversary of the Carinthian referendum⁴¹

The year 2020 marked the 100-year anniversary of the referendum in Carinthia determining whether the bilingual regions should remain with Carinthia. This anniversary offered an opportunity to organise an extensive programme of events throughout the year. Quite deliberately, this anniversary was celebrated as a joint celebration by the majority population and the national minority. Numerous Slovene culture associations shared in the events. The Internet website <https://carinthija2020.ktn.gv.at/DE>, which was launched specifically for the anniversary year, provides information in four languages (German, Slovene, Italian, English).

The official celebrations in October constituted the highlights of the programme of events. The solemn gathering of the Regional Government, together with the Regional Parliament, was also attended by the Austrian President, Alexander Van der Bellen, and the Slovene State President, Borut Pahor. It was the first time that a Slovene head of state attended a celebration on the occasion of the 10 October Referendum. In his statement, Federal President Van der Bellen apologised to the members of the Slovene minority for the injustice they had suffered in the past. This event, fully under the banner of reconciliation, was also attended by a great many representatives of federal and regional entities, and met with wide recognition. A representative of the Slovene minority also took the floor as one of the official speakers.

Moreover, a mobile exhibition was produced for the anniversary year, which was shown in a number of places.⁴²

The mobile exhibition with contemporary exhibition design and architecture “migrated” through the district capitals of the region in the course of the year 2020. Special forms of communication and the use of audio-visual as well as interactive media aimed at involving as many target groups as well as generations as possible in the activities during the anniversary year. This exhibition project engaged in a dialogue with the population and went on a journey through 100 years of Carinthian history, starting with the core events in 1918 to 1920. It also gave an outlook on Carinthia’s future development. Visitors could experience the present times and the future in the form of special communication levels

⁴¹ <https://carinthija2020.ktn.gv.at/EN>

⁴² <https://carinthija2020.ktn.gv.at/mobile-ausstellung>

and the accompanying programme. Visitors were not only invited to remember the past, but topics of today and tomorrow were also communicated to them.

The brochure “Introduction Overview Reflection on the new Format of the Regional Exhibition”⁴³ especially comprises outlines of Carinthia’s history during the last century and provides access to the key topics of the regional exhibition, namely:

- infrastructure, (economic) development, space
- cross-linking, neighbours, dialogue
- identity, culture of remembrance
- development of democracy
- migration.

3.6.1.9 Europeada⁴⁴

After the Europeada was held by the Rhaeto-Romanics in Grisons in 2008, by the Sorbs in Lusatia in 2012, as well as the Ladins and the German-speaking South-Tyrolians in Pustertal and Val Badia / Italy in 2016, Carinthia will be the venue of the next EUROPEADA. The Europeada is the European soccer championship of the autochthonous national minorities in Europe, which is organised by the Federal Union of European Nationalities (FUEN) in cooperation with the respective host country. Carinthia supports this big event. Due to the COVID-19 pandemic, the event, which had been planned for 2020, had to be postponed to 2021.

3.6.1.10 Public honours awards and award ceremonies

Time and again, Carinthia pays tribute to well-known personalities from the Slovene minority, for their services for Carinthia. Moreover, prizes were awarded for achievements in the intercultural sphere or the culture of remembrance.

In 2012, for example, the writer Maja Haderlap (member of the Slovene minority) was awarded the Great Decoration in Gold of the Carinthian Region, Prof. Peter Gstettner received the distinction in the year 2014, for special merits for the culture of remembrance. In 2019, Carinthia awarded its Grand Decoration to Jože Partl and Franc Rehsmann for their

⁴³ [Brochure on the Regional Exhibition of Carinthia 2020](#)

⁴⁴ <https://www.europeada.eu/home/de>

activities against forgetting the events around the resettlement of the Carinthian Slovene population in 1942.

3.6.1.11 Human rights activities in Carinthia

The Human Rights Advisory Board and the Carinthian Human Rights Jury are part of the Office of the Carinthian Regional Government.

Every year, the “Carinthian Human Rights Prize” is awarded for outstanding achievements in human rights activities in relation to Carinthia. The awarding of the prize serves to promote human rights activities as well as to strengthen the awareness for human rights among the Carinthian population. On three occasions it was also awarded to persons and organisations of the national minority who/which worked actively to foster peaceful co-existence in Carinthia. With this prize, the work of Carinthians performed outside the region in the service of human rights is supported, as well as human rights activities that are conducted in Carinthia. A four-person jury decides on who shall be awarded the prize. The festive prize ceremony takes place every year on the occasion of Human Rights Day in December.

A Human Rights Advisory Board was set up in 2013. It consists of representatives from politics, the judicial system, public security and civil society. The Advisory Board advises the regional governor on human rights matters.

3.6.1.12 Remembrance culture

In the recent past, a commemorative plaque was put up in the court of the Carinthian parliament building (Landhaus) (2014), and a memorial was built in the castle courtyard (2015) (both in Klagenfurt). Moreover, applications for promotional funding for remembrance projects were accepted successfully, such as the Carinthia-Koroška Memorial and the Peršmanhof Museum. These acts reflected the solemn remembrance culture, demonstrated in a cooperation between the Carinthian regional parliament and civil-society entities. By the same token, conferences and commemorative activities relating to special occasions such as contemporary events are prepared and accompanied in their execution.

3.6.1.13 Awareness-raising against discrimination

Carinthia reported about the following activities:

- #keinHassimNetz (#no hatred on the Internet)
In the course of this campaign – among others in cooperation with the ZARA Association for Civil Courage and Anti-Racism Work – lectures by experts were offered to the population as an awareness-raising measure.
- Integration on Tour
The Carinthian Anti-Discrimination Act provides in its § 31 that prejudices should be deconstructed by way of a “social dialogue” and that discrimination should be prevented by sensitising activities. In consequence, the series “Integration on Tour” was launched and built on the series of events and information “Politics on Tour”. Sensitising measures on the topics of “migration, integration, inclusion” were organised for Carinthian civil servants as well as pupils.
- Respekt leben (Respectful Living)
This initiative is a non-party platform launched by politicians, but not limited to politics, which is intended to trigger a process in society and have an awareness-raising effect.

3.6.2 Tolerance and intercultural dialogue in Burgenland

Burgenland is the smallest of the federal provinces of Austria and characterised by its great ethnic and religious diversity. Three autochthonous minorities have lived and continue to live in Burgenland: the Croatian minority, the Hungarian minority and the national minority of the Roma. Burgenland regards its ethnic diversity as an identity-creating feature. From the very beginning (with limitations concerning the national minority of the Roma), the national minorities have lived together in a primarily constructive manner. Also from a historical perspective, Burgenland regularly put the connecting elements above the dividing elements, due to the circumstances of its (late) creation. It also regularly followed a course of dialogue and consensus with the national minorities. The significant share of members of the national minorities in administration as well as the region’s political life is a characteristic feature of Burgenland. It is mentioned, by way of example, that Mag. Norbert Darabos, former regional minister and former federal minister, DI Nikolaus Berlakovich, current president of the Chamber of Agriculture in Burgenland and member of the National Council, as well as Walter Prior, President of the Regional Parliament, belong to the Burgenland Croatian minority.

3.6.2.1 Participation of politicians in national minority events

It is a matter of course in Burgenland that high-ranking and top representatives from politics and the administration, both federal and regional, take part in events of the national minorities.

The Romaball Dance, staged every year at Oberwart (or Unterwart), can be cited as an example, just like the major anniversaries of the big minority organisations during the reporting period. Georg Rosner, Mayor of Oberwart and Member of the Regional Government, as well as Doris Prohaska and Wolfgang Spitzmüller, Members of the Regional Government, among others, attended the Romaball Dance in 2020.

In 2018, the Burgenland-Hungarian association, which is the biggest and oldest minority association of the Burgenland-Hungarian minority, celebrated its 50-year anniversary. At the main event at the Oberwart municipal park on 22 June 2018, numerous prominent figures from politics, the church, the educational system and the minority organisations honoured the celebration with their presence. The following persons should be mentioned: Ilse Benkö, Member of the Regional Government and 3rd President of the Burgenland Regional Parliament; Georg Rosner, Member of the Regional Government and Mayor of Oberwart; Mag. Christian Drobits, representing Regional Governor Niessl. The closing event of the anniversary year at Open House Oberwart on 20 October 2018 was also attended by numerous guests of honour from cultural, economic and political life. With their presence, they showed their appreciation for the work of the Burgenland-Hungarian cultural association as well as the Hungarian minority.

The Croatian Cultural Association in Burgenland, Hrvatsko kulturno društvo u Gradišću, celebrated its 90-year anniversary at the KUGA Culture Centre at Großwarasdorf/ Veliki Borištof on 5 October 2019 in the presence of numerous guests of honour.

In July 1989, the first Roma association in Austria was set up at Oberwart, and ten years later, the Adult Education Centre for the Burgenland Roma population. These two anniversaries were adequately celebrated at Oberwart on 2 December 2019. Verena Dunst, President of the Regional Parliament, and Mayor Rosner attended the events.

3.6.2.2 Remembrance culture

The participation of high-ranking politicians in memorial events are expressions of solidarity with the victims and constitute an admonition to everybody that the events of the past should not occur again.

3.6.2.2.1 Annual event in commemoration of the attack on Roma

During the night from 4 to 5 February 1995, a bomb attack killed four members of the Roma minority in the Roma settlement at Oberwart. Every year, this attack, which put the national minority in a state of shock, is commemorated.

The National Council President and the Head of the Pastoral Service at the Eisenstadt diocese, extended the invitations to the memorial event on the occasion of the 25th anniversary in February 2020. The celebrations began with pupils from the European Middle School Oberwart presenting biographies of the victims. This was followed by a memorial march, in the presence of, among others, the minister in the Federal Chancellery responsible for the national minorities. After speeches by Mayor Georg Rosner, Verena Dunst, President of the Regional Parliament, and Emmerich Gärtner-Horvath, Chairman of the Advisory Council for the Roma Minority, an ecumenical prayer was read out and a wreath was laid.

3.6.2.2.2 Memorial event at Lackenbach

On 23 November 1940, the “gypsy camp” was set up at Lackenbach, a former farming estate. Only some 300 to 400 detainees survived the liberation of the Lackenbach camp by Russian troops. (Source: erinnern.at).

On the basis of an initiative by the Burgenland Regional Government and the Austrian Camp Community Auschwitz, the then Federal President, Dr. Rudolf Kirchschläger, unveiled the Lackenbach Memorial on 6 October 1984. Every year, the persecution of the Roma by National Socialism is remembered in a wreath-laying ceremony, attended by high-ranking representatives of federal and regional political life. For many years, the memorial event has been organised by the Culture Association of Austrian Roma. Heinrich Dorner, Member of the Regional Parliament, and DI Nikolaus Berlakovich, Member of the National Council, were the political representatives at the memorial event in 2019. In spite of the COVID-19 restrictions, a wreath was laid down at the memorial in the year 2020.

3.6.2.2.3 Building memorials to commemorate Roma killed during National-Socialist times

For quite some time, Roma activists have promoted the construction of memorial sites for Roma persons who were expelled and killed during National-Socialist times. With the support of committed private individuals, municipalities or parishes, it became possible to build a number of memorials in the municipalities in Burgenland, where Roma lived during National-Socialist times. During the reporting period, these were constructed, for example:

- at Holzschlag in 2016
- at Mörbisch in 2017
- at Buchschachen / Bujschocha in 2017
- at Jabing / Batschiba in 2017
- at Sulzriegel in 2108
- at Kemetten / Kemetate in 2018
- at Ritzing in 2019

Please also refer to item 3.6.6.5. on this topic.

3.6.2.3 Regional promotional funding for intercultural work

Table 13 Regional promotional funding, initiatives for peace education and/or the culture of remembrance, 2018

Funding recipient	Initiative	Total in €
Ruth Patzelt	Memorial event "1938.2018 Shalom Nachbar, zum Gedenken an die jüdische Bevölkerung in Lockenhaus" (Shalom Neighbour, in Memory of the Jewish Population at Lockenhaus)	1,000
Österreichisches Studienzentrum für Frieden und Konfliktforschung, Burg Schlaining ⁴⁵ (Austrian Study Centre for Peace and Conflict Research), Schlaining Castle	Maintenance, operating and personnel expenses	100,000
	Annual activities	100,000
	Project "Friedenswochen" (Peace Weeks)	5,100

⁴⁵ <https://www.aspr.ac.at/#/>

Funding recipient	Initiative	Total in €
RE.F.U.G.I.U.S. ⁴⁶	Project "Erinnerungszeichen" – Sanierung jüdischer Friedhöfe im Burgenland (Sign of Remembrance – Renovation of Jewish cemeteries in Burgenland)	20,000
	Project "Forschen und Erinnern" (Research and Remember)	2,500
	Annual activities	2,000
	Memorial events	2,000

Source: Report on Cultural Activities 2018 by the Burgenland Region⁴⁷

3.6.2.4 Year of Cultural Diversity – 2016

Burgenland launched a special initiative in 2016, which was declared to be the "Year of Cultural Diversity" and was officially put under the auspices of the Austrian UNESCO Commission.

The focus in 2016 was on the characteristic features of Burgenland: its cultural diversity. This does not only refer to its ethnic diversity but also stands for the juxtaposition of all types of contemporary art, all types of present-day cultural expression, as well as the connection between several artistic and cultural areas in creative cross-over projects. The programme for that year also included topics on the current and future situation of the autochthonous national minorities.

The highlights were the presentation of an exhibition, previously shown with great success at the Wien Museum – "Romane Thana – Orte der Roma" – at the Regional Gallery at Eisenstadt, the choreography "Simon Mayer meets Roma" and various initiatives at the inter-cultural centre KUGA - kulturni zadruga at Großwarasdorf.

⁴⁶ <http://www.refugius.at/hp/>

⁴⁷

https://www.burgenland.at/fileadmin/user_upload/Downloads/Kultur/Burgenlaendische_Kulturberichte/Kulturbericht_2018.pdf

3.6.2.5 Charter of Diversity⁴⁸ and “Diversity Mile”

In 2019, Burgenland declared its “Charter of Diversity”. This document puts the commitment of Burgenland to its diversity into a written form. It comprises the remit, addressed to regional politicians, to create an environment that is free from prejudices. All people living in Burgenland are to be shown appreciation – irrespective of their gender, nationality, ethnic origin, religion, ideology, handicap, age or sexual orientation. The Charter of Diversity can be called up on the website of the regional government in seven languages – including the languages of the three national minorities in Burgenland.

The Charter of Diversity was presented at the “Diversity Mile” in the pedestrian zone in Eisenstadt, organised by the Department for Women, Anti-Discrimination and Equal Treatment and the Department for Integration. At this event, passers-by were given an opportunity to enter into conversation with representatives of the different institutions. The idea was to show the diversity of Burgenland. Associations as well as different institutions gave presentations on that day. Christian Illedits and Mag. Astrid Eisenkopf, both Members of the Regional Government, read out and signed the Charter of Diversity.

3.6.2.6 Anniversary year 2021

The preparations are under way for the imminent celebrations commemorating the fact that Burgenland has been a part of Austria for 100 years. The national minorities will present themselves as an integral part of Burgenland.

3.6.2.6.1 Burgenland’s integration prize⁴⁹

The Burgenland Integration prize was awarded in 2018 for the first time. The prize is intended to honour persons, initiatives, institutions, associations or pedagogical entities for their special commitment to an integrative, intercultural, social, cultural or artistic project as well as further activities in this field. Eight projects were awarded the prize in three categories.

⁴⁸ <https://www.burgenland.at/themen/integration/vielfalt/>

⁴⁹ <https://www.burgenland.at/themen/integration/integrationspreis/>

3.6.3 Tolerance and intercultural dialogue in Styria

The southern part of Styria is the autochthonous settlement area of the Slovene minority. On 19 December 2017, the Advisory Council for the Slovene Minority met in Graz/Styria for the first time, upon an invitation by the Styrian Regional Parliament. Dr. Bettina Vollath welcomed the members of the advisory council and underlined, in particular, that Styria is committed to its roots and thus also to its Slovene minority. Mag. Ursula Lackner, Member of the Regional Government, responsible for the compulsory school system and childcare, underlined that Slovene language skills would contribute considerably to an understanding of neighbours, and she gave an overview of the teaching staff employed in Styria for teaching in Slovene (mother-tongue education).

In the course of an official ceremony, the Styrian Regional Government awarded the Great Decoration of Styria to publisher Prof. Lojze Wieser, member of the Slovene minority in Carinthia, for his work as a literary bridge builder, which also radiates into Styria and helps to re-unite what has become strange but is related.

3.6.4 Integration-oriented diversity politics / Diversity management by the City of Vienna

Vienna has been changed by the women and men who migrated to Vienna. In the past 30 years, an ageing and shrinking town has become a young and growing metropolis. At the beginning of 2020, 30.8% of the Viennese population were of foreign nationality, 36.7% were born abroad, 41.3% were of foreign origin, and about 45.9% (the mean value for 2019) had a migration background. This diversity is a particular challenge to the population, politics and the administrative system. The notion of diversity ultimately causes a change in the town's self-perception, particularly with regard to its demographic, ethnic and cultural diversity, which puts a growing mark on the town. The point is to become aware of the strengths, potentials and opportunities of such a diverse population and to communicate and exploit them increasingly among the urban population but also the broader public in the city for the benefit of all.

The two main goals of the orientation towards diversity in Vienna are:

- The same quality of service for all citizens in Vienna (intercultural competence of the services)
- Equal opportunities to join and develop a career with the services of the City of Vienna; raising the share of the City's staff with a migration background

3.6.4.1 Vienna Integration and Diversity Monitor⁵⁰

Municipal Department 17 has responsibilities for diversity issues and conducts the integration and diversity monitoring exercise. The most recent report was the 5th Integration and Diversity Monitor in the year 2020. A German-English summary of the report is also available.⁵¹

The first Monitor appeared as early as 2007. The periodical updating of the Monitor at intervals of two to three years makes it possible to observe and evaluate change processes. Those departments and/or institutions of the City of Vienna are included in the monitoring process that have

- a high rate of customer contact and/or
- a large staff and/or
- are of major strategic relevance.

The Monitor reflects the state of integration of the Viennese population but also the diversity status of the more than fifty municipal departments and institutions of the City of Vienna.

3.6.4.2 Information events and options for further education⁵²

The responsible Municipal Department for Integration and Diversity offers several further-education series for disseminators, women, volunteers, migrant associations, and staff members of urban municipalities. These are to inform and explain about the general social conditions, the conditions and challenges facing migrants. Examples are: “Wien.Vielfalt.Wissen” (Vienna.Diversity.Knowledge), “Favoriten.Vielfalt.Wissen” (Favoriten.Diversity.Knowledge), “Freiwillig.Info” (Voluntary.Information), However, these activities are also intended to empower people and to promote participation. In the years 2018/2019, a new module entitled “Roma communities in Vienna” was included in the further-education series “Wien.Vielfalt.Wissen” (Vienna.Diversity.Knowledge). It sheds more light on Roma topics such as their immigration history, their life and traditions,

⁵⁰ <https://www.wien.gv.at/menschen/integration/pdf/monitor-2016.pdf>

⁵¹ <https://www.wien.gv.at/menschen/integration/pdf/monitor-2016-kurzfassung.pdf>

⁵² <https://www.wien.gv.at/menschen/integration/weiterbildung/>

backgrounds, persecution, and antiziganism. During the COVID-19 pandemic, this lecture was also offered as a webinar.

In addition, there is cooperation between Municipal Department 17 and various Roma associations on different aspects of human rights protection, including workshops, events and discussions, as part of the cross-linking platform. On the level of the Vienna districts, you find cross-linking activities and exchanges with associations of the immigrated Roma population.

3.6.4.3 Start coaching⁵³

Start coaching is offered to all EU/EEA citizens and their dependants (also from third countries). Staff members of Municipal Department 17, who speak the languages of the migrants, help these persons to become settled as quickly as possible.

3.6.4.4 Promotional funding for integration projects⁵⁴

The Municipal Department for Integration and Diversity (MA 17) also allocates promotional funding.

Promotional funding is given to

- associations or self-organisations of persons with migration experiences, particularly also those that are planned and executed in cooperation with organisations of the receiving society;
- institutions that want to achieve more involvement and participation in their standard operations for persons with migration experiences through innovative initiatives and formats;
- projects with a bridge function that support persons with migration experiences in having access to and participating in education, the labour market, society, politics, culture and civil society.

⁵³ <http://www.startwien.at/de-eu/startcoaching>

⁵⁴ <https://www.wien.gv.at/menschen/integration/foerderungen/kleinprojekte-foerderschwerpunkt.html>

In this context, one should especially mention “Roma Lernhilfe” (Roma Learning Assistance), which Municipal Department 17 promotes, and which is a cooperation between the adult education centre and various Roma associations.⁵⁵

3.6.5 National Action Plan for Integration of the Federal Government

3.6.5.1 Structural and institutional design

The National Action Plan for Integration (NAP.I) is the basis for Austria’s integration activities. It was launched with the Programme of the Federal Government in 2008, and adopted by the Council of Ministers in 2010, following a comprehensive dialogue process with the most important stakeholders from the territorial corporations, interest groups, social partners and civil-society organisations.

In addition to general political guidelines on the future integration policy, NAP.I formulated seven fields of action which cover the main dimensions of integration: language and education, work and occupation, the rule of law and values, intercultural dialogue, healthcare and social issues, sports and leisure time as well as housing and the regional dimension of integration. Integration was defined as a reciprocal process that is characterised by mutual appreciation and respect.

In the same year, the “Expert Council for Integration” was set up in order to ensure implementation of the Federal Government’s NAP.I. The Expert Council was made up of experienced and recognised persons from academe and with practical experience. Its composition reflects the seven fields of action of NAP.I. The annual integration report prepared by the Expert Council gives an overview of the integration developments in Austria and supports the visibility of the work undertaken.

The Integration Advisory Board was also set up in 2010 in order to facilitate cooperation between federal, regional and municipal entities as well as civil society. It fosters cross-linking, coordination and knowledge transfer.

On the federal level, the institutional structure for the integration policy was launched by setting up a Department for Integration at the Federal Ministry of the Interior. Its tasks are

⁵⁵ <https://www.vhs.at/de/e/lernraum-wien/romalernhilfe#links>

to coordinate refugee issues, to implement the European Integration and Refugee Fund as well as to allocate promotional funding to national integration activities. When the State Secretariat for Integration was set up in 2011, integration issues became embedded on the government level as well as in the public administrative structure for the first time. The topic of integration was further developed when the State Secretariat became a unit of the Federal Ministry of the Interior in 2013 and a unit of the Federal Ministry for Europe, Integration and Foreign Affairs in the following year. Eventually, a separate ministry within the Federal Chancellery was set up in 2020.

The Austrian Integration Fund (ÖIF), which is an independent fund of the Republic of Austria that supports refugees as well as immigrants in their integration process in Austria, is the operational partner in the field of integration and migration. The ÖIF was founded back in 1960 by UNHCR and the Federal Ministry of the Interior. In the meantime, it has set up integration centres in all nine federal provinces. Its statutory tasks are to manage measures for German courses, to make available curricula for German courses to course organisers or to run so-called value and orientation courses.

3.6.5.2 Legislative developments

In addition to a structural basis, integration also needs a sound legal basis. In this context, the adoption of the Integration Act (IntG) in 2017 marked a milestone in the struggle to cope with the refugee crisis in 2015. The law strives to achieve the rapid integration of persons entitled to asylum (*Asylberechtigte*) and persons eligible to subsidiary protection (*subsidiär Schutzberechtigte*) as well as legally established third-country nationals, and it is based on the general principle of “promote and challenge”. This principle follows the idea that the State has to offer integration measures on a systematic basis and that the target group is obliged to actively participate in the measures offered.

Moreover, the integration-relevant data material was significantly expanded on the basis of integration monitoring, which has been mandatory since 2017, and thus facilitates an evidence-based observation of the trends and developments.

Below is a non-exhaustive list of further legislative adjustments in the respective fields of activity:

- **Work and occupation:** In 2016, the law on the recognition and evaluation of qualifications acquired abroad entered into force, which helps qualified persons with

a migration background to become integrated into the labour market as quickly as possible. Moreover, the law on the integration year (IJG) became effective in 2017, which applies to persons entitled to asylum and persons eligible to subsidiary protection who acquired this status after 31 December 2014 as well as to asylum seekers with a very high probability of recognition. The objective of this law is a rapid integration into the labour market through various measures (e.g. German courses beginning at language level A2, job orientation and job application training), which the target group may be required to undergo.

- Intercultural dialogue:
 - For the key topic “intercultural dialogue”, numerous projects are funded every year. A general overview of the funding provided to promote integration between 2016 and 2020 can be found on the website of the Federal Chancellery.⁵⁶
 - As the Islam law dated back to 1912, which was the time of the Habsburg monarchy, it no longer lived up to current circumstances – since that time the number of Muslims in Austria has grown significantly – and a new Islam law was adopted in 2015, which protects the religious freedom of Muslims in Austria in a modern form and makes it possible to define both their rights and obligations.
 - The initiative “ZUSAMMEN:ÖSTERREICH” (Together:Austria) was described in the Fourth State Report and is continued.⁵⁷
 - One should also mention here the various discussion formats of the Austrian Integration Fund (ÖIF). The ÖIF website provides access to the podium discussions.⁵⁸
 - Moreover, there are the ÖIF magazines “ZUSAMMEN” (Together) and “Perspektiven” (Perspectives) on integration in Austria, which can be downloaded or ordered from the ÖIF media library.⁵⁹
 - Every year, the ÖIF and an independent board of experts awards the Integration Prize to journalists. The prize is awarded to journalists who critically review current developments in society in their objective reports, commentaries and views, highlight the challenges and opportunities in the field of integration and

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<https://www.bundeskanzleramt.gv.at/agenda/integration/projektfoerderung/foerderschwerpunkte/allgemein.html>

⁵⁷ <https://www.zusammen-oesterreich.at/>

⁵⁸ [Integration Fund – podium discussions](#)

⁵⁹ <https://www.integrationsfonds.at/mediathek/mediathek-publikationen>

contribute to a fact-based and solution-oriented discussion concerning integration.⁶⁰

- The Integration Prize in sports also fosters intercultural togetherness. It is awarded to sports projects that advocate the integration of migrants into the Austrian sports landscape. In cooperation with the Federal Chancellery, the Federal Ministry of Arts and Culture, Civil Service and Sport (BMK/OES) as well as Sport Austria (Austrian Federal Sports Organisation), the ÖIF awards the prize for sustainable and innovative sports projects which foster the integration of migrants with a permanent residence title when joining the Austrian sports landscape.⁶¹
- Language and education: To promote the early linguistic integration of children who lack German language skills or have a language other than German as a mother tongue, the agreement between the federal and the regional entities (Article 15a of the Federal Constitution Act) on the early promotion of language skills in institutional childcare facilities entered into force in 2012 (and was subsequently extended in 2015). This is meant to assist children between the age of 3 and 6, so that they have adequate speaking and language competences in German when entering primary school.

3.6.5.3 Current status and key issues

The continuous work on integration in Austria is therefore based on the National Action Plan for Integration (NAP.I), the 2017 Integration Act in its currently valid version as well as the Government Programme 2020–2024. The measures embedded in NAP.I to fight intolerance, racism and discrimination continue to apply and continue to be pursued. For details please refer to the comments in the Fourth State Report (pp. 70 and following). Both the measures taken so far and the current status quo of integration activities in Austria are presented in great detail in the integration reports which are available to the public.^{62 63} The integration report for 2020 is available in English.⁶⁴ Information on possible promotional funding and an overview of all project subsidies in recent years can also be found online.⁶⁵

⁶⁰ <https://www.integrationsfonds.at/stipendium/journalistenpreis-integration>

⁶¹ <https://www.integrationsfonds.at/stipendium/integrationspreis-sport>

⁶² <https://www.bundeskanzleramt.gv.at/agenda/integration/integrationsbericht.html>

⁶³ <https://www.bundeskanzleramt.gv.at/service/publikationen-aus-dem-bundeskanzleramt/publikationen-zu-integration/integrationsberichte.html>

⁶⁴ [Integration Report 2020 in English](#)

⁶⁵ <https://www.bundeskanzleramt.gv.at/agenda/integration/projektfoerderung.html>

In 2021, for example, 124 projects with a total funding volume of € 13.7 million are being subsidised, of which € 8.14 million are national promotional funding and € 5.59 million are EU funds from the Asylum, Migration and Integration Fund (AMIF).

The topic of integration was also embedded in the law on federal ministries for this legislative term and thus established as a task of the Federal Government. Since the end of January 2020, the respective obligations are vested in the Federal Ministry for Women, Family, Youth and Integration, which is part of the Federal Chancellery.

The current Government Programme 2020–2024 states that living together in society is founded on mutual appreciation, recognition and equal rights, based on the rule of law, democracy, equality and human rights. An open receiving society is the fundamental requirement for successful integration and shall be promoted.

In order to preserve these fundamental pillars of society, more efforts against all forms of extremism, especially when based on nationalism, religion or politics shall be made in the field of integration and migration which need to encompass society as a whole. The following steps, among others, were therefore taken in this connection:

- The Programme of the Federal Government had envisaged “an independent, government-authorised documentation centre for religiously motivated extremism (political Islam)”, which was put into practice in 2020 when the Austrian Fund for the Documentation of Religiously Motivated Political Extremism (Political Islam) was set up.
- In January 2021, the National Strategy against Anti-Semitism was presented. Its objectives relate to various areas such as education and vocational training, research, security, justice, integration and civil society, which are to be achieved by 38 operational measures. A central coordination unit was set up at the Federal Chancellery to coordinate the implementation of these measures.

The integration of women with a migration background is also at the centre of current integration efforts, as they are central disseminators in the integration process. The integration ministry therefore strongly advocated these goals in recent years and has set up numerous counselling formats, events and courses that reach out to both men and women and address, among others, topics such as equality, self-determination, freedom from violence in the family, reconciliation of family and working life, healthcare and the Austrian legal system. Special attention was also paid to protection against any form of violence,

especially against violence in the family, violence in the social environment, against ideologically founded violence as well as violence in any kind of social, cultural and religious context (such as female genital mutilation, forced marriages, child marriages).

3.6.6 Further measures to foster a spirit of tolerance and intercultural dialogue

3.6.6.1 Great State Prize for Florjan Lipuš

On 1 October 2018, the Austrian author Florjan Lipuš, who writes in Slovene, was awarded the Great Austrian State Prize 2018 by Minister of Culture Blümel. Florjan Lipuš is the first author, whose works are written in the rich and many-faceted language used by Carinthian Slovenes, who was awarded the Great Austrian State Prize. The Great Austrian State Prize is awarded upon proposal by the 21-person Austrian Art Senate. Every year, the Republic of Austria awards the decoration, which is endowed with an amount of € 30,000, to a renowned artist in the fields of architecture, fine arts, literature or music.

3.6.6.2 Annual commemorative meeting on the “Day against Violence and Racism” – a commemoration ceremony in Parliament⁶⁶

In keeping with the decision of the National Council and the identical resolution of the Federal Council, dating back to 1997, every 5 May – the day on which the Mauthausen concentration camp was liberated – is held as a commemoration day against violence and racism.

3.6.6.3 Ceremonies on the occasion of 25 years of recognition for the Roma as a national minority^{67 68}

“Diversity and Responsibility” – this was the title of a matinee in Parliament on 16 December 2018 on the occasion of “25 Years of Recognition for the Roma as a National Minority on 16

⁶⁶ <https://www.parlament.gv.at/PERK/NRBRBV/FGBK/GEWRASS/index.shtml>

⁶⁷ <https://www.kv-roma.at/content/Vielfalt-und-Verantwortung.html>

⁶⁸ https://www.parlament.gv.at/WWER/PAD_88386/Reden/20181216_Rede_Anerkennung_Roma.shtml

December 1993". The President of the National Council, Mag. Wolfgang Sobotka, and the President of the Federal Council, Inge Posch-Gruska, hosted this event.

3.6.6.4 Celebrations on the International Day of the Roma⁶⁹

In 2017, the state secretary responsible for national minority issues presented the results of an online consultation with civil society on Roma inclusion on the occasion of a press conference on 8 April. This was followed by a report on television in the most important Austrian-wide news broadcast.

In 2019, the acting mayor of Vienna opened the programme of the action day in Vienna by raising the Roma flag on Vienna's City Hall. In Vienna, the day was celebrated, among others, with a podium discussion at the ORF-RadioKulturhaus (1040 Vienna, Argentinierstraße 30a), which was attended by representatives of the EU, the University of Vienna and Roma advisory council members from Austria and Germany and moderated by author Michael Köhlmeier. This was followed by a concert given by Harri Stojka, the well-known musician, in the presence of the Federal President.

In 2020, an event that was planned to be held in Parliament had to be cancelled, on account of COVID-19. In 2021, the President of the National Council invited representatives of the Roma civil society as well as experts to an event in Parliament under the motto "50 YEARS OF ROMA POLITICS – Romnja and Roma in the EU – Opportunities and Challenges". The federal minister responsible for issues related to the national minorities gave the keynote address.

3.6.6.5 Memorial day on 2 August 2020 for Roma Holocaust victims

For a number of years, the Roma and Sinti persecuted and murdered by the National Socialists have been regularly commemorated in Vienna on 2 August. On this occasion, the minister in the Federal Chancellery responsible for issues related to the national minorities sent a video message in which the importance of the culture of commemoration and remembrance was highlighted. In addition, the messages sent by the Federal President and Vienna's Vice-Mayor were read out.

⁶⁹ <https://www.wien.gv.at/presse/2019/04/08/sichtbarkeit-fuer-minderheit-schaffen-buergermeister-ludwig-hisst-roma-flagge-am-rathaus>

3.6.6.6 Roma Holocaust commemoration

Since 2018, the Year of Commemoration and Remembrance, Roma Holocaust commemoration has been embedded in the Federal Chancellery as a focal point of activities. The then responsible Federal Minister Blümel addressed a letter to nine municipalities in Burgenland, with the invitation to launch a citizens' dialogue in the affected municipalities that would deal with the Roma who had lived there and their persecution during National Socialism, and that would lead to the construction of further memorial plaques/memorial sites in these municipalities. Please also refer to item 3.6.2.2.3. on "memorial sites".

Austria also supported the research activities for compiling the names of the Roma Holocaust victims from the promotional funding for the national minorities.

Both in a national and an international context, the pedagogical discourse and exchanges on these topics are of great relevance. The Holocaust Education Institute of the Federal Ministry of Education, Science and Research (www.erinnern.at) provides major contributions within the scope of the International Holocaust Remembrance Alliance (IHRA www.holocaustremembrance.com). The IHRA is an international organization of states that deals with such issues as education as well as research into the Holocaust and National Socialist times as well as the remembrance of those times on the political level as well as on the expert level. Austria is in charge of education, research and remembrance policy in the IHRA Committee on the Genocide of the Roma and largely co-responsible for the acceptance of the IHRA definition of antiziganism in 2020. On 6 April 2021, this antiziganism definition was also adopted by the Austrian Federal Government in its Council of Ministers. The recognition of this working definition underlines Austria's commitment to the protection of the Roma and Sinti in Europe and its leading role in the battle against antiziganism on the national and EU level. As a guideline, it can support the recognising and documenting of antiziganist incidents and can be used to prepare further measures against antiziganism.

3.6.6.7 Giving Roma names to public sites

During the reporting period, further locations in Vienna have been given the name of Roma personalities. In 2016, the park at Wildgansplatz 3 was named Ilija-Jovanovic-Park, in commemoration of Ilija Jovanović (* 25 February 1950, † 25 November 2010), poet, co-

founder and chairman of the Romano Centro in Vienna.⁷⁰ On 9 October 2017, the municipal housing complex at Springsiedelgasse 32 was named after Rudolf Sarközi, the founder of the Culture Association of Roma in Austria. Sarközi lived in this housing complex for 52 years. He played a leading role in the struggle for recognition of the Roma and Sinti as an Austrian national minority, and he was the first Roma who was elected to a political office in Austria. Between 2001 and 2010, he served as a member of the local government of the municipal district Döbling.⁷¹

3.6.6.8 Golden Cross of Merit for Zlatka Gieler

In October 2016, the Croatian activist Zlatka Gieler was awarded the Golden Cross of Merit of the Republic of Austria. Zlatka Gieler has been the chairwoman of the Scientific Institute of the Burgenland-Croats since 2008. Before that, she was at the helm of the Croatian Cultural Association in Burgenland for 18 years (1988-2006). During three years, she also served as chairwoman of the advisory council for the national minority. She particularly advocated that young people learn and speak their Croatian mother tongue.

3.6.6.9 Cultural diversity of the intangible cultural heritage

The Austrian list of intangible cultural heritage also contains entries relating to the culture of the national minorities. The cultures of the national minorities form an integrated component of Austria's cultural heritage.

⁷⁰ https://www.ots.at/presseaussendung/OTS_20161018_OTS0227/wiener-park-wird-nach-dem-lyriker-ilija-jovanovi-benannt

⁷¹ https://www.wienerwohnen.at/Neues-aus-dem-Gemeindebau/NEWS2107/news_34_hofbennenung.html

Table 14 Culture of the national minorities in Austria’s list of intangible cultural heritage

Name	Description	Year of acceptance
Lieder der Lovara ⁷² (Songs of the Lovara)	Oral traditions in Burgenland and Vienna	2011
Roman – die Sprache der Burgenland-Roma (Roman – the language of the Burgenland Roma)	Oral tradition in Burgenland	2011
Slowenische Flur- und Hofnamen in Kärnten ⁷³ (Slovene names of localities and families in Carinthia)	Oral tradition in Carinthia	2010
Untergailtaler Kirchtagsbräuche und Untergailtaler Tracht / Ziljski žegen in Ziljska noša ⁷⁴ (Parish fair traditions and costumes of Untergailtal)	Social practices in Carinthia	2018

Source: <https://www.unesco.at/kultur/immaterielles-kulturerbe/oesterreichisches-verzeichnis>, own presentation

3.6.7 Fighting racism and hate crimes

The Advisory Committee encourages the authorities to pursue their efforts to combat more effectively all forms of racism and hate crime by ensuring that all such alleged offences are promptly and effectively investigated, prosecuted and sanctioned, in accordance with the law. (Margin note 39)

With a view to the fact that racism and intolerance are increasingly taking place on the Internet, Austria is putting its focus on fighting hate speech in the virtual space. On 1 July 2016, the Council of Ministers took affirmative note of a joint presentation to the Council of Ministers by the Federal Chancellery (BKA), the Federal Ministry of the Interior (BMI), the Federal Ministry of Justice (BMJ), the Federal Ministry for Healthcare and Women (BMGF), the Federal Ministry for Families and Youth (BMFJ) and the Federal Ministry of Education (BMB) concerning an initiative “Violence on the Internet”, which states as follows, among others:

⁷² [Lieder der Lovara – cultural heritage](#)

⁷³ [Slowenische Flur- und Hofnamen](#)

⁷⁴ [Untergailtaler Kirchtagsbräuche](#)

“In recent years hate postings and insults in the social media have markedly increased, both in terms of quantity and also in their form and harshness. Mobbing on the Internet and insults against minorities and weaker persons are excesses of this hate culture that cannot be tolerated. Women are affected with particular frequency. The planned measures by the Federal Government comprise, among others, guidelines and information on how to deal with hate postings, also with regard to possibilities for obtaining compensation under the Media Act, the development of a contact point, the creation of unbureaucratic reporting options as well as the sensitisation and continued professional development of the police / the public prosecution offices and the courts for consistent criminal prosecution.”

In recent years, the Ministry of Justice therefore put a stronger focus on combating hate speech, hate crimes and violence on the Internet, which was implemented by the respective legislative changes, on the one hand, and the drafting of decrees, on the other hand, that will make the application of law easier for public prosecutors in their practical work.

The following “good practices” relating to “(combating) hate speech and hate-motivated violence” can be mentioned:

- The “Guideline for the facts of a case of incitement” as a practical guide for public prosecutors, which was published in a second edition on 8 November 2019 (Decree by the Federal Ministry of Constitution, Reforms, Deregulation and Justice, BMVRDJ-S215.001/0004-IV 1/2019). The guideline deals, in particular, with questions concerning offences committed on the Internet and outlines the most recent, unpublished case law in connection with provision § 283 StGB (Criminal Code).
- Regular attendance by the Federal Ministry of Justice of the meetings of the national committee “No Hate Speech”, where the players from different ministries and NGOs meet for regular exchanges (www.nohatespeech.at)
- The possibility, legally embedded in § 4 (3) DV-StAG (Implementation Ordinance of the Public Prosecution Act), to set up “special desks” for criminal cases in connection with the law banning National Socialist activities, as well as § 283 StGB (Criminal Code), which was largely used by Austria’s public prosecutors throughout Austria. This helped significantly to increase efficiency and to standardise the conduct of proceedings.

The Programme of the Federal Government for 2020–2024 deals extensively with the topic of “protection against violence and hatred on the Internet” and sets the following goals:

- Prosecuting “hate on the Internet”

- Bundling of resources for public prosecutors in connection with cyber crimes (special competence).
- Training staff members in the justice administration in cooperation with the Ministry of the Interior.
- In case of private law actions, an obligation should be introduced in the Code of Criminal Procedure (StPO) requiring public prosecutors to investigate certain cases (hate crimes), because investigations are time- and money-consuming.
- Support to victims in case of “hate on the Internet”
 - Developing legal instruments and possibilities to fight back for the persons affected by hate on the Internet.
 - Stepping up the nation-wide cross-linkage of the entities seized with hate crimes.
- Checking the efficiency of implementation of a law protecting against digital violence
 - Effective instruments whereby persons affected can apply for the closing of electronic accounts that were used abusively, based on established unlawful comments.
 - Compulsory indication of the name of a person authorised to receive service of documents for operators of international social networks.
- Setting up a cross-departmental task force to efficiently combat hate on the Internet and other forms of digital crimes.

3.6.8 Law to combat hate on the Internet and law on communication platforms

In December 2020, the efforts described above led to the adoption of a law to combat hate on the Internet, Federal Law Gazette I No. 148/2020, and a law on communication platforms, Federal Law Gazette I No. 151/2020, which both entered into force on 1 January 2021. These laws contain a comprehensive package of legislative measures, both with regard to civil and criminal law but also media law, to fight hate postings. These are the main features:

- Changes in civil law and civil procedure
 - Positivism in the administration of law in connection with privacy rights as well as the capacity to sue and to be sued (§ 17a of the Civil Code).
 - New possibilities for employers to take action by filing for an injunctive relief and a title to elimination against hate postings that are directed against their employees (§ 20 (2) of the Civil Code).

- Simplified enforcement of an application of injunctive relief in case of a considerable violation of privacy rights in an electronic communication network in the form of a mandating process. In connection with the desist order, the court can grant preliminary enforcement upon application by plaintiff. (§ 549 Code of Civil Procedure)
- Economical design of the proceedings, since the district courts have jurisdiction (§ 49 (2) 6 of the Justice Standard), low court fees (Court Fee Act); limit on lawyer's costs (Lawyers' Fees Act).
- Introduction of an application for release of the user data according to § 18 (4) of the law on electronic commerce in cost-effective, non-contentious proceedings.
- Changes in criminal law
 - Expansion of the facts in § 107c Criminal Code (“continuing” instead of continued harassment by way of telecommunication or a computer system – “cyber mobbing”).
 - Introduction of a new criminal offence concerning unauthorised filming, especially “upskirting” (§ 120a of the Criminal Code).
 - Expansion of the criminal offence in § 283 (1) 2 of the Criminal Code (incitement) by including individual insults infringing the human dignity of members of protected groups and thus according equal status to insults directed against protected groups.
- Changes in media law
 - Protection against identity disclosure in the media: expansion of the protection of family members of suspects, convicted persons and victims as well as witnesses of criminal offences (§ 7a (1a) of the Media Act).
 - Marked increase of the amounts of compensation in cases of defamation, verbal abuse, mockery, libel, slander, embarrassment, identity disclosure, infringements of the presumption of innocence (§§ 6, 7, 7a, 7b and 7c of the Media Act) to € 40,000, as well as a marked rise in the maximum amounts of compensation according to §§ 6, 7 and 7c in particularly severe cases (particularly grave impact of the legal infringement and grossly negligent or premeditated action) to € 100,000; introduction of a lower limit (§ 8 (1) of the Media Act).
 - Extension of the period of six months to one year to file for claims, for victims who are particularly affected by a criminal offence, as well as extension to the immediate dependants of a victim of homicide and witnesses of such offences (§ 8a (2) of the Media Act).
 - Adjustment of the rules applying to time lapse (of the punishability) of an offence against media law for accessible periodical electronic media (§ 1 (1) 5a (b) of the

Media Act), i.e. especially websites, by stating that time lapse begins with the date of first dissemination but follows the periods stipulated in § 57 (3) of the Criminal Code (§ 32 of the Media Act).

- Clarification that time lapse (of punishability) of a media content offence does not prevent confiscation and publication of the judgment (§ 33 (2), § 34 (3) of the Media Act).
- In cases where the incriminated statement may appear to be directed against a specific person, but is actually motivated by the fact that this person is pursuing his/her occupation, so that the actual target is the employer of the person, and when the incriminated statements are of such intensity that the employer encounters considerable difficulties in assigning that person to any post, or when the reputation of the employer might become considerably blemished, the employer shall have the right to file an application for confiscation (§ 33a of the Media Act). The same shall apply to *pro bono* workers and officers of public corporations.
- Confiscation (including confiscation requested by employers), publication of judgment and seizure (§§ 33, 33a, 34 and 36) shall also be possible directly at the hosting service provider (host provider) if the media owner (§ 1 (1) 8) is unavailable because, for example, he/she is abroad (§ 36b Media Act).
- Adaptation of the procedural provisions in the Media Act to the option provided in the Code of Criminal Procedure (§ 71 of the Code), namely that an investigation is also conducted in private prosecution proceedings (§ 41 (5) of the Media Act).
- Creating the legal basis so that psycho-social and legal support in proceedings can also be granted (§ 41 (8) of the Media Act) in independent proceedings (§ 8a) on claims for compensation (§§ 6, 7, 7a, 7b and 7c of the Media Act) as well as in connection with claims for confiscation and publication of judgment (§ 33 (2) and § 34 (3) of the Media Act), which shall apply to the same range of persons and to the same extent as provided in the Code of Criminal Procedure (§ 66b of the Code).
- Changes with regard to the Code of Criminal Procedure
 - New structure for, and expansion of the support in legal proceedings to certain victims (minor witnesses of violence in the immediate social environment and victims of “typical” hate-on-the-Internet offences) in the course of enacting the new definition in § 66b of the Code of Criminal Procedure.
 - The new provision of § 71 of the Code of Criminal Procedure (StPO) makes it possible in private prosecution offences to trace an offender more easily in

connection with defamation (libel, slander) (§ 111 StGB), in cases where a person is accused of a previously adjudicated punishable offence (§ 113 StGB) and in cases of verbal abuse (§ 115 StGB) which are committed by way of telecommunication or by using a computer system.

- Adding other service providers (§ 3 (2) of the E-Commerce Act) to § 76a of the Code of Criminal Procedure.
- Cancellation of the obligation of private prosecuting persons to pay the cost of proceedings in cases of defamation (libel, slander) (§ 111 of the Criminal Code), in cases where a person is accused of a previously adjudicated criminal offence (§ 113 of the Criminal Code) and in cases of verbal abuse (§ 115 of the Criminal Code) which are committed by way of telecommunication or by using a computer system, unless the accusation was a fraudulent misrepresentation (limited).
- The newly enacted law on communication platforms requires that major communication platforms take adequate measures by 31 March 2021, at the latest, so that the reported content can be reached and swiftly processed with transparency and to submit regular reports on transparency. The providers of services shall make sure that reported contents, whenever their unlawfulness is obvious to a legal layperson without any further research, is either removed, or access to it is blocked, immediately, but within a maximum of 24 hours after receipt of the report. Whenever the unlawfulness becomes established only after a detailed investigation, this shall be done immediately after closing the investigation but at the latest within seven days as of the receipt of the report (see also § 3 (3) of the Communication Platform Act).

3.6.9 Criminal-law provisions against racism and intolerance

§ 283 (“incitement to hate”) and § 33 (1) 5 of the Criminal Code (general aggravating circumstance when committing a punishable act for racist or xenophobic motives) are the main criminal-law provisions in connection with the fight against racism. In addition, there is the law enacted in 1947 which bans National-Socialist activities and makes them punishable offences. Moreover – in particular in connection with hate postings – various other facts constituting a criminal offence can be considered such as, for example the solicitation to commit punishable acts, or their approval (§ 282 of the Criminal Code), acts of continuous harassment by way of telecommunication or a computer system (“cyber mobbing”, § 107 c of the Criminal Code), defamation (libel, slander) (§ 111 of the Criminal Code), verbal abuse (§ 115 of the Criminal Code) and the unauthorised taking of pictures (“upskirting”, § 120a of the Criminal Code).

Administrative law comprises administrative offences such as discrimination on grounds of race, among others, (Article II (1) 3 of the 2008 Introductory Act to the Administrative Procedures Act) and the dissemination of National-Socialist thoughts pursuant to the 1947 law banning National-Socialist activities (Article II (1) 4 of 2008 Introductory Act to the Administrative Procedures Act). It is also possible to liquidate unlawful associations and gatherings (law on associations and/or law on public gatherings). Please see below for details on provisions under media law.

3.6.9.1 Judicial penal provisions

3.6.9.1.1 Incitement

§ 283 of the Criminal Code (StGB)

(1) Persons who publicly in a manner that becomes accessible to many persons,

1. incite to violence against a church or religious denomination or another group of persons defined according to existing or absent criteria of race, skin colour, language, religion or ideology, nationality, origin or national or ethnic origin, gender, a handicap, age or sexual orientation, or against a member of such a group, expressly on account of their affiliation to such a group, or incite to hatred against such persons,

2. insult a group or a person listed in (1) on account of their affiliation to such a group, with the intention of infringing the human dignity of the members of the group or that person, in a manner that is suited to disparage the group or the person in public opinion or to belittle them, or

3. approves, denies, grossly trivialises or justifies crimes as defined in §§ 321 to 321f as well as § 321k, which a national or international court has established with final and enforceable effect, in which connection the action against the groups or against one member of such a group, as defined in (1), are taken expressly on account of their affiliation to such a group and were committed in a manner that lends itself to incite to violence or hatred against such a group or against one of the members of such a group,

shall be punished by a maximum prison term of two years.

(2) Persons who commit the offence according to para. 1 in a printed publication, on the radio or in another manner, as a result of which the actions defined in para. 1 become accessible to a broad public, shall be punished by a maximum prison term of three years.

(3) Persons who on account of their actions pursuant to paras. 1 or 2 cause other persons to exercise violence against a group defined in paras. 1 or 2 or a member of such a group on account of her/his affiliation to that group, shall be punished by a prison term between six months and a maximum of five years.

(4) Persons who are not subject to a more severe penalty as participants in the actions according to paras. 1 to 3 (§ 12), and who support, promote or incite by means of written material, pictures or other presentations of ideas or theories that advocate, promote or incite to hate or violence against the group defined in (1) of para. 1 or against a member of such a group, on account of their affiliation to that group, in a publication, on the radio or in another form, as a result of which it becomes accessible to a broad public, or disseminate or make it accessible in an approving or justifying manner in a publication, on the radio or in another form, as a result of which it becomes accessible to a broad public, shall be punished by a prison term of a maximum of one year, or by a fine of a maximum of 720 daily rates.

As early as in Federal Law Gazette I No. 103/2011, the paragraph on incitement in the Criminal Code had been tightened, as it no longer had to be mandatorily related to the probability of a threat to public security, because perceptibility by a broad public was sufficient. The group of protected persons was also expanded considerably.

§ 283 of the Criminal Code underwent further changes which became effective on 1 January 2016. This was meant, on the one hand, to transpose various international obligations (especially the Committee [CERD] under Article 4 of the UN Convention on the Elimination of Racial Discrimination, the EU Framework Decision 2008/913/JI on combating, with the help of criminal law, certain forms and expressions of racism and xenophobia, the Additional Protocol to the Cyber Crime Convention of the Council of Europe as well as ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial

Discrimination) as well to eliminate deficits in the facts of an offence that had become apparent due to current events.

The most important changes in the year 2015 related to the following points:

- Creating a uniform public threshold (“ ... public in a manner that it is accessible to many persons ...”) for the basic offences according to para. 1 (1) to (3), especially “inciting to violence”, “inciting to hate” and “verbal abuse” (para. 1 (1) to (3)); this is understood to mean that 30 persons or more can perceive it;
- Introduction of an offence relating to public denial, belittling, approving or justifying genocide or crimes against humanity (para. 1 (3));
- Introduction of qualifying facts (punishable by a maximum prison term of three years) when committing the offence in a way so that the actions become accessible to a broad public (para. 2); this is understood to refer to a group of 150 persons;
- Introduction of one further qualifying fact (punishable by a prison term of six months to five years), provided that the offender causes other persons to exercise violence against the protected group or a member of such a group, on account of their affiliation to that group (para. 3);
- Introduction of an offence whenever inciting written material, pictures or other presentations are made publicly accessible (para. 4).

With the law combating hate on the Internet, the fact constituting an offence according to § 283 (2) 2 of the Criminal Code was recently expanded by including individual insults infringing the human dignity of members of protected groups. As a result, individual persons belonging to protected groups are now on an equal footing with the protected group as such.

§ 283 of the Criminal Code now has the following structure:

- Basic offences:
 - Inciting to violence / inciting to hate (para. 1 (1))
 - Insulting (para. 1 (2))
 - Supporting genocide and crimes against humanity (para. 1 (3))
 - Disseminating inciting material (para. 4)
- Qualifications of the offence in para. 1:
 - Committing the offence in a way that the actions become accessible to a broad public (para. 2)

- The offender causes the exercise of violence against the protected group and/or a member of that group (para. 3).

The overwhelming majority of proceedings in connection with offences under § 283 of the Criminal Code relate to inflammatory facebook postings which are mostly directed against refugees as well as asylum seekers and/or Muslims.

Since 2019 the number of incidents in connection with § 283 of the Criminal Code have been declining. This shows that the measures taken and also the media reporting about them (establishing reporting offices, nation-wide roll-out of the project “Dialogue instead of Hate” by Association Neustart, etc.) are having an impact.

In this connection, mention should be made of the transfer in 2019 of the project “Dialogue instead of Hate” from a trial run to a standard operation. The project is an intervention programme, offered by Association Neustart to disseminators of hate postings. The project consists of classical probation services as well as special modules tailored to the individual client. The modules can be attended individually or in groups, and they contain topics such as media competence with a focus on the social media, how to voice criticism without being disparaging, information about the victim perspective as well as a section on history, including political education. The goals are to sensitise persons for the discrimination issue, to create awareness for this complex of issues as well as to discuss and reflect on the modes of conduct. Public prosecutors and the courts apply the aforementioned measures, which are reported to be highly effective, when deciding on cases under § 283 of the Criminal Code by imposing diversion measures (probation plus tasks), or in the case of convictions, always in combination with probationary services.

Table 15 Number of incidents under § 283 of the Criminal Code

Incidents	2015	2016	2017	2018	2019	1/1/- 30/6/2020
§ 283 StGB*)						
Incidents	516	679	892	1003	465	245
Indictments	80	114	187	154	99	30
Diversions offered (incl. courts)	19	25	76	115	74	17

Incidents	2015	2016	2017	2018	2019	1/1/- 30/6/2020
Convictions	49	52	108	72	43	11
Acquittals	9	23	27	32	6	3
Discontinued proceedings	254	233	197	245	229	92
§ 35c StAG**)	89	153	141	215	140	79

*) StGB = Criminal Code

**) StAG = Public Prosecution Act

Comment on the statistics: The item “diversions offered” comprises offers of diversion measures (§ 200 of the Code of Criminal Procedure) and temporary discontinuations (§§ 201, 203, 204 of the Code of Criminal Procedure). Possible deviations from older/future statistics result from ongoing corrections and/or updates in the Automated Proceedings Database / VJ.

(Source: BRZ GmbH, Automated Proceedings Database / VJ – Status 3/7/2020)

3.6.9.1.2 Continued harrasment by way of telecommunication or a computer system (“cyber mobbing”)

§ 107c of the Criminal Code – Continued harrasment by way of telecommunication or a computer system

(1) Persons who commit, by way of telecommunication or by using a computer system in a manner suitable to unreasonably affect a person in her/his way of living,

1. a punishable act against the honour of a person which becomes perceivable to a larger number of persons for a longer period of time, or

2. make a fact or a picture from the highly personal living sphere of a person without her/his consent perceivable to a larger number of persons and for a longer period of time,

shall be punished by a prison term of a maximum of one year or a fine in a maximum amount of up to 720 daily rates.

(2) If the act results in the suicide or suicide attempt of the person, as defined in para. 1, if the offender continues to commit criminal acts, as defined in para. 1, within a period of time of more than one year, or if the time of perceptability, as defined in para. 1, exceeds one year, the offender shall be punished by a prison term of a maximum of three years.

This most recent amendment made sure that a criminal act may already fall under the facts of an offence under § 107c of the Criminal Code.

3.6.9.1.3 Defamation (libel, slander)

§ 111 Defamation (libel, slander)

(1) Persons who accuse another person in a manner perceivable to a third person of a despicable property or attitude, or accuse that person of a dishonourable conduct in violation of social standards that is suited to make that person despicable or disparaging in public opinion, shall be punished by a prison term of up to a maximum of six months, or a fine of up to a maximum of 360 daily rates.

(2) Persons who commit the offence in a publication, on the radio or in another way which makes the defamation (libel, slander) accessible to a broad public, shall be punished by a prison term of up to a maximum of one year, or a fine of up to a maximum of 720 daily rates.

(3) The offender shall not be punished if the assertion proves to be true. In a case according to para. 1, the offender shall also not be punished if circumstances are established from which the offender concluded that there are sufficient grounds to consider the assertion to be true.

When such an offence is committed in a publication, on the radio or on the Internet, it is considered to be a qualified offence, if the defamation (libel, slander) becomes accessible to a broad public.

3.6.9.1.4 Verbal abuse / Insult

§ 115 of the Criminal Code – Verbal abuse / Insult

(1) Persons who publicly, or in front of several persons, insult or mock another person, or physically mistreat them, or threaten to physically mistreat them, shall be punished by a prison term of up to a maximum of three months, or fines of up to a maximum of 180 daily rates, unless they are likely to be punished on the basis of another legal provision with a more severe punishment.

(2) An act is committed in front of several persons if it is committed in the presence of more than two persons that are different from the offender and the attacked person, and if they can perceive it as such.

(3) Persons who get carried away by their indignation concerning the behaviour of another person and who insult, mock, mistreat or threaten to mistreat that person in a manner that is excusable under the circumstances, shall be excused if their indignation is generally understandable, in particular also with a view to the time that has passed since the incident in question.

As a rule, a verbal abuse/insult is to be prosecuted only upon the request of the offended person (“private prosecution offence”). In deviation from this general rule, § 117 (3) of the Criminal Code stipulates that a matter shall be prosecuted *ex officio* **with the authorisation** of the affected person, in case of offences with racist motivation, among others (“offence upon authorisation”). The provision reads as follows:

§ 117 of the Criminal Code – Authorisation to prosecute

....

(3) The offender shall be prosecuted by the public prosecution for an act punishable under § 115 with the authorisation of the affected person, if the act is directed against the injured person because of her/his affiliation to one of the groups defined in § 283 (1) and consists either of a mistreatment or a threatened

mistreatment, or a verbal abuse/insult or mockery that is suited to disparage or degrade the person affected in public opinion. ...

3.6.9.1.5 Unauthorised taking of pictures (“upskirting”)

§ 120a of the Criminal Code – Unauthorised taking of pictures

(1) Persons who deliberately take a picture of the genitals, the pubic region, the buttocks, the female breast or the underwear covering these body parts of another person, without their authorisation and who has protected these areas against being seen, or who is in dwellings or a room that is especially protected against views, shall be punished by a prison term of up to six months, or a fine of up to 360 daily rates.

(2) Persons who make available to a third person, or publishes a picture, as defined in para. 1, without having obtained the authorisation of the portrayed person, shall be punished by a prison term of up to twelve months, or a fine of up to 720 daily rates, unless they are likely to be punished on the basis of another legal provision carrying the same or a more severe punishment.

(3) The offender shall only be prosecuted with the authorisation of the injured person.

This offence came into existence on account of the law on combating hate on the Internet.

3.6.9.1.6 Hate crimes – Aggravating circumstance

Hate crimes are not only hate speeches but also other offences, when they are committed with prejudice as a motive. The Austrian Criminal Code takes account of this increased wrongfulness in the form of an aggravating circumstance, when determining the punishment. § 33 of the Criminal Code defines the reasons that shall be considered as aggravating circumstances when determining the punishment. § 33 (1) 5 of the Criminal Code defines an aggravating circumstance as a situation in which the offender “has acted on the basis of racist, xenophobic or other particularly condemnable motives, particularly

those that are directed against one of the groups of persons defined in § 283 (1) 1, or a person belonging to these groups.”

For the past, there is no comprehensive data material available concerning convictions for offences with a racist background, as the court statistics are only based on an evaluation according to offences.

However, the Security Report of the Ministry of the Interior can be mentioned in this context.⁷⁵ It contains evaluations according to right- and left-wing extremist motivations (please refer to page 91 of the 2018 Security Report). It states: “In 2018, the security authorities in Austria identified a total of 1,075 acts of a right-wing extremist, xenophobic/racist, Islam-hostile, anti-Semitic as well as an unspecified or other nature, where the relevant offences were reported to the police. An act can comprise several offences resulting in several police reports. Compared to 2017 (1,063 acts), this is an increase by 1.1%. 677 acts, namely 63% could be solved. In 2017, the rate of solved cases was 58.1%. In connection with the indicated acts, 1,622 offences were reported to the police throughout Austria in 2018, which is 2.9% more than in 2017 (1,576 offences).

...

In 2018, a total of 137 acts with proven or presumed left-wing extremist motivations were identified (2017: 211 acts), where one act may comprise several offences with separate police reports. 25 acts, namely 18.2%, could be solved (rate of solved cases in 2017: 14.2%). A comparison of the years 2017 and 2018 shows a decrease of the relevant acts (-35.1%) as well as of the reports to the police made in connection with these acts (-22.8%).”

Please refer also to the 2018 Constitution Protection Report, in particular pages 33 to 35.⁷⁶

Moreover, since autumn 2020, data on discriminating motivation have become available. The Ministry of Justice and the Ministry of the Interior have drawn up and implemented a computer programme on this matter in the course of an EU project “identification of discriminating motivation”: if the police identifies a discriminating motivation as early as in the course of the investigations, this is automatically entered in the electronic register of the justice system. If prejudice as a motivation is identified only at a later stage of the

⁷⁵ [Security Report 2018](#)

⁷⁶ <https://www.bvt.gv.at/401/files/Verfassungsschutzbericht2018.pdf>

proceedings, the public prosecutor or the court are expected to update the entries. In the future, this will serve to show the offences apart from incitement, inflammatory insult and the law banning National-Socialist activities, and to use them for an evaluation when the motivation of the act was linked to a prejudice – for example, racist physical injuries and property damage.

3.6.9.2 Administrative criminal provisions

In addition to the aforementioned criminal offences, one needs to mention the following administrative criminal offences:

Article III of the Introductory Law to the Administrative Procedural Laws, briefly referred to as EGVG

(1) Persons ...

3. who discriminate another person on grounds of race, skin colour, national or ethnic origin, religious confession or a handicap, or prevent another person from entering places or availing herself/himself of services that are intended for general public use, or

4. who disseminate National-Socialist ideas, as defined in the law banning National-Socialist activities, State Law Gazette No. 13/1945, in the version of the Federal Constitution Act, Federal Law Gazette No. 25/1947,

commit an administrative offence, unless the act is punishable under other administrative criminal provisions that carry a more severe punishment, and the district administrative authority, or in the cases of (2) and (4) for the territory of a municipality, where the Regional Police Directorate is also the first-instance security authority, the Regional Police Directorate shall punish them in the cases of (1) and (2) with a fine of up to € 218, in the case of (3) with a fine of up to € 1,090, and in the case of (4) with a fine of up to € 2,180. In cases under (4), the attempt is punishable, and objects that were used to commit the act can be declared to have been forfeited.

The criminal offence as defined in Article III (1) 3 of the Introductory Law to the Administrative Procedural Laws (EGVG) was tightened in 2012, so that it does not matter whether persons “are placed at a disadvantage without justification **merely** on grounds of their race, their skin colour, their national or ethnic origin, their religious confession or a handicap”, but that they were **also** discriminated against for these reasons.

Racist statements are to be regarded as constituting acts as defined in § 3 of the law banning National-Socialist activities, if they demonstrate the attitude of National-Socialism, namely a motivation of racist ideology, which rejects persons especially because of their alleged “racial inferiority”, and if such thoughts are particularly expressed in a form that is similar to the propaganda vocabulary of the “Third Reich”.

The Security Police Act provides the possibility in its § 49a to declare the venue of a large-scale sports event to be a security zone and, among others, to send persons away from the security zone, when it can be assumed that they will commit a dangerous attack, as defined in the 1947 Act Banning National-Socialist Activities, or in § 283 of the Criminal Code.

In addition, reference is made to the penal provisions in the Equal Treatment Act in connection with discriminatory announcements of job vacancies or housing space.

3.6.10 Presentation in the media

First of all, § 283 (4) of the Criminal Code must be mentioned, which punishes the dissemination of discriminating propaganda for violence and/or hate as such. Below is an outline of the most important provisions under media law:

3.6.10.1 Provisions for radio broadcasting

In complying with its task to ensure objectivity and impartiality in reporting, the Austrian Broadcasting Corporation (ORF) shall ensure a diversity of opinions and a balance in its programmes as well as the independence of persons and office holders (see § 1 (3) of the Austrian Broadcasting Corporation Act).

§ 10 (1) and (2) of the Austrian Broadcasting Corporation Act provide explicitly that all ORF broadcasts must respect human dignity and the fundamental rights of others in their presentation and content, and that they must not incite to hate on grounds of race, gender, age, handicap, religion or nationality. Advertising content must not injure human dignity

and must not contain any discrimination on grounds of race or ethnic origin, gender, age, handicap, religion or belief or nationality or sexual orientation (see § 13 (3) 1 and 2 of the Austrian Broadcasting Corporation Act). The legal supervision is exercised by KommAustria as the regulatory authority.⁷⁷ Administrative sanctions can be imposed (see § 38 of the Austrian Broadcasting Corporation Act).

Identical arrangements can also be found for the area of private television, namely in § 31 (3) 1 and 3 of the Audiovisual Media Services Act. Supervision has been entrusted to KommAustria (see § 62 of the Audiovisual Media Services Act). Administrative sanctions can be imposed (see § 64 of the Audiovisual Media Services Act).

3.6.10.2 Provisions for the press and other journalistic media

The Media Act stipulates, among others, that damages will be paid in cases of defamation, insult, mockery, libel and slander, in cases where the inviolable sphere of life is injured, or the identity of a person is unlawfully disclosed (see §§ 6, 7, 7a of the Media Act). The obligation to delete information according to § 36a of the Media Act is of particular importance.

In addition to sovereign measures, Austria also relies on voluntary measures such as, in particular, support for self-control by the media, as it is performed, for example, by the Austrian Press Council.

3.6.10.3 Press Council and code of honour for journalistic work

On 15 February 2010, the “Austrian Press Council” was founded again, as an association with the name “Association for the Self-Control of the Austrian Press – Austrian Press Council”.⁷⁸ The association is an institution for self-control, exercised by the print media in Austria. Self-control is based on the principle of voluntariness and serves to secure editorial quality as well as to safeguard the freedom of the press. The following organisations support the Austrian Press Council:

- Association of Austrian Newspapers (VÖZ)

⁷⁷ <https://www.rtr.at/de/m/ORF>

⁷⁸ <https://www.presserat.at/>

- Austrian Trade Union Federation, represented by the journalists' trade union in GPA-DJP
- Austrian Newspaper and Technical Media Association (ÖZV)
- Association of Regional Media in Austria (VRM)
- Association of Chief Editors as well as
- Press Club Concordia (PCC).

The Press Council is financed by membership dues paid by its supporting organisations and by promotional funding for the press (please refer to § 12a of the Press Promotion Act).

The Austrian Press Council has drawn up a code of ethics for journalistic work⁷⁹, which is associated with the Media Act and can be regarded as the ethic yardstick for media workers. The code forms the basis for the decisions of the Press Council senates. According to item 7.2, any discrimination for reasons of age, a handicap, gender, as well as ethnic, national, religious, sexual, ideological or other reasons is inadmissible.

The organisation works as an administrative body and appoints the senates. However, it does not decide on complaints and notices. This task is performed exclusively by the senates.

The senates can conduct two types of proceedings: complaints proceedings and the so-called "independent proceedings". The "independent proceedings" can be triggered by anybody, by a notice concerning a potential violation of the media ethics in any print medium or the associated website. The medium need not have any obligation vis-à-vis the Press Council in this context. In its decision, the senate expresses its opinion, as to whether the article complies with the basic principles of media ethics, as contained in the code of ethics for the Austrian press. The print medium concerned need not print the decision of the proceedings. However, interesting decisions are published regularly on the website of the Press Council under the heading of "decided cases".⁸⁰

A requirement for complaint proceedings is that the person contacting the Press Council must be personally affected by the disputed reporting. Here, the person affected and the print medium must enter into an arbitration agreement which includes a waiver concerning recourse to legal action. Those media that are Press Council members have generally

⁷⁹ https://www.presserat.at/show_content.php?hid=2

⁸⁰ https://www.presserat.at/show_content.php?hid=14

accepted the arbitration principle. It is only following complaint proceedings that the publication of the decision in the print medium concerned can be enforced.

The Press Council has no responsibilities for radio, television and websites that are not associated with a print medium.

3.6.10.4 Advertising Standards Board⁸¹

Mention must also be made of the Austrian Advertising Standards Board (www.werberat.at). With its Self-Regulation Code, it tries to protect consumers against any advertising abuse. For example, advertising must not directly or indirectly discriminate anybody or promote discrimination.

3.6.10.5 Information society services

Austria enacted the E-Commerce Act, Federal Law Gazette I No. 152/2001, in order to transpose the EU Directive on electronic commerce (Directive 2000/31/EC). Accordingly, the host provider is generally not responsible for the information saved upon a user's instruction. However, if the provider is informed about an unlawful activity or information, he must take action immediately, in order to remove the information or block any access to it (see § 16 of the E-Commerce Act). Under certain circumstances, the provider must communicate saved information – in particular also the names and addresses of the users of the service – to courts, authorities or persons which credibly demonstrate their legal interest (see § 18 of the E-Commerce Act). The law to combat hate on the Internet, which entered into force recently, stipulates that the title to the release of user data must be claimed in non-contentious (simplified) proceedings (§ 18 (4a) of the E-Commerce Act).

The Communications Platform Act, which also became effective recently, obliges host providers to set up a system where infringements of the law can be reported, checked and, if necessary, deleted.

In this context, a pioneering preliminary decision of the European Court of Justice, dated 3 October 2019, C-18/18, needs to be mentioned. Eva Glawischnig-Piesczek, the Austrian

⁸¹ https://werberat.at/show_4340.aspx

politician representing the Green party, sued Facebook Ireland Limited, and the European Court of Justice ruled that a court of a Member State can require a host provider

- to remove information saved by that provider if it has the identical wording as content as the information that was declared to be unlawful earlier, or to block any access to it, irrespective of the party that commissioned the saving of the information;
- to remove the information saved by that provider if the content has the same meaning as the information that was declared to be unlawful earlier, or to block any access to it provided that the differences in the wording of the content with the same meaning is not of such a nature that they require the host provider to proceed to an independent evaluation of the content;
- to remove the information concerned everywhere in the world, or to block any access to it.

3.6.11 Further measures to combat racism

3.6.11.1 National Committee “No Hate Speech”

The Committee was set up in the year 2016 and is located in the Federal Chancellery (Department Families and Youth). The Committee serves the goal of coordinating existing activities against hate speech in Austria, of bundling them and making them available to a broader public. At present, the Committee comprises about 30 members – including representatives of federal ministries, counselling centres, the Internet industry, youth work and other initiatives.⁸²

3.6.11.2 Counselling centre #againsthateontheinternet⁸³

A central counselling centre against hate on the Internet was set up in 2017. The counselling centre against hate on the Internet is operated by Association ZARA – Civil Courage and Anti-Racism Work, and funded from public funds.

⁸² <http://www.nohatespeech.at>

⁸³ <https://beratungsstelle.counteract.or.at>

The counselling centre supports and advises victims as well as witnesses of hate postings, cyber mobbing and other forms of verbal and psychological violence on the Internet.

The services offered are meant for the following persons:

- Victims of hate and agitation on the Internet
- Members of disadvantaged groups who are exposed to agitation on the Internet or about whom fake news are disseminated
- Persons affected by cyber mobbing
- Staff members of organisations who work with affected persons.

After a first appraisal of the content, the clients are informed about the options for action and possible counter-strategies. They are supported in all possible legal and other steps and receive information about additional assistance options. The counselling centre reports the relevant contents to the respective IT companies, in order to obtain deletion of the content. The advice is given via Chat, Messenger, e-mail or telephone and is free of charge. Personal counselling appointments are possible after prior signing up for an appointment.

3.6.11.3 Additional reporting points

- <https://www.boja.at/beratungsstelle-extremismus>
- <https://www.stopline.at/de/home>
- <https://ombudsmann.at/>
- ns-meldestelle@bvt.gv.at
- stopextremists@bmi.gv.at
- every police office.

3.6.11.4 Saferinternet.at⁸⁴

Saferinternet.at supports children, young persons, parents and teachers on how to handle digital media in a secure, competent and responsible manner. In this context, the topic hate speech is covered in many diverse forms and from different angles. Saferinternet.at forms the “Safer Internet Centre Austria”, together with Stopline (reporting point for child pornography and National-Socialist activities) and “147 Rat auf Draht” (Advice over the Phone – help for children, young persons and their caregivers). It is the Austrian partner of

⁸⁴ <https://www.saferinternet.at/>

the Safer Internet Network of the EU (Insafe) and is coordinated by the Austrian Institute for Applied Telecommunication (ÖIAT). Since the beginning (2005), the Department for Families and Youth (Federal Chancellery) has been a cooperation partner and supports the activities with co-financing.

3.6.11.5 Project “With Courage against Rage” / “Mit Mut gegen Wut”⁸⁵

The project is implemented with public funding by the nationwide Network Open Youth Work (bOJA). The study results and experience reports show that young persons affected by hate speech often know very little about their rights, possibilities to intervene, or about counselling centres or registration points. In the course of the project, information materials (online and offline) are produced, together with young people.

3.6.11.6 Media-Youth-Information / Medien-Jugend-Info (MJl)⁸⁶

The goal of MJl is to teach and promote media competence among parents, young persons and persons working with young people and/or teachers. New concepts for workshops are developed on specific topics and sub-aspects of media usage. These are then made available, mostly jointly with external partners. Examples are Jobtalks 2.0, Sextalks 2.0, or “Pretty enough without Photoshop” (Schön genug ohne Photoshop). In addition to the specific topical issues, other focal points are the safe use of the new technologies and the teaching of knowledge concerning the risks but also opportunities of active media usage. This also includes how to detect hate speech and how to react adequately.

3.6.11.7 Conference

Upon a suggestion by the Federal Chancellery, the RTR – in cooperation with the ORF – organised a conference on 8 April 2019 on the topic of “Europe’s digital internal market and EU fundamental values. [Austrian] impulses between the transposition of the Audiovisual Media Services Directive (AVMD) and the disinformation challenge”. One panel at the conference was dedicated to the topic “The fight against disinformation between codices and EU regulations – What will help against disinformation?”.

⁸⁵ <http://www.boja.at>

⁸⁶ <https://www.frauen-familien-jugend.bka.gv.at/jugend/medien-information.html>

3.6.12 Awareness-raising and anti-discrimination training

The Advisory Committee calls on the authorities to condemn systematically and promptly all instances of hate speech in public discourse, particularly as part of political discourse, and to increase their efforts to promote professionalism and ethical behaviour in the media, including by promoting training and awareness-raising activities for journalists and media professionals. (Margin note 40)

Racist agitation and discriminating reporting as well as incitement in political discourse are publicly condemned and are also subject to criminal prosecution. The public statements of politicians and journalists must also be measured, of course, by the yardstick of criminal offences. If necessary, public prosecutors will apply for a lifting of the parliamentary immunity to the respective parliamentary entity. Parliament or the regional parliament will decide independently whether such an application will be granted. In addition, Austria is setting numerous initiatives in the justice system, with the police and in schools in order to raise awareness of racism and to fight racism.

3.6.12.1 Awareness-raising and anti-discrimination in the justice system

3.6.12.1.1 Supervision

The competent department in the Ministry of Justice reviews all proceedings reported by public prosecutors in connection with the 1947 law banning National-Socialist activities as well as § 283 of the Criminal Code. In the framework of supervision, increased attention is paid, in general, to proceedings related to racism and xenophobia.

In connection with offences against the 1947 law banning National-Socialist activities and against § 283 of the Criminal Code, there is a group reporting duty, which means that the public prosecutor must send a report to the Ministry of Justice on the ultimate completion of cases and the outcome of the court proceedings (2016 Decree on Reporting Duties, in the version of 2017, BMJ-S22/0001-IV 5/2017).

The responsible department for extremist criminal offences by individuals and the senior public prosecutors as well as public prosecutors are engaged in an ongoing professional exchange with the Federal Office for the Protection of the Constitution and the Fight against Terrorism and the Regional Offices for the Protection of the Constitution and the Fight against Terrorism. In connection with the scope of application of the 1947 law banning

National-Socialist activities, in particular, there are several (sometimes multi-day) events (workshops) per year, with the participation of the heads of political desks at public prosecution offices, representatives of the senior public prosecution offices and investigators of the Regional Offices for the Protection of the Constitution as well as the Federal Office for the Protection of the Constitution.

3.6.12.1.2 Training of court staff

The judiciary makes every effort to ensure that civil servants and contract-based staff members respect and preserve the fundamental and human rights, particularly the rights of the national minorities. For this reason, major attention is paid, already in the regulations on the basic training of staff members in the justice system, that the training includes subjects such as, for example, social competence, preservation of human dignity, human rights, relationships with fellow staff members, behaviour in conflict situations, behaviour in interactions with clients, etc. As a result, subjects such as “correct behaviour in difficult situations” as well as “service law”, which includes “anti-discrimination”, among others, constitute a central area of the training in all basic training courses for civil servants and contract-based staff members of the courts and the public prosecution offices (office staff, judicial officers, court bailiffs).

Since 2008, all trainee judges attend the inter-disciplinary three-day fundamental rights module “Curriculum Fundamental Rights” as part of their basic training in preparation of their career as judges. It was developed by the Chapter on Fundamental Rights of the Austrian Association of Judges and is held in cooperation with the Ludwig Boltzmann Institute for Human Rights Vienna, the European Training and Research Centre for Human Rights and Democracy Graz (ETC) and the Austrian Institute for Human Rights Salzburg (ÖIM). In addition, trainee judges can make a study trip to the European Court of Human Rights (ECHR). Since 2008, the fundamental and human rights, including laws on equal treatment and anti-discrimination, have also become topics at the examination of judges (§ 16 (4) 8 of the Judges and Public Prosecutors Service Act).

The relevant facts constituting an offence under the 1947 law banning National-Socialist activities as well as incitement are discussed in the course of the training courses for trainee judges on the basis of specific examples from the Internet. They are also a subject at the examination for the judges. Increased attention has also been paid to the topic of “hate crime/hate speech” in recent years.

The “Curriculum Judicial History” has been offered to trainee judges since 2009, in cooperation with the Research Unit for Post-War Judicial Decisions, where the group of topics concerning anti-Semitism, racism and National-Socialism are dealt with in more detail and include, among others, visits to memorial sites such as “Am Spiegelgrund” or Mauthausen. Since 2017, this curriculum has been obligatory for all trainee judges. The presidents of the higher regional courts are responsible for conducting this training. In addition to basic knowledge about the more recent judicial history of the 19th and 20th century, the range of topics concerning “anti-Semitism, racism and National-Socialism” is covered in more detail. One further objective, though, is especially awareness-raising among the future judges and public prosecutors for the issues of “hate, mobbing and incitement, as phenomena of the Internet and various social media platforms”. The launch event for “Curriculum Judicial History” in 2017 was especially dedicated to this topic under the motto of “Hate Crimes”. 170 trainee judges attended the event.

In the course of their basic training, prison guards attend 16 educational units on human rights training – fundamental rights, civil liberties and human rights, civil rights, human dignity, equal treatment and anti-discrimination. This very important area is presented by colleagues with special qualifications in these fields (human-rights trainers) from among the training staff at the prison academy. Moreover, the speakers presenting the subjects “constitutional law, overview of human rights, administrative law and political education” as well as the training module “use of physical violence during operations” deal with human rights aspects. Here, compliance with human rights is taught to be a “component” of every type of actually applied physical violence. Moreover, senior prison guards attend eight further training units relating to human dignity and human rights in the group of subjects entitled “law and criminology”. However, subjects such as “diversity and gender mainstream” or the very practice-oriented subject “training for actions in law enforcement” deal in detail with this range of issues and thereby contribute to awareness-raising.

It needs to be mentioned, in general, that human rights are an essential element of all basic training activities in the curricula for all groups of prison occupations. They are regarded as a significant cross-sectoral issue, where the aspect of anti-discrimination receives a high level of attention.

3.6.12.1.3 Further training of court staff

As was mentioned in the previous paragraph, a larger group of prison guards was trained to become human-rights coaches in 2010 in the course of continuous occupational

development. Since 2011, one-day human-rights training sessions (eight training units) are conducted with the objective of training all prison guards and creating more awareness of this topic (top-down training). By the end of 2019, a total of 171 events had been held which 2,500 participants were obliged to attend.

It should also be mentioned that as part of the philosophy for educational facilities for prison guards in Austria, human rights find expression already in the (value) attitude of the deployed trainers and are thus contained in numerous other events that have not been mentioned so far, such as “asylum and aliens’ rights”.

The further training of judges and public prosecutors regularly covers the subjects of racism and hate crimes in seminars and conferences on topics such as “cyber crime”, “privacy rights on the Internet”, “Justice Forum: Social media – A danger for the rule of law and democracy?” as well as in the subjects on anti-discrimination and the protection of fundamental rights, with topics such as “Vienna is different – InterCULTURAl approaches”, “Fundamental Rights Day 2019 – The rule of law in post-democratic times”, “Foreigners are different, Austrians too”, or “Anti-discrimination. Personal perception and legal assessment”. The two-year “Curriculum for juvenile court judges and juvenile public prosecutors”, for example, must be mentioned, in particular.

In addition to the continuous professional development options offered by the justice sector, further awareness-raising can be promoted by attending the relevant further-training events of foreign organisers (for example ERA, EJTN, and others), where the matter can be regarded and discussed from an international perspective.

Moreover, the justice ministry also participates in the programme of the HELP platform (Human Rights Education for Legal Professionals) of the Council of Europe. It offers online seminars on the relevant topics on an ongoing basis. In 2019, about 60 staff members of the justice sector (judges, public prosecutors, prison guards and prison staff, probation officers) participated in an online course on the topic of preventing radicalization. The fact that Austria was one of only five countries that participated already during the pilot phase of this project clearly highlights the importance that needs to be given to these issues.

3.6.12.1.4 Judges Week

In 2019, the Judges Week was dedicated to the topic of “Digital Justice – The Future has Arrived” and thus also to the dangers that derive from the Internet in connection with criminal law and ethics.

3.6.12.2 Awareness-raising and anti-discrimination training at the police

3.6.12.2.1 Human-rights training during basic training

In content and methodology, the two-year basic training for police staff does not only aim at communicating technical knowledge but also at helping acquire knowledge concerning methods and actions. Issue-related and topic-related teaching content is treated across all subjects. The topic of discrimination on grounds of race, ethnic origin, religion, ideology, etc. can be found in nearly all teaching subjects – addressed from different perspectives. It is mandatory to attend the anti-discrimination training which is organised (here: for two days) with the Anti-Defamation League. The law-enforcement speakers take the police trainees through the seminar, together with the trainers from NGOs. An excursion to the former concentration camp at Mauthausen as well as a revision of the atrocities committed during World War II and a reflection on Austria’s history during the National-Socialist period are firmly entrenched in the curriculum. The police trainees also attend a guided tour through the Jewish Museum in Vienna and visit a synagogue. Moreover, there are excursions to the Roma Cultural Centre, for example.

In the training of persons for the senior level, special importance is attached to preparing them for their future role als role models. Both during the nine-month training to become commanding staff members on the middle level and during the 3-year training to become a senior staff member (officer and highest level), comprehensive teaching material deals with the issues of human rights and anti-discrimination.

3.6.12.2.2 Human-rights training during further training

For many years, basic and further training in the field of human rights have been a fixed component of the educational landscape of the Ministry of the Interior. A cornerstone of the human-rights training in the Ministry of the Interior is the programme “A World of Difference” (AWOD), which was adapted specifically to the needs of the police, in cooperation with the Anti-Defamation League. The Anti-Defamation League (briefly

referred to as ADL) is one of the leading non-profit organisations in the world in the field of anti-bias/diversity training. The cooperation of the Ministry of the Interior with ADL goes back to 2001.

The seminar format follows the principle: “professional police action = (equals) action in conformity with human rights!”. It does not follow a one-sided approach to racism, anti-semitism or xenophobia, but takes account of all forms of personal and/or institutional discrimination (based on ethnic origin, gender, handicap, etc.). A sub-section of this training also deals with “hate crime”. These three-day workshops, which are part of the continuous professional development of the police, are addressed both to the staff members of the federal police and the staff members of the security agencies in all functions (staff and leadership functions).

Attendance of the seminars is mandatory for law-enforcement staff. The objective is to train all law-enforcement staff. Every year, 20 seminars with 20 participants each are held for the further training of police staff. The participants are selected according to a distribution key, so that all organisational units of the police throughout the country can be included.

The persons working for the public security service have rights and obligations when deploying their rights to issue orders and use force. They therefore have competences to interfere in the rights of the persons affected, for the protection of victims, etc. It is therefore particularly necessary to train staff throughout Austria in acting in conformity with human rights. The persons working for the public security service have to preserve and protect human rights and identify themselves with this task. This seminar format is also of benefit for the organisational units in the Ministry of the Interior and below that level. With the training, the organisation develops in the direction of more openness and transparency. The individual skills and competences of the security officers in dealing with different and diverse lifestyles are developed and contribute to the success of police activities.

Examples and exercises from practical life are used to discuss prejudices and acts of discrimination, and skills and strategies are developed in order to counter them. Stereotypes and cultural assumptions, which are a barrier to a professional exercise of the occupation, are critically scrutinised. Knowledge is imparted about personal and institutional prejudices and discriminations, and the knowledge about a sensitive approach towards different lifestyles, views and cultures is expanded.

Furthermore, the security academy of the Ministry of the Interior continuously offers special CPD events (on a voluntary basis) from a central perspective, which also deal in detail with this range of topics. Below are a few examples:

- “Series of seminars: A World Of Difference” (Educational Catalogue 2020)
- “Professional ethics – Stop block or prerequisite for professional police work?” (Educational Catalogue 2020)
- “Interaction with persons with a psychiatric diagnosis” – including one day of practical work (Educational Catalogue 2020)
- “Radicalisation – Identifying trends and and taking action” (Educational Catalogue 2020)

3.6.12.2.3 Compliance with service law

Racist behaviour by police staff is definitely not accepted and is strictly prosecuted under criminal and/or administrative law. This means that the behaviour is reported to the courts or other law enforcement agencies. In this context, it must also be pointed out that police officers must comply with strict service regulations and disciplinary rules and must expect the corresponding sanctions in case of malpractice and service-law violations.

The Federal Office to Prevent and Fight Corruption (BAK) is an entity of the Austrian Federal Ministry of the Interior and is responsible, among others, for following up on reproaches of possible maltreatment or racist misconduct by police officers. It is located within the Federal Ministry of the Interior, but outside the Directorate General for Public Security in organisational terms. There is full “transparency concerning instructions”. The federal competence for the security and criminal police also covers offences in the field of human rights. The Federal Office to Prevent and Fight Corruption must report immediately any suspicion of a punishable act to the public prosecutor.

The Federal Office to Prevent and Fight Corruption maintains a “Registration Office for Corruption and Malpractice”, where civil servants can report any suspicion of a relevant punishable offence, directly and outside of the official channels, and also in anonymous form, straight to the Federal Office to Prevent and Fight Corruption.⁸⁷

⁸⁷ Registration Office for Malpractice (BAK)

3.6.12.2.4 Measures to fight radicalisation and recruitment for ideologically motivated crimes

The Ministry of the Interior organises awareness-raising seminars on the topic of “radicalisation and recruitment” throughout Austria. These seminars are a training measure for staff members focusing on prevention. These persons are available as contact persons for the many different topic areas concerning crime prevention. In this specific case, the staff members dealing with prevention help to counter the radicalisation and recruitment of young persons. This seminar format was elaborated jointly with the Federal Office for the Protection of the Constitution and the Fight against Terrorism / Prevention Unit (BVT). The BVT is responsible for the content of the seminar. In consequence, this training is part of the standardised course on crime prevention and targeted on young persons. Every year, some 75 staff members dealing with prevention are made aware of the dangers of extremism, especially among young persons.

In this context, it is important to know about existing support options, such as, for example, the Counselling Centre for Extremism or the Federal Unit for Sectarianism. Moreover, the relevant phenomena of ideologically or politically motivated crimes (Islamism as well as right-wing and left-wing extremism) are highlighted specifically. An overview is provided concerning possible indicators, which make it possible to draw conclusions concerning possible radicalisation and recruitment processes.

3.6.12.2.5 Further efforts to fight racism and hate crimes

Since June 2016, when the entity was set up, the Federal Ministry of the Interior, Department III/10 – Fundamental and Human Rights Issues, represents Austria in the “High-Level Group Combating Racism, Xenophobia and Other Forms of Intolerance”. The meetings of this high-level group and its working groups are used for an intensive exchange of experience on the level of experts. The topics are the fight against hate speech and the compilation of data on hate crimes.

During Austria’s EU Council Presidency, the Ministry of the Interior and the EU Commission organised the meeting of the High-Level Group and the working groups on 16 and 17 October 2018 in Vienna ⁸⁸, in order to evaluate the work of this process up to that date,

⁸⁸ <https://www.eu2018.at/de/calendar-events/political-events/BMI-2018-10-16-EU-HLG-Combat-Racism.html>

together with Member States and civil society as well as to discuss the further steps. At the follow-up meeting on 20 March 2019, these topics were also discussed.

Since September 2018, the Ministry of the Interior, Department III/10 is also the national ODIHR contact point (NPC) concerning hate crimes, and is responsible for two main tasks:

- to collect information and transmit it to ODIHR and to other NPCs in the framework of the NPC network, and
- secondly, to coordinate the state actors, if necessary, at ODIHR seminars or consultations, as well as to provide impulses for a future national action plan (task force).

Moreover, the Ministry of the Interior, Department III/10, has been a member of the national “No Hate Speech” Committee since January 2019, where different stakeholders from public administration, civil society and NGOs are represented.

Finally, the project “Systematic capture of discriminating motivations in criminal complaints” is mentioned, which has been ongoing since July 2019 and receives EU co-financing. The goal of this project is to develop definitions and prejudice indicators in connection with “hate crimes” which can be applied in practice. In the course of the project, the dark field of hate crimes is examined, using other accessible data sources and survey results (see also item 3.6.9.1.6. above on hate crimes).

3.6.12.2.6 Registration offices for hate crimes and cases of discrimination⁸⁹

Two registration points have been set up at the Ministry of the Interior/Federal Office for the Protection of the Constitution and the Fight against Terrorism (BVT), namely

- the “Registration Office for National-Socialist Activities”, set up in 1997 (ns-meldestelle@bvt.gv.at)
- the “Registration Office for Extremist and Radical Videos” set up in 2016 (stopextremists@bmi.gv.at).

⁸⁹ <https://www.bvt.gv.at/601/>

Whenever contributions with neo-National-Socialist, racist and anti-semitic contents are found on a website or a news group, these perceptions can be reported to every police station or to the “Registration Office for National-Socialist Activities”.

The BVT set up the “Registration Office for Extremist and Radical Videos” where citizens can draw the attention of the BVT to extremist and radical videos that have a connection to Austria. The BVT views these videos and lodges the relevant investigations. Moreover, the videos are notified to the operators, for example Google/Youtube.

3.6.12.3 Federal Administrative Academy

The Federal Administrative Academy (VAB) is the basic and further training institute for staff members of the federal civil service. Since 2018, a one-day workshop has been organised by the VAB at the Laudon Castle seminar centre every year, on the topic of “sensitisation against antiziganist prejudices”, with speakers from Romano Centro. The following topics are discussed:

- Relevant concepts (e.g. self-descriptions and external designations)
- History and persecution of the Roma and Sinti
- Questions concerning the current discrimination situation of Roma and Sinti
- taking account of the antiziganism report – status quo of the research
- Individual and collective self-assertion strategies
- Best practice examples from Austria: presentation of projects from
- the public sector that contribute to a better inclusion of the Roma and Sinti.

The target group are the staff members of the Human Rights Advisory Board, the human rights coordinators, press speakers, equal treatment officers, women’s officers/contact persons for women’s issues in the federal administration and in the outsourced organisations (whenever they apply the equal-treatment law), members of the working party on equal-treatment issues as well as disseminators in the social and educational fields.

This further training activity was launched as a measure under the Roma strategy on the focal point “fighting antiziganism”. The Federal Ministry of Justice also intends to include a sensitisation workshop against antiziganist prejudices in its CPD programme in 2022.

3.6.12.4 Awareness-raising in education

Please refer to Article 12 below.

3.6.12.5 Human rights education and political education for adults

One should mention the programme of the “Austrian Society for Political Education” (ÖGPB)⁹⁰ when discussing political education in the framework of adult education. The “Austrian Society for Political Education” is a non-profit association that was founded in 1977. The association works to promote political education in the context of adult education. The federal administration and the ten associations of the Conference on Adult Education in Austria are the members of this association.

Below is a list of the ÖGPB tasks:

- Promoting adult education projects
- Advice for the planning and execution of projects
- Workshops, trainings and courses for adult education trainers
- Information and materials on key topics and didactics.

The seminar “Training in Arguments against Stereotypes”⁹¹ can be cited here as one specific example of the work of the ÖGPB. This is a two-day training seminar for adult educators who would like to run their own training sessions on arguments against stereotypes. Upon their request, they can join the ÖGPB pool of trainers and will be given assignments upon enquiries. The training in arguments against stereotypes is held several times per year.

3.7 Article 7

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

⁹⁰ <https://www.politischebildung.at/>

⁹¹ <https://www.politischebildung.at/bildungsangebote/argumentationstraining-gegen-stammtischparolen/>

Please refer to the comments in the Second State Report.

3.8 Article 8

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

It is stated by way of introduction that the freedom of religion has been secured in several forms by guarantees under constitutional law, both for the members of national minorities and the majority population. As far as the topic of religion is concerned, there are no differences between the national minorities and the majority population.

Moreover, the Catholic Church and – for the Hungarian minority also – the Protestant Church play an important role in the preservation of the minority languages. This is achieved by holding religious services in the languages of the national minorities, on the one hand, and by supporting the cultural activities in the languages of the national minorities, on other hand, for example in church choirs or by making available parish centres.

The bishop of Eisenstadt (Burgenland), Ägidius Zsifkovics, is a member of the Croatian minority. He welcomes visitors to the website in all four languages spoken in Burgenland. The Croatian section of the diocese publishes a weekly church magazine (“Crikveni Glasnik”) in the Croatian language. The Pastoral Services for the Roma of Eisenstadt diocese (formerly referred to as “Ethnic Group Unit, particularly Roma and Sinti”) is also active in the social field.⁹²

Bishop Josef Jože Marketz has been at the helm of the Gurk diocese (Carinthia) since 2020. He is also a member of the Slovene minority. The website of the Gurk-Klagenfurt diocese has been designed bilingually, including Slovene.⁹³ Religious services in the Slovene language are offered by many parishes in the bilingual region. The diocese publishes the

⁹² <https://www.pastoral.at/pages/pastoral/material/article/111749.html>

⁹³ https://www.kath-kirche-kaernten.at/krska_skofija

church magazine “Nedelja” in the Slovene language.⁹⁴ Sodalitas, a community of priests, operates an educational centre at Tainach, Carinthia, which offers a broad spectre of educational programmes for adults, which are partly held in the Slovene language.⁹⁵ The Higher Teaching Institute for Commercial Occupations at St. Peter / Višja šola St. Peter is a private Catholic school which facilitates school education in the Slovene language, up to the level of the school-leaving examination.⁹⁶

For the Czech minority in Vienna, a Czech community has been set up within the Vienna archdiocese. There is a Czech-language pastoral worker, and there are activities for the young in Czech.⁹⁷ The pastoral services for the Slovak minority also have a Slovak-language pastoral worker.⁹⁸

For some national minorities, joint pilgrimages have become a tradition such as, for example those of the Croatian minority⁹⁹ and the national minority of the Roma.¹⁰⁰

In the course of institutionalising and granting legal recognition to the national minority of the Roma, the idea of an organised large-scale Roma pilgrimage became manifest. Since the middle of 1990s, it has been organised every year as a joint activity of Austria’s Roma associations. This also corresponds to the wish to give more visibility to this national minority and to set an example against discrimination and racism. By tradition, the Roma pilgrimage to Mariazell is held every second Sunday in August. The songs and prayers in the different Romani variations mark the events inside and outside the basilica. After the mass, a Roma-specific cultural programme with music is performed.

3.9 Article 9

- (1) The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold

⁹⁴ <https://www.kath-kirche-kaernten.at/dioezese/organisation/C2646>

⁹⁵ <https://www.sodalitas.at/haus/#sodalitas>

⁹⁶ <http://www.hlw-stpeter.at/sl>

⁹⁷ <https://www.erzdioezese-wien.at/pages/inst/14425183>

⁹⁸ Since 1986, services for the Slovak community in Austria, especially in Vienna

⁹⁹ <https://volksgruppen.orf.at/hrvati/meldungen/stories/3011161/>

¹⁰⁰ <https://www.kv-roma.at/content/Wallfahrt-der-Roma-nach-Mariazell---Ladipe-le-Romendar-Cejiste.html>

opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

- (2) Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.
- (3) The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
- (4) In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

The Advisory Committee calls on the authorities to increase the availability of minority language programmes on public television and radio, and to ensure through adequate human and financial resources and in close consultation with national minority representatives that quality programmes are developed that appeal to all segments of society, including youth. Particular support, including baseline support, should be provided to independent and small media outlets in minority languages, including through adequate financial support and the allocation of additional frequencies. (Margin note 45)

During the reporting period, the radio programme “Hungarian Journal”, offered by the Austrian Broadcasting Corporation, was extended from 5 minutes to 15 minutes daily. Moreover, the radio programme “Magyar magazine”, broadcast every Sunday, was lengthened to 56 minutes. The services offered on the Internet website volksgruppen.ORF.at were also expanded and are well received by users. Moreover, the video archives “National minorities in Austria” can be accessed at the ORF-TVthek since March 2019. The almost 100 video features in the archives, which were put together upon a suggestion by the ORF Audience Council, are dedicated to all six national minorities and can now be accessed for an unlimited period of time.

The Pupils' Radio Oberpullendorf is a small independent broadcasting station that also broadcasts a programme in the language of the national minority.¹⁰¹

3.9.1 The services offered by the Austrian Broadcasting Corporation^{102 103}

As outlined previously in the Second State Report in connection with the Framework Convention, the federal law on the Austrian Broadcasting Corporation (ORF Act) was amended in 2002, obliging the ORF to dedicate adequate programme space to the languages of the national minorities.

In 2009, the programme of the ORF in the languages of the national minorities was expanded considerably. The ORF offers a wide range of services to the six autochthonous national minorities on its radio and television channels, in a terrestrial mode and via satellite as well as on the Internet, on the video platform ORF-TVthek and via teletext.

The programmes are offered in the respective languages of the national minorities, some also in German or with subtitles, in order to bring topics of the national minorities also closer to the German-speaking majority population. Moreover, the ORF organises numerous off-air events for the national minorities on an ongoing basis.

The Programme of the Government for 2020 to 2024 contains an additional commitment to make the national minorities more visible at the ORF.¹⁰⁴ It comprises the following:

- Ensuring radio programmes in the languages of the national minorities
- More attention to the national minorities in keeping with the public-law obligations of the ORF
- Expansion of television programme space to include the ORF III programme channel
- More attention to the languages of the recognised national minorities.

¹⁰¹ <http://www.radioop.at/>

¹⁰² <https://der.orf.at/unternehmen/recht-grundlagen/jahresberichte/index.html>

¹⁰³ <https://der.orf.at/kundendienst/volksgruppen100.html>

¹⁰⁴ <https://www.bundeskanzleramt.gv.at/dam/jcr:7b9e6755-2115-440c-b2ec-cbf64a931aa8/RegProgramm-lang.pdf>

3.9.1.1 Radio programmes of the ORF

Since 2009, the unit for the national minorities at the ORF regional studio Burgenland has operated as the competence centre for the media supply to all national minorities living in the eastern part of Austria. This means that ORF Burgenland produces programmes for the Burgenland Croatian population in Burgenland, for the Hungarian population in Vienna and Burgenland, the Czech and Slovak population in Vienna as well as the Roma in Burgenland and Vienna.

Radio Burgenland can be received in Vienna at the VHF frequency 94.7. All programmes for the national minorities broadcast by Radio Burgenland can be received simultaneously at ORF-digital, digital satellite Astra, Free-to-Air throughout Europe, and via live stream worldwide on the Internet. Moreover, all magazines of the national minorities are offered on demand. Since 2009, the radio magazines for the Hungarian minority and the national minority of the Roma have also included topics of these two national minorities in Vienna. The radio programme of the ORF Regional Studio Burgenland covers the following services:

Table 16 ORF Regional Studio Burgenland (Radio)

Programme	Broadcast on (days)	Beginning	End	Duration
Croatian news	Mon-Sat	12:40	12:42	00:02
Croatian journal	Sun-Fri	18:05	18:15	00:10
Croatian journal	Sat	18:05	18:12	00:07
Misao za smisao (religious programme in Croatian)	Sat	18:12	18:15	00:03
Croatian programmes:	Mon-Sun	18:15	18:45	00:30
Kulturni tajedan (Croatian culture programme)	Mon	18:15	18:45	00:30
Plava rasa (Croatian children's programme)	Tues	18:15	18:45	00:30
Širom-barom (Croatian magazine)	Wed	18:15	18:45	00:30
Poslušajte priliku (Croatian talk)	Thurs	18:15	18:45	00:30
Živo srebro (Croatian youth programme)	Fri	18:15	18:45	00:30
Časak radosti (Croatian request programme)	Sat, Sun	18:15	18:45	00:30
Hungarian journal	Mon-Sun	18:45	19:00	00:15
Minority magazine in several minority languages	Mon	20:04	22:00	01:56

Programme	Broadcast on (days)	Beginning	End	Duration
Rub i sredina (Croatian magazine)	Mon	20:04	20:30	00:26
Színes Kultúránk (Hungarian culture programme)	Mon	20:30	20:50	00:20
Roma sam (Magazine in Romani)	Mon	20:50	21:10	00:20
Radio Drát'ák (Czech magazine)	Mon	21:10	21:40	00:30
Radio Dia:Tón / Radio Špongia (Slovak magazine)	Mon	21:40	22:00	00:20
Magyar Magazin (Hungarian magazine)	Sun	19:04	20:00	00:56

Source: ORF Activity Report 2019

The ORF Regional Studio Carinthia serves the Slovene settlement area. The ORF Regional Studio Carinthia produces both the programmes shown below for “Radio Carinthia” and every day eight hours of programme for ORF Radio AGORA. Please see also item 3.9.2. below.

Table 17 ORF Regional Studio Carinthia (Radio)

Programme	Broadcast on (days)	Beginning	End	Programme duration
Dežela ob dravi / Country on the Drava (Slovene)	Wed	21:03	22:00	00:57
Dobro jutro Koroška / Good morning, Carinthia (Slovene, German)	Sun + holidays	06:05	07:00	00:55
Servus, Srečno, Ciao (German, Slovene, Italian)	Mon-Fri	16:03	17:00	00:57
Servus, Srečno, Ciao (German, Slovene, Italian)	Mon-Fri	17:10	18:00	00:50
Servus, Srečno, Ciao (German, Slovene, Italian)	Mo-Fri	18:08	18:33	00:25

Source: ORF Activity Report 2019

3.9.1.2 Television programmes of the ORF

Table 18 Television programmes in Burgenland

Programme	Station	Broadcast on (days)	Beginning	End	Duration of programme	Language
Dobar dan, Hrvati	ORF 2 Burgenland	Sun (1 x per week)	13:30	14:00	00:30	Burgenland-Croatian
Adj'Isten magyarok	ORF 2 Burgenland	Sun (6 x per year)	13:05	13:30	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	ORF 2 Burgenland	Sun (6 x per year)	13:05	13:30	00:25	German, Romani

Source: ORF Activity Report 2019

Table 19 Television programmes in Vienna

Programme	Station	Broadcast on (days)	Beginning	End	Duration of programme	Language
Adj'Isten magyarok	ORF 2 Vienna	Sun (6 x per year)	13:05	13:30	00:25	Hungarian
České Ozvěny / Slovenské Ozveny	ORF 2 Vienna	Sun (6 x per year)	13:05	13:30	00:25	Czech, Slovak

Source: ORF Activity Report 2019

Table 20 Television programmes in Carinthia

Programme	Station	Broadcast on (days)	Beginning	End	Duration of programme	Language
Dober dan, Koroška	ORF 2 Carinthia	Sun	13:30	14:00	00:30	Slovene

Programme	Station	Broadcast on (days)	Beginning	End	Duration of programme	Language
Dober dan, Koroška	Re-run on TV Slovenija	Mon	15:10	15:40	00:30	Slovene
Dober dan, Koroška, re-run	Re-run on TV Slovenija	Wed	17:35	18:05	00:30	Slovene

Source: ORF Activity Report 2019

Since March 2009, the TV magazine “Dober dan, Štajerska” has been broadcast for the Slovene minority in Styria on ORF 2 Styria, every Sunday at 13:30. The contributions on topics of relevance to the Slovene population in Styria are produced in close cooperation with the Slovene editorial unit at the Regional Studio Carinthia and the Slovene-language editor of the Regional Studio Styria.

Table 21 Television programmes in Styria

Programme	Station	Broadcast on (days)	Beginning	End	Duration of programme	Language
Dober dan Štajerska	ORF 2 Styria	Sun	13:30	14:00	00:30	Slovene

Source: ORF Activity Report 2019

Television programmes for the national minorities can be received throughout Austria as re-run broadcasts at the following stations and at the following broadcasting times:

Table 22 Television programmes receivable throughout Austria

Programme	Station	Broadcast on (days)	Broadcasting time	Duration of programme	Language
Dober dan, Koroška, re-run	ORF 2	Mon (1 x per week)	night programme	00:30	Slovene
Dobar dan, Hrvati, re-run	ORF 2	Mon (1 x per week)	night programme	00:30	Burgenland-Croatian

Programme	Station	Broadcast on (days)	Broadcasting time	Duration of programme	Language
Dobar dan, Hrvati, re-run	ORF III	Tues (1 x per week)	breakfast/morning programme	00:30	Burgenland-Croatian
Dober dan, Koroška, re-run	ORF III	Tues (1 x per week)	10:00 breakfast/morning programme	00:30	Slovene
Adj 'lsten magyarok, re-run	ORF III	6 x per year	breakfast/morning programme	00:25	Hungarian
České Ozvěny/Slovenské Ozveny, re-run	ORF III	6 x per year	breakfast/morning programme	00:25	Czech/Slovak
Servus Szia Zdravo Del tuha, re-run	ORF III	6 x per year	breakfast/morning programme	00:25	Burgenland-Croatian, Hungarian, German, Romani
Slovenian magazine (supplied by RTV Slovenija with editorial support from the ORF)	3sat	Mon (every 14 days)	night programme	00:25	German

Source: ORF Activity Report 2019

3.9.1.3 ORF Internet services

Since 2000, the ORF broadcasts information for and about the national minorities on the Internet at [volksgruppen.ORF.at](https://volksgruppen.orf.at).¹⁰⁵ These services were expanded and optimised continuously. The online platform offers separate channels for all six recognised national minorities – Burgenland-Croatian, Hungarian, Roma, Czech, Slovak and Slovene. The information such as topical news, announcements of events and programme content are always offered in the respective minority language and German.

All radio broadcasts for national minorities are available as live streams and on demand.¹⁰⁶ The ORF video platform, TVthek, offers members of the national minorities throughout Austria and throughout the world the ORF television magazines “Dobar dan Hrvati”, “Dober

¹⁰⁵ <https://volksgruppen.orf.at/>

¹⁰⁶ <https://radiothek.orf.at/vgrp>

dan, Koroška”, “Dober dan, Štajerska”, “Adj’lsten magyarok”, “Servus Szia Zdravo Del tuha” and “České Ozvěny / Slovenské Ozveny” as live stream at the respective broadcasting time.

After the respective television broadcasts, the magazines are accessible as video-on-demand until the next scheduled broadcasting.¹⁰⁷

Since March 2019, the new video archives with contemporary, cultural and historical features, “National minorities in Austria”, are available from the ORF-TVthek without any time limitation. At present, the video archives consist of about 100 contributions.¹⁰⁸

The webpages of the ORF regional studios also offer access to the specific programme of a national minority.^{109 110 111} Since 2013, the Slovene editorial unit at the ORF Regional Studio Carinthia also owns the domain slovinci.ORF, which is linked to volksgruppen.ORF.at. This facilitates access to the pages in the Slovene language.

3.9.1.4 Teletext

It provides programme information about all radio and TV programmes of the ORF that are of interest to the national minorities as well as daily updates of information about national minority events (ORF TELETEXT, page 414).¹¹²

3.9.2 Promotional funding for private radio stations

There are five valid decrees for broadcasting stations with programmes related to the national minorities (see below). At present, there are no applications pending with KommAustria for further permits relating to the national minorities. The five mentioned decrees relate to:

- Association: Verein Radio Gymnasium, Gymnasiumstraße 21, 7350 Oberpullendorf (relating to the optional subject “media education – national minority radio” and the optional compulsory subject “media education – focus on radio”);

¹⁰⁷ <https://tvthek.orf.at/profiles/letter/D>

¹⁰⁸ <https://tvthek.orf.at/history>

¹⁰⁹ <https://burgenland.orf.at/>

¹¹⁰ <https://steiermark.orf.at/>

¹¹¹ <https://kaernten.orf.at/>

¹¹² <https://teletext.orf.at/channel/orf1/page/414/1>

- Radio Eins Privatrado Gesellschaft m.b.H. (including broadcasting capacities for “MATTERSBURG (Heuberg) 106.3 MHz”, “RECHNITZ 2 (Hirschenstein) 105.5 MHz” and “JENNERSDORF 2 (Bewag RF) 96.6 MHz”);
- Association: “Agora Arbeitsgemeinschaft offenes Radio – Avtonomnogibanje odprtega radia”, Paracelsusgasse 14, 9020 Klagenfurt (supplying broadcasts to the “settlement region of the Slovene minority in Carinthia as well as the Soboth municipality”);
- Association: AGORA Verein “Arbeitsgemeinschaft offenes Radio – Avtonomno gibanje odprtega radia” (supplying broadcasts to the “Bad Radkersburg” region);
- Association: AGORA Verein “Arbeitsgemeinschaft offenes Radio – Avtonomno gibanje odprtega radia” (supplying broadcasts to the “Leutschach” region).

Private radio stations receive promotional funding that is managed by RTR Rundfunk und Telekom Regulierungs-GmbH ¹¹³. This includes the Private Broadcasting Fund ¹¹⁴ for commercial stations, on the one hand, and the Fund to Promote Non-Commercial Broadcasting¹¹⁵, on the other hand.

- In the years 2015-2017 and 2019, the Private Broadcasting Fund granted promotional funding to the programme “Extra”, broadcast in Hungarian and Croatian by the radio station 88.6 in Burgenland. (2014: € 14,622; 2015: € 15,226; 2016: € 16,732; 2017: € 6,113; 2018: € 0; 2019: € 8,125)¹¹⁶.
- The Non-Commercial Broadcasting Fund promotes many programmes broadcast in a non-German language or in several languages. As these programmes are usually part of broadcasting channels, it is not possible to give exact data on the amounts of promotional funding.¹¹⁷ However, it can be reported that Radio AGORA received € 115,000 and Radio OP € 81,000, when applying at the first eligible funding date in the year 2020 (similar amounts in the earlier years).

3.9.3 Cooperation between the ORF and Radio AGORA

Since 2011, ORF Carinthia and “Arbeitsgemeinschaft offenes Radio – Avtonomno gibanje odprtega radia” (briefly referred to as “AGORA”) have cooperated to produce the 24-hour

¹¹³ <https://www.rtr.at/de/foe/Foerderungen>

¹¹⁴ https://www.rtr.at/de/foe/PRRF_Fonds

¹¹⁵ https://www.rtr.at/de/foe/NKRF_Fonds

¹¹⁶ <https://www.rtr.at/de/foe/EntscheidungenPRRF>

¹¹⁷ <https://www.rtr.at/de/foe/EntscheidungenNKRF>

full programme ORF-Radio AGORA¹¹⁸ for the Slovene minority. In 2011, KommAustria, the media authority, granted AGORA the licence for the frequencies in the settlement area of the Slovene minority in Carinthia for a period of ten years, i.e. up to June 2021. This was subsequently followed by frequencies to cover the settlement area of the Slovene minority in Styria.

The broadcasting times are divided as follows between the partners, ORF and AGORA, for which they each produce their own programmes:

Table 23 ORF – Radio AGORA; programme structure

Programme	Designed by	Broadcast on (days)	Beginning	End	Duration
News in Slovene	ORF	Mon-Fri			00:03 each
“Dobro jutro / Good morning”	ORF	Mon-Fri	06:00	10:00	04:00
AGORA Obzorja	AGORA	Mon-Sun	10:00	12:00	02:00
“Studio ob 12-ih / Studio at 12”	ORF	Mon-Fri	12:00	13:00	01:00
AGORA Divan Pozdravljena Štajerska	AGORA	Mon-Sun	13:00	14:00	01:00
AGORA Divan	AGORA	Mon-Sun	14:00	15:00	01:00
“Lepa ura / Beautiful hour”	ORF	Mon-Fri	15:00	17:00	02:00
“Studio ob 17-ih / Studio at 17”	ORF	Mon-Fri	17:00	17:30	00:30
“Naša pesem / Our song”	ORF	Mon-Fri	17:30	18:00	00:30
Multilingual programme, “open access”	AGORA	Mon-Sun	18:00	06:00	12:00
“Dobro jutro / Good morning”	ORF	Sat, Sun	06:00	09:00	03:00

¹¹⁸ <https://www.agora.at/home/>

Programme	Designed by	Broadcast on (days)	Beginning	End	Duration
“Bi-Ba-Bo veseli vrtiljak / The merry-go-round”	ORF	Sat	09:00	10:00	01:00
“Z glasbo v konec tedna / Music for the weekend”	ORF	Sat	12:00	13:00	01:00
“Farant / After hours”	ORF	Sat	15:00	18:00	03:00
„Zajtrk s profilom / Breakfast with a profile”	ORF	Sun	09:00	10:00	01:00
“Čestitke in pozdravi / Request concert”	ORF	Sun	12:00	13:00	01:00
“Vikend / Weekend”	ORF	Sun	15:00	18:00	03:00

Source: Activity reports ORF and AGORA

Between 06:00 and 18:00 hrs, the moderators speak Slovene. In addition to programme key items from Carinthia and many contributions about Styria and Slovenia, there are also programme parts that are of specific interest to Slovenes in Styria. The programmes for Styria are produced with the support of the ORF Regional Studio Styria. The programme by AGORA in the hours between 18:00 and 06:00 hrs are in several languages, so as to give migrant groups the possibility to produce programmes in their mother tongues. The languages Slovene, German, English, Serbian-Croatian-Bosnian, Spanish, Arabic, Farsi and Russian are represented. This part of the programme is designed by pro bono helpers in the framework of “open access”. The 24-hour full programme of ORF-Radio AGORA is also offered as a live stream.

For further information, please refer to the activity reports of the ORF and Radio AGORA.¹¹⁹

3.9.4 Representative of the national minorities’ advisory councils on the ORF Audience Council

In April 2018, Mag. Josef Buranits was appointed member of the Audience Council, pursuant to § 28 (4) and (6) of the ORF Act, representing the national minorities. In this function, he

¹¹⁹ https://www.agora.at/images/downloads/taetigkeitsbericht2018_de_060220_1.pdf

succeeded Ing. Karl Hanzl from the Czech minority. Mag. Buranits is a member of the Advisory Council for the Croatian minority.

3.9.5 Print media

The Advisory Committee calls on the authorities to increase substantially the support made available to print media published in minority languages, including by pursuing the amendment of the Press Promotion Act without delay and in close consultation with national minority representatives. (Margin note 46)

Since the year 2021, a separate budget item in the promotional funding for the national minorities relates to the media of the national minorities. An amount of € 700,000 is allocated to this budget item, and it is meant to ensure the financing of one “lead medium” per national minority, to be nominated by the advisory council of the respective national minority (“Novice” for the Slovene minority; “Hrvatske Novine” for the Croatian minority; “Pohlady” for the Slovak minority; “Vídenské svobodné listy” for the Czech minority and a new Hungarian online medium for the Hungarian minority). As a result, Austria has fulfilled a long-standing demand of the representatives of the national minorities, namely to provide consistent financial support to the media of the national minorities. The amendment of the Press Promotion Act, which also aimed at providing this financial assurance, has thus become obsolete.

3.9.5.1 Press promotion for the media of the national minorities

When it comes to press promotion, relaxed provisions apply to the newspapers of the national minorities (see § 2 (2) of the 2004 Press Promotion Act). Weekly newspapers published in the language of a national minority need not fulfil certain requirements such as a minimum number of copies sold, a minimum number of full-time journalists, or a lower limit for the sales price, which other newspapers must meet, in order to be able to receive possible subsidies. The following weekly newspapers received press promotion funding:

Table 24 Press promotion for newspapers of the national minorities, 2019

Weekly newspaper	Publisher	Language	Funding 2019 in €
GLASNIK – Crikvene novine Zeljezanske biskupije	Eisenstadt Diocese, Croatian Section of the Pastoral Office St. Rochusstraße 21 7000 Eisenstadt	Croatian	7,292.50
Hrvatske Novine	Croatian Press Association Hotterweg 54 7000 Eisenstadt	Croatian	11,075.50
Nedelja – Slovene Church Journal of the Gurk Diocese	Pastoral Office of the Bishop Viktringer Ring 26 9020 Klagenfurt	Slovene	16,066.00
NOVICE	Slomedia – Slowenisches Medienzentrum GmbH 8.-Mai-Straße 47/3 9020 Klagenfurt	Slovene	16,803.80

Source: <https://www.rtr.at/de/ppf/Pressefoerderung>

3.9.5.2 Promotional funding for the national minorities by the Federal Chancellery for the media of the national minorities up to 2020

Prior to the introduction of the new financial approach concerning the media of the national minorities, which is shown above, all periodical media and print media received subsidies from the general budget of the Federal Chancellery for the promotional funding of the national minorities. This also included the five publications which have become the lead medium of a national minority, as of 2021. The following table summarises the funding from the budget of the Federal Chancellery for the national minorities for the specific print media and publications of the national minorities in the year 2019:

Table 25 Promotional funding for the print media of the national minorities, 2019

National minority	Association	Print medium	Funding in 2018 in €
National minority of the Roma	Cultural Association of Austrian Roma – Documentation and Information Centre	Romano Kipo	15,910
	Romano Centro – Association for Roma	Romano Centro	11,750

National minority	Association	Print medium	Funding in 2018 in €
	Roma-Service	dROMa	13,165
		Mri Nevi Mini Multi	3,887
	Adult Education Centre for the Burgenland Roma	Roma cajtung	4,000
Slovak national minority	Austro-Slovak Culture Association	Pohlady	15,000
Czech national minority	Minority Council of the Czech and Slovak Minority in Austria	Vídenské svobodné listy is published every other week	20,000
	Culture Club of the Czech and Slovak Population in Austria	Kulturní Klub	10,000
	Komenský School Association in Vienna	Videň dnes	6,500
		Yearbook	1,000
Hungarian national minority	"EUROPA"-Club	association yearbook	4,000
	ECONOMIC INTEREST GROUP OF THE HUNGARIAN POPULATION IN AUSTRIA	association yearbook	2,880
	Central Association of Hungarian Associations and Organisations in Austria	Bécsi Napló	10,000
	Hungarian Protestant Community A.B. in Austria	Másokért Együtt	4,500
	Association of Transsylvanian Hungarians in Austria	Erdélyi Szemmel (Transsylvanian Review)	1,000
	Club of Hungarian students and university graduates in Graz	Gráci Magyar Újság / newsletter	1,995
	Peter Bornemisza Society	Bécsi Posta	1,600
	Eisenstadt diocese – Vicariate for Hungarian issues	Kismartoni Hírmondó	500
	Association of Hungarian students and university graduates in Innsbruck	RIKKANCS	700
	Burgenland-Hungarian Culture Associationn	Őrvidéki hírek	5,500

National minority	Association	Print medium	Funding in 2018 in €
		Őrség / association newspaper	4,300
Croatian national minority	Croatian Press Association	Hrvatske Novine weekly newspaper	151,600
	Croatian Club of University Graduates	Novi Glas	8,300
	Croatian Culture Association in Burgenland	Glasilo	9,600
	Croatian Culture and Documentation Centre in Burgenland	Contributions in BVZ (Burgenland People's Newspaper)	12,180
	Eisenstadt Diocese – Croatian Section in the Pastoral Office	Glasnik Weekly newspaper	105,000
	Working Party of Croatian Municipal Politicians in Burgenland	Moje selo information bulletin	5,000
Slovene national minority	Community of Slovenes in Carinthia	Skupnost	17,000
	School newsletter Mladi rod	Mladi rod school newsletter	6,000
	SODALITAS Catholic Education Centre	programme magazine DIALOG	20,000
	Article VII Culture Association for Styria – Pavelhaus	Annual brochure "7"	9,700
	Slovene Culture Association Jepa – Basko jezero	Jepa association newsletter	3,000
	Association of the Friends of the Slovene Music School of the Federal Province of Carinthia	annual report	1,400
	Association of Slovene Authors in Austria	Rastje literature magazine	3,000
	Austrian National Minorities at SPÖ (Austrian Socialist Party)	"Living together – Sožitje"	1,500

National minority	Association	Print medium	Funding in 2018 in €
	Central Association of Slovene Organisations in Carinthia	NOVICE weekly newspaper	29,980

Source: Federal Chancellery, Department for National Minority Issues

3.10 Article 10

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

3.10.1 Legal situation

The Advisory Committee urges the authorities to ensure that the rights contained in Article 10 (2) of the Framework Convention are consistently implemented at local level on the basis of firm legal grounds and in line with targeted objectives enshrined in the constitution. Persons belonging to national minorities must have the opportunity to challenge the denial of the right to use one's language in official contacts through an effective legal remedy. (Margin note 51)

According to the arrangements concerning the use as official language according to § 13 (1) of the National Minorities Act, which has constitutional standing, the authorities and service

units listed in Annex 2 to the National Minorities Act must ensure that in contacts with these authorities and service units, the Croatian, Slovene or Hungarian language can be used as official language, in addition to the German language. In contacts with these authorities or service units, everybody can use the language of the national minority. However, nobody must escape or refuse to obey an official act that must be implemented immediately on account of its nature and purpose, ordered by an intervening staff member of such an authority or service unit, merely on the ground that the official act is performed in the language of the national minority.

In keeping with § 13 (3) of the National Minorities Act, staff members of entities other than the designated authorities and service unit may use the Croatian, Slovene or Hungarian language as official language in oral and written exchanges, pursuant to the provisions of the National Minorities Act, in addition to the German language if this renders the contact with persons easier. This is a specific protective provision for the national minorities. With this arrangement, one item in the Memorandum dated 26 April 2011 was also met.

Moreover, the additional use of the language of the national minority in general public announcements of municipalities is admissible, where the language of a national minority has been admitted as official language.

Annex 2 to the National Minorities Act lists all bilingual municipalities, district administrative corporations and local courts by name.

In addition, there are the following authorities and service units that were described in abstract terms:

- Other authorities and service units of the federal or regional administrative system located in the respective federal province,
 - where their circuit coincides in full or in part with the circuit of another authority that is listed by name (district administrative corporations or local courts),
 - authorities with responsibilities as appellate courts, whenever the official language was used or could have been used in the first-instance proceedings.
- Federal administrative authorities located in Vienna, where their circuit coincides in full or in part with the circuit of an authority that is listed by name (district governor or local court), but does not cover the entire federal territory.

In addition, there are a few special provisions such as for the military command in Burgenland, the military command in Carinthia or the Office of Weights and Measures in Graz.

According to § 23 of the National Minorities Act in combination with § 20d of the Salaries Act, staff members who are employed with an authority or a service unit listed in Annex 2 to the National Minorities Act are entitled to a monthly remuneration upon their application, if they have full command of the admitted language of a national minority, as defined in § 1 (2) of the National Minorities Act, and actually use this language when implementing the National Minorities Act. So far, such remunerations have only been paid in the federal province of Carinthia.

In 2015, the Federal Government enacted an amendment of the Administrative Forms Regulation, Federal Law Gazette II No. 405/2015, as well as of the Service of Documents Regulation, Federal Law Gazette II No. 406/2015, which stipulate that administrative forms must also be issued in the languages of the national minorities. These forms are to be used in administrative proceedings that are conducted in the languages of the national minorities. This relates to forms under the General Administrative Procedures Act, the Administrative Penal Code and the Administrative Execution Act.

If the use of the official language is unjustly denied, the principle of a fair hearing in accordance with the law is regarded as having been violated. Concerning criminal proceedings, § 17 of the National Minorities Act stipulates expressly that it is a ground for the nullity of a decision, as stipulated in § 281 of the Code of Criminal Procedure, if the trial is not also conducted in the language of the national minority, contrary to § 15 of the National Minorities Act. A violation of § 15 of the National Minorities Act is also a ground for the nullity of administrative proceedings (reference to § 68 (4) 4 of the General Administrative Procedures Act).

3.10.2 Resorting to the official language

The possibility to use the language of a national minority before defined courts and administrative authorities has been safeguarded under constitutional law. If the competent official representatives themselves do not have sufficient command of the language of the national minority, a translator/interpreter must be called in and paid from official funds.

The possibility to use the language of the national minority in courts and before authorities is used to a varying degree. Most frequently, members of national minorities will resort to the use of the official language in oral exchanges with bilingual civil servants on the local level. In fact, there are municipalities where the majority of such conversations are conducted in the language of the national minority. However, the language of the national minority as official language is less frequent in written exchanges. There are many different reasons why the official language is used so little by members of the national minorities. Quite often, for example, there is uncertainty concerning the command of the written and legal language, which is necessary when used in contacts with authorities. Requesting the services of interpreters or obtaining written translations, for example from the Carinthian Office for the National Minority, requires an additional input of effort and time, which may keep many persons from using the language of the national minority in court or before an authority. It can be observed in Carinthia that the official language is being used increasingly by Slovene citizens.

The Programme of the Federal Government 2020–2024 comprises a commitment to making the languages of the national minorities more visible in the virtual space. With targeted promotional funding for the production of bilingual municipal websites, a first step has been taken since 2021 to make the Slovene language more visible in the virtual public space. This was an important incentive for the actual use of Slovene as an official language.

3.10.2.1 Judiciary

The annual reports on the use of the Slovene language as an official language from the circuit of the Higher Regional Court Graz are available for the mixed-language local courts at Bleiburg, Eisenkappel and Ferlach as well as the Regional Court Klagenfurt, including their handling of provisions of the National Minorities Act.

No reports are available on the use of the Burgenland-Croatian and the Hungarian language in Burgenland.

In the year 2020, there were no proceedings before the Regional Court Klagenfurt where Slovene was used as the official language. This correlates with the situation in earlier years.

The local courts listed below reported the following figures for the year 2019 (with the comparative figures for 2018 in the line below):

Table 26 Proceedings in the Slovene language in 2019 (compared to 2018)

Local court	Year	U	C	E	A	P, Fam	Tz	Nc, others	Total
Bleiburg/Pliberk	2019	2	4	1	1	12	0	1	21 =
	2018	2	7	2	0	10	0	0	21
Eisenkappel/Železna Kapla	2019	1	3	0	0	1	0	1	6 ↓
	2018	0	25	1	0	8	0	0	34
Ferlach/Borovlje	2019	3	4	0	1	3	1	0	12 ↓
	2018	0	10	2	1	6	1	1	21
Total	2019	6	11	1	2	16	1	2	39 ↓
	2018	2	42	5	1	24	1	1	76

U – criminal cases / C – civil cases / E – execution proceedings (also: S,...) / A – probate proceedings / P – guardianship proceedings / Fam – family-law proceedings / Tz – land register proceedings (also: NGB,...) / Nc – other civil legal matters

A comparison to the cases of the previous year shows that the number of proceedings has remained unchanged before the local court at Bleiberg/Pliberk; yet, there was a decrease in the proceedings before the local court Eisenkappel/Železna Kapla (-28 cases), and before the local court Ferlach/Borovlje (-9 cases). The total number of proceedings dropped considerably in comparison to 2019 (-37 cases); the number of proceedings decreased by almost one half.

In these altogether 39 proceedings in the circuit of the Higher Regional Court Graz, applications and lawsuits, for example, were filed in the Slovene language. Hearings and examinations of parties in proceedings were conducted in two languages either independently or with the intervention by interpreters for the Slovene language. Court decisions and judgments were drawn up in Slovene. Moreover, during office hours, information was also provided orally in the Slovene language.

During the period 1 January 2019 to 31 December 2019, forms were downloaded in a minority language in almost 15% of all cases (downloads in the minority languages: 2,840 concerning legal aid out of a total of 31,575 call-ups; 2,683 concerning default actions out of a total of 14,400 call-ups [excluding labour-law proceedings]; 1,656 concerning default

actions in labour-law cases out of a total of 2,763 call-ups; 2,284 concerning applications for execution out of a total of 14,611 call-ups).

It is mentioned for the sake of completeness that the European Court of Justice accepted the pleadings of the parties, drawn up both in German and Slovene, in the Austrian proceedings for a preliminary ruling, case C-33/17, Čepelnik, and used the names of the Austrian authorities and courts in both languages in the German version of the judgment.

In the justice sector, the following monthly remunerations have been paid out according to § 23 of the National Minorities Act, as at 1 July 2019:

- Regional Court Eisenstadt: 1 person
- Local Court Bleiburg/Eisenkappel: 3 persons
- Circuit of the Higher Regional Court Graz: 1 person (court bailiff)

3.10.2.2 Administrative authorities

3.10.2.2.1 Federal Ministry of Defence, enlistment system

The use of the minority languages is provided at the below service units/authorities of the military enlistment system:

- Slovene at the Military Command Carinthia and the Recruitment Commission Carinthia,
- Croatian at the Military Command Burgenland as well as the Recruitment Commissions Vienna and Styria,
- Hungarian at the Military Command Burgenland as well as the Recruitment Commissions Vienna and Styria.

Investigations conducted at the enlistment departments and recruitment commissions have shown that in the period 2013 to April 2019, there was not a single case where a national minority language was used as official language. In compliance with the legal requirement, one staff member who is fluent (written and spoken) in the Slovene, the Croatian and/or the Hungarian language must always be available on call during office hours (at the enlistment commissions only on the enlistment days in the relevant municipalities).

3.10.2.3 Ministry of Finance, financial administrative authorities

Tax returns and other forms

During the reporting period, the Ministry of Finance has further expanded its services in the languages of the national minorities. Numerous forms are now available in the languages of the national minorities.¹²⁰

The staff members of the finance department are offered a specific qualification which deals with the topic of intercultural competence. This is a course, which is offered every year, consisting of four three-day modules with the following content:

- Module 1: Basics of intercultural communication and discussion strategies
- Module 2: Diversity in providing advice
- Module 3: Managing diversity and different cultural backgrounds
- Module 4: Conflicts and conflict solving

3.10.2.4 Federal Ministry of Transport, Innovation and Technology

Since the introduction of the computer-assisted theoretical driving licence on 25 May 1998, it has become possible to take the theoretical part of the driving licence examination, among others, in the Croatian and Slovene languages. Prior to that date, it was possible to take the examination with the assistance of an interpreter.

3.10.2.5 Federal province of Carinthia

The federal province of Carinthia reported the following on the use of Slovene as an official language:

¹²⁰

https://service.bmf.gv.at/service/anwend/formulare/show_mast.asp?s=Einkommensteuer&Typ=SM&Styp=KAT

Table 27 Use of Slovene as an official language in 2019 (in comparison to 2018)

Office	Use as official language	2018 (number of Austrian citizens in brackets)	2019 (number of Austrian citizens in brackets)
Office of the National Minority (Office of the Carinthian Regional Government)	written translations	160 (33)	153 (39)
	interpreting jobs	27 (2)	25 (1)
	verbal translations	22 (0)	50 (0)
District administrative corporation Völkermarkt	translations	124 (19)	141 (19)
	interpreting jobs	15 (5)	9 (5)
	verbal services	-	14 (5)
Total		348 (59)	392 (69)

Most of the services provided in Slovene for the majority of the district administrative corporations (also for authorities and service units not listed in the National Minorities Act) are managed by the Office of the National Minority, set up with the Office of the Carinthian Regional Government. To the extent known, only the district administrative corporation Völkermarkt covers almost all of the translation and interpreting services with in-house staff. No figures are available for the other district administrative corporations.

The figures reported by the district administrative corporation Völkermarkt relate largely to information in connection with written cases and procedures before the authorities. Verbal transactions such as telephone calls, providing information, but also interpreting jobs and translations are not continuously counted and documented. The same applies to the other two bilingual district administrative corporations, where occasional verbal transactions are also conducted in Slovene, which are not recorded, though. As a result, precise case numbers can only be retrieved in certain areas such as, for example, the youth office of the branch office Ferlach of the district administrative corporation Klagenfurt-Land (environs). It indicated that nine cases were conducted in Slovene in 2017, five cases in 2018 and six cases in 2019.

The applications and transactions in Slovene fluctuate from year to year; a rising trend can be derived, though. However, it needs to be mentioned that the overwhelming share of the business cases in Slovene are those administrative penal proceedings and other matters of Slovene citizens which are processed in the course of European cooperation and/or administrative assistance.

11 regional civil servants receive a remuneration according to § 23 of the National Minorities Act in their respective service units and authorities.

In addition to using Slovene in procedures before authorities, Slovene is also used on printed materials of the federal province (e.g. Culture Week/Kulturni teden) and in media presentations. The website of the federal province of Carinthia can be partly accessed in two languages.

Moreover, the federal province of Carinthia and the Carinthian Administration Academy offer staff members of the regional and the municipal administration courses in Slovene (Slovene for beginners A1/1, Slovene advanced course A1/2, and Slovene A2).

Complaints in connection with Slovene as an official language before administrative authorities are followed up by the Office for the National Minority/Office of the Regional Government of Carinthia.

Numerous forms such as applications for the issuance of a passport, identity card, driving licence, residence registration, annual fishery card, hunting permit, criminal record certificates are available in Slovene in order to promote the use of Slovene as official language.¹²¹

In the year 2019, an article was published on the possibilities to use Slovene as official language in the newspaper of the Carinthian Association of Municipalities “Unsere Gemeinden” (Our Municipalities) (“Zukunftscode: Mehrsprachigkeit in der Verwaltung” [Code for the Future: Multilingualism in the Administration], nos. 3-4/2019, page XVII).

3.10.2.5.1 Federal province of Burgenland

The federal province of Burgenland is making forceful efforts to take account immediately of requests to use a minority language as official language. So far no cases have become known to the authorities where the use of an official language was obstructed or made impossible. The data material of recent years shows that the use of minority languages as official language has remained relatively stable. Of course, there are differences among the municipalities. Here, too, it needs to be highlighted that great importance attaches to the

¹²¹ https://www.ktn.gv.at/Verwaltung/Amt-der-Kaerntner-Landesregierung/Abteilung-1/Volksgruppen_Menschenrechte/Formulare

use of the minority language as official language in oral official transactions. In some municipalities, for example, up to 80% of all (oral) enquiries and of the customer services (by telephone or during personal visits) are handled in the language of the national minority. Moreover, many municipalities also publish contributions in the minority language in their information leaflets. The Administration Academy of the federal province and/or Academy Burgenland offer language courses (beginners' courses and advanced courses) in Croatian and Hungarian to staff members of the regional and municipal entities.

3.11 Article 11

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

3.11.1 Topographical signs

The Advisory Committee calls on the authorities and on national minority representatives to demonstrate flexibility and openness towards dialogue with respect to bilingual topographical indications, in line with Article 11(3) of the Framework Convention. Persons belonging to national minorities must, in particular, have the opportunity to seek redress through an effective legal remedy. (Margin note 54)

With the amendment to the National Minorities Act in 2011, the municipalities where bilingual topographical signs are to be affixed were listed by name and enshrined on

constitutional level, so as to remove this issue from dispute and to attach to it a high level of enforceability. This was the prerequisite for settling the conflict over topographical signs in Carinthia, which had waged for years. Prior to this settlement, the historical compromise on municipal signposts was signed on 26 April 2011 with the “Memorandum concerning bilingual topographical signs” (please refer to the Fourth State Report for details). The core of the compromise was an exhaustive list of 164 municipalities, where it became compulsory to affix bilingual topographical signs (they were listed in the Annex to the Memorandum). It was also stated expressly that no so-called “opening clause” would be provided. However, the Memorandum stated, with a view to the autonomy of the municipalities, that it would continue to be admissible to put up further bilingual signposts as well as indications or signs of a topographical nature, if there is a decision by the municipal council to this effect.

With the foregoing in mind, the Constitutional Committee gave the following clarification when dealing with the amendment to the 2011 National Minorities Act in Parliament: “Bearing in mind the autonomy of municipalities, the Committee assumes that it will continue to be legally admissible to set up further bilingual signposts as well as indications or signs of a topographical nature, if the municipal council so decides.”

The following examples prove that municipalities avail themselves of this option in practical terms: the urban municipality of Bleiburg provided additional local municipalities, namely Weissenstein/Belšak, Lokowitzen/Lokovica, Schattenberg/Senčni kraj and Grablach/Grablje, with bilingual signposts on a voluntary basis, on the basis of a unanimous decision of the municipal council and in addition to the municipalities listed in the National Minorities Act. As a result, all 23 municipalities in the municipal district have been provided with bilingual signposts.

The municipal council of the municipality St. Jakob im Rosental decided on 23 July 2020 that all 22 villages (and not only those listed in National Minorities Act) are to be provided with bilingual signs. Please refer to item 14 b) of the municipal records.¹²²

On 24 July 2020, the municipal council of Sittersdorf decided to set up bilingual signs in the village of Sielach. Please refer to item 30 of the municipal records.¹²³

¹²² <https://www.st-jakob-rosental.gv.at/system/web/GetDocument.ashx?fileId=986066&cts=1610451883>

¹²³ https://www.sittersdorf.at/files/02_niederschrift_gr_sitzung_24072020_1.pdf

The municipal council of the urban municipality Klagenfurt am Wörthersee decided to change the name of a street at Lendorf and give it the name of a Carinthian Slovene, Rudolf Blüml, a former priest, deputy chairperson of Hermagoras and head of Caritas (Rudolf-Blüml-Weg), and it decided on 2 July 2019 on the name of the Fabjan-Hafner-Passage, honouring the author and literary scientist who died in 2016.

Moreover, the federal province of Carinthia has made use of the option to put up information signs, in the case of the welcome board for tourists on the top of Loibl mountain, where it placed a sign in four languages.

The preparation and digitalisation of maps with Slovene field names has already been finished in some municipalities such as, for example, Finkenstein, St. Margareten and Köttmannsdorf.

The arrangements for bilingual topographical indications on signposts do not create any individual rights. However, the “Dialogue Forum for the Development of the Bilingual Region”, which was set up in keeping with the Memorandum on bilingual topographical signs of 26 April 2011, monitors the implementation of the provisions and tries to find solutions in cases of conflict. Already at the first meeting of the Dialogue Forum on 21 December 2012, the regional governor reported under the agenda item “Signposts/Indications/Direction signs” that all signposts for which the federal province has responsibility were newly decreed and set up. At the meeting of the Dialogue Forum on 29 June 2016, the members suggested to conduct an evaluation of the implementation of the measures contained in the Memorandum as well as any possibly taken further measures. On this basis, the affected 24 municipalities were asked, among others, to communicate how many signposts and (pre-)direction signs had been put up by 26 April 2011, and how many had been put up by the municipality since that date. All 24 municipalities reported back that the Memorandum has been implemented with regard to the setting up of bilingual signposts.

Since the amendment of the Carinthian regional constitution, complaints concerning a possibly deficient implementation of the National Minorities Act within the competences of the federal province are highlighted when treating the report on Article 69a of the Carinthian regional constitution. When discussing the first report on the situation of the Slovene minority according to Article 69a of the Carinthian regional constitution, the responsible service units at the Office of the Carinthian Regional Government examined the comments received on the deficient implementation of the compromise on topographical

signs. In the case of four municipalities, seven complaints were submitted concerning insufficient indications. After clarifying the legal situation, the indications were affixed in conformity with the law, in keeping with § 12 of the National Minorities Act, Annex 1, and the road traffic regulations. It was stated in one case that the signpost had been placed in conformity with the law.¹²⁴

In Burgenland there are also bilingual indications in several municipalities, which go beyond the requirements under the law on the national minorities, for example at Güttenbach and Großwarasdorf.

3.11.2 Correct rendering of names in the languages of the national minorities

According to the statutory provisions, names have to be transferred faithfully concerning letters and characters to documents on civil status. This statutory arrangement has been supplemented by § 11 (5) of the 2014 Implementation Regulation for the Documents on Civil Status Act, to the extent that characters conforming to UTF 8 must be used. This is a technical standard which can be used in registers to show all letters and special characters in non-German languages. Since the introduction of the Central Register on the Civil Status of Persons and the Central Citizenship Register on 1 November 2014, there has been an adequate and uniform implementation in the registers. The Central Residence Register, the Central Weapons Register and the Identity Documents Register support the notation of names of persons belonging to specific national minorities.

In the Land Register and the Companies Register the presentation of diacritical marks and thus the correct rendering of names in the languages of the national minorities has therefore been implemented.

¹²⁴ For more details, see the 2020 report on the situation of the Slovene minority in Carinthia, https://www.ktn.gv.at/DE/repos/files/ktn.gv.at/Abteilungen/Volksgruppenb%c3%bcro/Dateien/Art.69a%20-2020/2020_69a%20Bericht_de_web.pdf?exp=783412&fps=2104169c5f314a23537de095184d26f8f9ade3ac

3.12 Article 12

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

3.12.1 Dissemination of knowledge about the national minorities

On the premise that personal contacts and knowledge about others are best suited to prevent prejudices and to promote the relations between the national minorities, there are numerous initiatives which will be shown below, without any claim to completeness.

3.12.1.1 Exhibition Romane Thana in Vienna

From 12 February to 17 May 2015, the Wien Museum showed the exhibition “Romane Thana – Places of the Roma and Sinti”, which was very well received. The (then) Federal Ministry for Education and Women, Department for Political Education, sent out a decree on 21 January 2015 to all regional school councillors and the regional school council of Vienna in which it drew attention to this exhibition and recommended it as an introduction to the discussion of the past of the Roma and Sinti in the framework of political education. The exhibition was accompanied by a comprehensive programme of lectures, discussion rounds, concerts and a presentation of arts and crafts. This exhibition continues to be accessible online.¹²⁵ This exhibition was also used as a basis for the development of teaching materials.^{126 127}

¹²⁵ <http://www.romane-thana.at/rundgang.php>

¹²⁶ [Circular of the Federal Ministry of Education BMB-29.700/0008-IP/1/2016](#)

¹²⁷ <http://www.romane-thana.at/unterricht.php>

3.12.1.2 Exhibition “Tracking the Past”

On 10 April 2015, the photo exhibition, prepared by the KARIKA association and the Roma-Service association, on the history of the Roma during National-Socialist times was opened at the Higher Federal Teaching Institute at Oberwart. In 2017, this exhibition was also on display at the Federal Administration Academy at Laudon Castle in Vienna for nine weeks and served to sensitise staff members of the federal administration.

3.12.1.3 Memorial plaques for the Roma in Burgenland

Since the last State Report by the Republic of Austria, further memorial plaques have been set up for Roma who were Holocaust victims. In Burgenland, these memorial plaques were affixed in the municipalities of Jois, Holzschlag, Mörbisch, Buchschachen, Jabing, Sulzriegel, Kemeten and Ritzing (please refer also to item 3.6.2.2.3.). The main intention was to give some space to the Roma in Burgenland where their killed family members can be remembered. In addition, the plaques also inform the majority population about this chapter in history.

3.12.1.4 Travelling exhibition on the history of the minorities school system

A travelling exhibition “The Austrian Minorities School System – The History of Linguistic Diversity” has shown since 2017 what national minorities there are in Austria and what special rights they have. The exhibition was inaugurated at the bilingual grammar school at Oberwart¹²⁸ and has also been on display in Carinthia in the meantime.¹²⁹ Interested parties can ask for this exhibition¹³⁰ and it is also accessible online.¹³¹

3.12.1.5 Schlaining Conversations in Burgenland

In 2015, the “Schlaining Conversations” dealt with the topic “Roma and Sinti from 1938 to the Present Day”.

¹²⁸ <https://bimm.at/veranstaltungen/eroeffnung-der-wanderausstellung-das-oesterreichische-minderheitenschulwesen/>

¹²⁹ <https://www.ktn.gv.at/Service/News?nid=29600>

¹³⁰ <https://www.bmbwf.gv.at/Themen/schule/schulpraxis/ba/sprabi/minderheitenschulwesen.html>

¹³¹ <http://www.demokratiezentrum.org/ausstellungen/minderheiten/stationen.html>

3.12.1.6 Adult Education Centre of the Burgenland Roma¹³²

In addition to Romani language courses, there is a series of events on Roma culture, for example discussions with Holocaust survivors, readings from books by and about the Roma, memorial events, film showings, etc., which are addressed to the majority population.

3.12.1.7 Services by the Austrian Broadcasting Corporation

The material of the Austrian Broadcasting Corporation is not only directed at the members of the national minorities but also informs the majority population about the national minorities. The text messages at [orf.at/Volksgruppen](https://www.orf.at/Volksgruppen) should be highlighted, which frequently are also offered in German.¹³³ This also applies to the text messages available at “Ethno-Tipps”¹³⁴ and the television programme “Heimat, fremde Heimat” (Homeland, Foreign Homeland). Upon request, the TV-Thek also provides films in German about the national minorities.

3.12.1.8 Films about national minorities

Many of the films shown below were produced as ORF programmes. They can also be obtained via the media centre of the Ministry of Education:

- AME SAM ROMM. WIR SIND ROMA – Begegnungen mit einer Kultur (We are Roma. – Meeting a Culture)
Documentary about the national minority of the Roma. Film project of the grammar school GRG3 Hagenmüllergasse in Vienna; 2012; with the filming support of Inge and Herbert Link.
- DIE BURGENLÄNDISCHEN KROATEN (The Burgenland-Croats)
Documentary about the Croatian national minority¹³⁵. An ORF production, made by artkicks; 2013; presentation: Kerstin Paulik and Helmut Potutschnig

¹³² <https://www.vhs-roma.eu/>

¹³³ <https://volksgruppen.orf.at/>

¹³⁴ <https://volksgruppen.orf.at/diversitaet/ethnotipps/>

¹³⁵ <https://tvthek.orf.at/history/Kroatische-Volksgruppe/13557925/Die-burgenlaendischen-Kroaten/9333032>

- DIE WIENER TSCHECHEN (The Czech population of Vienna)
Documentary about the Czech national minority.¹³⁶ An ORF production, made by artkicks; 2011; presentation: Kerstin Paulik, Helmut Potutschnig
- GRAPA – DER GRABEN Zwei Volksgruppen – eine Geschichte (The Moat / Two national minorities – One history); film
For this film project, the Slovene minority and representatives of the majority population cooperated to cope with the past 100 years. By using the method of “participative re-enactments”, director Birgit-Sabine Sommer combines the narratives of contemporary witnesses told at original locations with original props used in filmed episodes; 2014
- DIE ÖSTERREICHISCHEN ROMA (The Roma in Austria)
Documentary about the national minority of the Roma¹³⁷; ORF production, produced by artkicks; 2014; directed by: Kerstin Paulik, Helmut Potutschnig
- DIE ÖSTERREICHISCHEN UNGARN (The Hungarians in Austria)
Documentary about the Hungarian national minority; ORF production, made by artkicks; 2017
- UNSER ÖSTERREICH: STEIERMARK – STAJERSKA Verbunden über alle Grenzen (Our Austria: Styria – Stajerska / Connected beyond all borders)¹³⁸
Documentary about the Slovene minority in Styria; “Universum History” documentary; 2017; directed by: Gernot Lercher; script: Gernot Lercher; producers: Dieter Pochlatko, Jakob Pochlatko
- 90 JAHRE – EINE ZEITREISE DURCH DAS BURGENLAND (90 Years – A Journey through Time in Burgenland)
Film portrait of Austria’s youngest federal province; 2011. Directed by: Peter Hackl, made by Marx Media GmbH
- UNSER ÖSTERREICH: KÄRNTEN – KOROŠKA Ein Jahrhundert unterm Mittagkogel (Our Austria: Carinthia – Koroška / A Century around Mittagkogel Mountain)¹³⁹
This film narrates the history of the Carinthian-Slovenian family Rössmann from Ledenitzen/Ledince covering four generations; 2016; directed by: Robert Schabus, Andrina Mračnikar; Graf Film

¹³⁶ <https://tvthek.orf.at/history/Tschechische-Volksgruppe/13557928/Die-Wiener-Tschechen/14002046>

¹³⁷ <https://tvthek.orf.at/profile/Archiv/7648449/Die-oesterreichischen-Roma/9333056/Die-oesterreichischen-Roma/9333057>

¹³⁸ <http://www.epofilm.com/de/movie/steiermarkstajerska-verbunden-ueber-alle-grenzen/>

¹³⁹ <https://www.graffilm.com/de/filme/15-universum-history-%E2%80%93-unsere-osterreich-k%C3%A4rnten-%E2%80%93-koro%C5%A1ka.html>

3.12.2 Curricula

The curriculum for primary schools uses very general language in connection with the topic of languages/national minorities. It reads as follows: “... Elementary schools serve a special social-education task, whenever they can facilitate intercultural learning, because children of German and non-German mother tongue are being taught together. In particular, intercultural learning will have to address the cultural heritage of a national minority, especially in those federal provinces where the members of a national minority and/or Austrian and foreign children are taught together.”¹⁴⁰

It is stated for the third and fourth year of primary school that language observation should, where possible, take place in the framework of such forms of teaching that make it possible to talk about language, and where children obtain insights into language structures by discovering, sorting and comparing.

The topic of human rights is embedded as teaching content in the compulsory subject “history and political education” in all school types as of the 8th grade. Since the 2016/17 school year, political education has to be taught as a compulsory module as of the 6th grade in the subject “history and social science”.¹⁴¹

The syllabus for the 8th grade sets the target “developing tolerance vis-à-vis minorities” for the subject “geography and economics”.

The syllabus for the teaching of modern foreign languages states as educational and teaching tasks: “By presenting intercultural topics, pupils are to be sensitised for the language diversity of Europe and the world, their receptiveness for the neighbouring languages – and vis-à-vis the languages of autochthonous minorities and labour migrants in their own country – is to be promoted and, altogether, their understanding for cultures and lifestyles is to be deepened.”

In recent years, Austria has expanded the availability of all-day schools. This is not only against the background that afternoon care is needed but also to give children with different backgrounds more opportunity to be in contact with one another, as well as to promote children with regard to languages. The comments on the amendments to the

¹⁴⁰ https://www.bmbwf.gv.at/dam/jcr:a7fc77ca-a1f4-4fea-88d3-527b29acc6e7/lp_vs_erster_teil_14043.pdf

¹⁴¹ [Circular BMBF-33.466/0056-I/6/2016](#)

syllabi which govern afternoon care, Federal Law Gazette II No. 174/2015 and Federal Law Gazette II No. 175/2015, read as follows (excerpt):

“Extensive language education as well as a sustainable language and reading culture are central tasks of schools and thus fixed components of the elements offered by all-day schools. Language education comprises sensitisation and promotion of the language competences of all pupils and includes multilingualism (languages of origin and foreign languages), the teaching language (mostly German, but also the minority languages, for example), with a view to the requirements of the educational language as well as German as a second language. On account of the importance of languages for all teaching and learning processes, methods shall be provided for the systematic build-up of language competences, both during the learning periods but also during leisure time. It is particularly necessary to use and promote all language learning experiences of pupils – both with regard to the teaching language but also concerning the languages of origin as well as multilingualism in general.”

3.12.3 Educational principles and additional teaching material

Since 1978, education in human rights has been an integral formal part of the school system via the educational principle of “political education”. In keeping with this principle, political education and education in human rights is a basic component of instruction in all subjects, on all school levels and in all school types. With the publication of a circular letter dated 22 June 2015, BMBF-33.466/0029-I/6/2015, a fundamental decree was issued on the educational principle of “political education”, which describes the objectives, the contents and the implementation methods for this educational principle.^{142 143}

The topics diversity and interculturalism are implemented on the basis of circular letter No. 29/2017 with the heading “Intercultural Education – Fundamental Decree 2017”.¹⁴⁴

¹⁴² Fundamental decree 2015 "educational principle of political education"

¹⁴³ https://www.bmbwf.gv.at/dam/jcr:bd222bd6-faca-4cf7-a0d3-9d9864d437ee/2015_12.pdf

¹⁴⁴ Decree on Intercultural Education

“Intercultural learning” and “political education” or “media education” are all so-called educational principles which apply to all schools and teaching subjects. This means that, in connection with these principles, specific issues relating to national minorities can be taken up in all subjects. In this context, teachers have ample leeway, also concerning the use of additional materials. The teachers can resort, among others, to the following resources:

3.12.3.1 Zentrum polis¹⁴⁵

Zentrum polis is a service institution for political education in schools. Topical political issues and aspects of education in human rights or education in European politics are the reference points. The website section “exchange of practical experience” features numerous suggestions for teaching and informs about further options via the newsletter and the social media. Zentrum polis supports teachers with the offered material, so that they can teach their pupils well-considered and (self-)reflective political awareness as well as thinking and acting on the basis of human rights.

3.12.3.2 Special information and educational material about the Roma

- www.romane-thana.at: The Ministry of Education commissioned the development of teaching materials¹⁴⁶ based on the exhibition “Romane Thana – Places of the Roma and Sinti” (beginning in 2015, contracted to Romano Centro). Since September 2016, the materials are accessible online at www.romane-thana.at. The project offers teachers numerous suggestions to address the issue in class, and it is meant to raise awareness for the century-long discrimination of Roma/Romnja and Sinti/Sintize as well as to contribute to the removal of prejudices. The teaching material was developed for use as of the 5th grade and can be used in many variants, especially in history classes and social sciences/political education, geography and economics, German and/or also in interdisciplinary form.
- Workshops: Five workshops were developed and can be conducted for pupils on the basis of the exhibition “Romane Thana – Places of the Roma and Sinti” and by also using the teaching material offered at www.romane-thana.at (2017-2018, contracted to Romano Centro): The objective of the workshops was to remove prejudices, to get an insight into the history and cultures of the Roma/Romnja and Sinti/Sintize, and

¹⁴⁵ <http://www.politik-lernen.at>

¹⁴⁶ <http://www.romane-thana.at>

concurrently to explain the background and interrelations, as well as to facilitate an in-depth study of the aforementioned contents.

- Information brochure “Roma in Austria. Emancipation of a national minority”¹⁴⁷, 2019: This brochure resulted from the redesign of the polis aktuell pamphlet “Social marginalisation: Focus on Roma in Austria” by Zentrum polis, the contracted party, in cooperation with representatives of the national minority of the Roma. It provides an introduction to the history of the national minority of the Roma in Austria – from their arrival in Austria to the National-Socialist extinction policy, to the recognition as a national minority and the assassination attempt at Oberwart. It can be used at schools for practical teaching.

3.12.3.3 Action Days Political Education

Every year, the Action Days Political Education are held at schools. In 2019¹⁴⁸, they focused, among others, on racism on the Internet. To this end, a national committee “No hate speech” compiled a package of materials for use in the classroom, which also consists of a wealth of printed materials, videos and manuals, in addition to an extensive list of workshops offered to young people as well as references to online platforms.

3.12.3.4 Holocaust Education Institute of the Ministry of Education _erinnern.at_¹⁴⁹

This institution focuses on the persecution history and the genocide during the National-Socialist era, including the Roma genocide. _erinnern.at_ offers a wealth of teaching materials and further-training events for teachers concerning educational work against anti-Semitism, racism and antiziganism. _erinnern.at_ developed the first Internet-based teaching material about the genocide of European Roma, which has become available in eleven languages in the meantime.¹⁵⁰

3.12.3.5 Democracy Centre¹⁵¹

The Democracy Centre Vienna deals with fundamental issues of political culture and the political system of Austria in a European context. In addition to providing handouts for

¹⁴⁷ [Roma in Austria – Emancipation of a national minority](#)

¹⁴⁸ [Action Days Political Education 2019](#)

¹⁴⁹ <http://www.erinnern.at/bundeslaender/oesterreich>

¹⁵⁰ <http://www.romasintigenocide.eu/de/home>

¹⁵¹ <http://www.demokratiezentrum.org/bildung/lernmodule.html>

teachers, specific scientific projects and events are organised. Among other things, the Democracy Centre prepared the aforementioned travelling exhibition about the minorities school system.¹⁵²

3.12.3.6 Media service of the Ministry of Education¹⁵³

Media on the recognised national minorities in Austria, which can be used for teaching, can be obtained from the media service of the Ministry of Education and via Educational Media TV.

3.12.3.7 Political lexicon for young persons¹⁵⁴

This teaching material covers a broad spectre of basic political information for children and young persons. It contains a separate contribution on the national minorities as well as links to further materials.¹⁵⁵

3.12.4 Textbooks and other teaching materials for the minorities school system

The range of textbooks and teaching materials in the languages of the national minorities is updated and expanded continuously. In this context, the associations of the national minorities and publishing houses close to the national minorities play an important role, because the publication of textbooks in Austria does not come under the competences of the authorities. The authority (Federal Ministry for Education, Science and Research) is merely responsible for approving the submitted teaching tools. In Austria, textbooks are free of charge for pupils and/or their parents. A certain amount of money (depending on school type and grade) is available for every pupil, which can be used to choose course books from the list of textbooks. Every pupil in the minority school system has an additional amount at his/her disposal for further books in the minority language.

¹⁵² [Democracy Centre – exhibition about the minorities school system](#)

¹⁵³ <https://www.bmbwf.gv.at/Themen/schule/schulpraxis/ugbm/medienservice.html>

¹⁵⁴ <http://www.politik-lexikon.at/impressum/>

¹⁵⁵ <http://www.politik-lexikon.at/volksgruppe/>

Moreover, the children's newspapers "Moj novi minimulti" (Croatian) and "Mladi rod" (Slovene), which are published with support from the promotional funding for the national minorities, are readily used in the minorities school system.

In the years 2017–2019, an amount of approximately € 600,000 was available from the Family Compensation Fund (FLAF) for textbooks in the minority languages.

3.12.5 Teacher training

The Advisory Committee calls on the authorities to ensure in close consultation with national minority representatives that the history and distinct cultures of their communities are suitably reflected in the curriculum and that pupils in all schools are made aware of the traditional diversity of Austrian society. Teachers and school staff must further be adequately trained to accommodate diversity in the classroom and to promote intercultural respect and understanding throughout the educational system. (Margin note 63)

Persons wishing to become teachers must first pass an admission procedure, which is independent of the school type. They then study four years for a bachelor degree and another one to one and a half years for a master degree. This is followed by one year of practical experience. The cooperation between the pedagogical universities is being strengthened so that individual lectures can be attended at the pedagogical universities and others at universities.

It is a general principle of training teachers that inclusive, intercultural, inter-religious and social competences as well as a diversity competence are among the skills that are expressly listed in the annex to § 74 (1) 4 of the University Act. These are to be acquired and/or further developed by all future teachers in the course of their teacher training studies. For these, the necessary content must be provided in the respective curricula.

In the course of the basic and further training of teachers, the prevention of discriminating contacts with the national minorities is embedded in the priority "interculturality" and the cross-specialist category "minorities". At the pedagogical universities, 834 events with 17,880 attendants were held on this subject during the 2016/17 study year, and in the study year 2017/18, there were 679 events with 13,873 attendants.

Every year, a federal seminar under the heading of "Interculturality and Multilingualism in School Practice" is held under the authority of the Ministry of Education, which is

coordinated by BIMM (Federal Centre for Interculturality, Migration and Multilingualism). The focus in 2019 was on “Reflecting on Culture when Learning”.¹⁵⁶

3.12.5.1 BIMM – Federal Centre for Interculturality, Migration and Multilingualism¹⁵⁷

BIMM is a network of the pedagogical universities, which can be joined by universities, post-secondary educational institutions, ministries, school supervising authorities, schools, nursery schools, NGOs, professional associations, language competence centres, religious communities, international cooperation partners, federal provinces, municipalities and other federal centres. Concerning content, BIMM deals with diversity, equal opportunities, languages, cultures and religions and the associated strategy questions for the education system on different levels. The following are special priorities:

- German as a second language
- Language-sensitive teaching
- Subject- and language-integrated learning
- Managing linguistic and cultural diversity in heterogeneous classes.

BIMM holds basic and further training events for teachers¹⁵⁸ and publishes specialised materials.

3.12.5.2 Ko.M.M. – Competence Point for Multilingualism and Migration¹⁵⁹

Ko.M.M. – Competence Point for Multilingualism and Migration – has been set up within the Pedagogical University Vienna. It specialises, among others,

- in developing high-quality teaching of the first language in the direction of practised multilingualism in the context of migration,
- in developing pedagogical approaches to action to prevent discriminating forms of communication and interaction in educational institutions.

¹⁵⁶ <https://bimm.at/ikm-seminar2019-2/?remote=x>

¹⁵⁷ <https://bimm.at/>

¹⁵⁸ <https://bimm.at/wp-content/uploads/2020/05/bundesseminaresprachlichebildung202021bimmuberblickohneidt.pdf>

¹⁵⁹ <https://komm.phwien.ac.at/>

The following courses at the Pedagogical University Vienna, which were designed and are supported by Ko.M.M., should be mentioned:

3.12.5.2.1 University course “Mother-tongue teaching: Teaching first languages in the context of migration”¹⁶⁰

During the 2012/13 study year, the Pedagogical University Vienna offered this training course for the first time. In the study year 2019/20, already the fifth training course was launched. The university course takes up two years, consists of six modules and earns students 30 ECTS credits. The training course pursues the further professionalisation of mother-tongue teaching as a goal, as well as optimum qualifications for the mother-tongue teachers throughout Austria.

3.12.5.2.2 Training course “Multilingualism – An area of activity on the elementary and primary level”¹⁶¹

A newly designed training course (15 ECTS) was launched at the Pedagogical University Vienna in the winter semester 2018/19, which lasts for two study years. The training course serves to further train teachers on the elementary and primary school level with a view to education in a migration society: supporting multilingual children in their self-perception, preparing learning settings for them, and preparing these children for transitions (“parental home” crèche/nursery school; nursery school-primary school) as well as accompanying them in an optimum fashion.

3.12.5.3 Austrian Centre of Language Competence¹⁶²

The Austrian Centre of Language Competence specialises in the learning and teaching of languages. It has been commissioned by the Ministry of Education. It supports teachers as well as institutions by

- preparing materials that can be used in the classroom and which are based on the latest research developments concerning the teaching and learning of languages

¹⁶⁰ <https://www.phwien.ac.at/86-paedagogische-hochschule-wien/nachlese/3582-5-hochschullehrgang-muttersprachlicher-unterricht-an-der-ph-wien>

¹⁶¹ <https://komm.phwien.ac.at/angebot/hamep/>

¹⁶² http://www.oesz.at/OESZNEU/main_01.php?page=015&open=13

- creating networks among the actors in education
- offering further and continuing training events
- organising innovative language initiatives and projects.

In connection with teacher training, one should highlight the project “Multilingualism in the Classroom – Challenge and Opportunity”: For this project, the content of “Curriculum Multilingualism” (Krumm/Reich 2011)^{163 164} was prepared for the training of teachers. In the years 2012 to 2014, a working group of representatives from the pedagogical universities in Austria developed a framework model for the training of all teachers for all subjects.¹⁶⁵ During the winter semester 2013, the framework model was conducted as a pilot project at the University of Vienna, and during the 2013/14 study year, it was a pilot project at the pedagogical universities Styria and Upper Austria. Ever since, it has been available to all Austrian pedagogical universities and universities. The framework model for language education for students becoming teachers in all subjects lasts two semesters and carries 6 ECTS (attendance phases, practice phases and self-study).

3.12.6 Teacher training for the minorities school system

The Advisory Committee calls on the authorities to extend the availability of specialised teacher training courses for the teaching and learning of minority languages to the preschool level in order to ensure that relevant education standards are set and consistently adhered to and monitored throughout compulsory education. (Margin note 62)

3.12.6.1 Carinthia

At the Pedagogical University Carinthia, an additional study course is offered in the Slovene language, in order to train teachers for the schools pursuant to the Minorities School Act for Carinthia, Federal Law Gazette No. 101/1959, and, accordingly, the respective additional facilities were set up for the pedagogical and practical studies. At the Pedagogical University Carinthia, students can acquire the teaching qualification for bilingual teaching at primary

¹⁶³ <http://oesz.at/download/cm/CurriculumMehrsprachigkeit2011.pdf>

¹⁶⁴ <http://oesz.at/download/Attachments/CM+English.pdf>

¹⁶⁵ http://oesz.at/OESZNEU/UPLOAD/Basiskompetenzen_sprachliche_Bildung_FINAL.pdf

schools¹⁶⁶ or for Slovene as the teaching language at compulsory schools/middle schools under the minorities school system.¹⁶⁷

The Pedagogical University Carinthia conducts ongoing accompanying research for the new curricula for the training of bilingual teachers as well as team teachers.¹⁶⁸

3.12.6.2 Burgenland

The Pedagogical University Burgenland takes account of the bilingual educational system by setting a priority in multilingualism with the bachelor course for teaching at the primary level as well as the university training courses for bilingual teaching at primary schools (Burgenland-Croatian, Hungarian) and the new middle schools (Hungarian).^{169 170} Since the 2017/18 study year, the Pedagogical University Burgenland has offered a training course for future teachers, to teach in Burgenland-Croatian/Croatian on the secondary level.

The Pedagogical University Burgenland regularly offers events on topics concerning the national minority of the Roma in Burgenland. Time and again, the Regional School Council for Burgenland also provides schools with information about new products developed by the Roma associations, about exhibitions as well as about the possibility to request speakers on topics relating to all national minorities.

Moreover, a language workshop has been set up at the Pedagogical University Burgenland, which is of great value for development and research concerning the languages of the national minorities. For example, teachers develop teaching materials for teaching in the languages of the national minorities. The responsible school supervising authority

¹⁶⁶ https://www.ph-kaernten.ac.at/fileadmin/media/mehrsprachigkeit/Lehrg%C3%A4nge/PHK_LH_ZU_Info_Zweisprachiger_UnterrichtanVS_20151008.pdf

¹⁶⁷ https://www.ph-kaernten.ac.at/fileadmin/media/mehrsprachigkeit/Lehrg%C3%A4nge/PHK_LG_SL_Info_Slowenisch_MinderheitenschulwesenNMS_2015-03-16.pdf

¹⁶⁸ <https://www.ph-kaernten.ac.at/forschung/forschungsprojekte/>

¹⁶⁹ <https://www.ph-burgenland.at/studium/hochschullehrgaenge/zweisprachiger-unterricht-deutschkroatisch/>

¹⁷⁰ <https://www.ph-burgenland.at/studium/hochschullehrgaenge/zweisprachiger-unterricht-deutschungarisch/>

accompanies this process, and the associations of the national minorities support it by reproducing the materials.

It is not possible to train to become a teacher for Romani. Although the Romani project of the University of Graz helped to codify and teach Burgenland-Romani (please refer to the Fourth State Report, page 98, for further details) and thus to create the essential prerequisites, no training course has been set up, in the absence of interested persons.

3.12.7 Teacher training at universities

All languages of the national minorities, except for Romani, can be studied at Austrian universities with the aim to become a teacher. For details please refer to item 3.14.4.

3.12.8 Nursery school teaching

The five-year training for elementary teachers continues to be offered on secondary level II (BAfEP – Federal Educational Institute for Elementary Teaching) and ends with a school-leaving and diploma examination. Moreover, it is also possible to obtain the diploma of a nursery-school teacher by attending a four-semester study course. An admission examination must be passed in either case. Elementary teachers are considered to be qualified for bilingual education and care at nursery-schools if they passed the school-leaving examination in the language of the national minority. The BAfEP in Klagenfurt offers Slovene as an optional subject¹⁷¹, the BAfEP at Oberwart Croatian and Hungarian¹⁷².

3.12.9 Equal access to education

The Advisory Committee calls on the authorities to increase their efforts to promote equal opportunities in access to education for Roma children at all levels, including by providing consistent learning support with the help of Roma school mediators and by ensuring that teachers are adequately trained and prepared to systematically prevent and combat all discriminatory attitudes. (Margin note 57)

Austria attaches major attention to integrating all children into the school system in the best possible manner. It is recognised that good education is the basis for integration into society

¹⁷¹ <https://www.bafep-ktn.at/schule/bhs/>

¹⁷² http://www.bakip-oberwart.at/downloads/Studentafel_BAfEP.pdf

and offers job opportunities. Major efforts are therefore undertaken on various levels in order to make it possible for Roma children to obtain a good school education and thus a positive start into working life, as well as to prevent them from dropping out of school/education prematurely. Education is seen as the decisive key to social and economic inclusion for the Roma and thus constitutes a priority in Austria's Roma strategy. Moreover, in addition to mainstreaming measures (such as a compulsory nursery-school year at no costs, expansion of the all-day school types, better monitoring of the school entry phase and the transition phases in education), which can be assumed to also benefit Roma children, there are also measures that are specifically directed at the Roma as a target group.

The results of a study from the year 2014 on the educational and training situation of the Roma in Austria show that the Roma have a lower formal educational level in comparison to the overall population. The study data also show a lower rate of nursery-school attendance, a higher rate of pre-school attendance as well as a higher share of early school-leavers among the interviewed Roma and Romnja. Among the autochthonous Roma, an increase in the educational level can be observed over several generations. The study results also indicate that Romnja have a higher formal educational level, and that there is, in particular, a higher share of Romnja who complete secondary schools. The share of Roma and Romnja with vocational training and qualifying diplomas is on a steady increase. A characteristic feature is a high level of bilingualism and multilingualism. The general conclusion is that educational achievements in Austria continue to depend strongly on the socio-economic background. The drop-out rate of pupils with a migration background is more than three times as high as that for pupils without a migration background.

The strategy for continuing the inclusion of the Roma in Austria therefore determined the following educational targets:

- to increase equal opportunities and gender equality
- to make more use of early childhood educational institutions
- to raise the educational level of disadvantaged groups
- to reduce early school-leaving and drop-out rates.

The following measures have been planned to reach the aforementioned objectives:

- to offer compulsory early childhood education during the final year of nursery school
- to expand language development

- to improve the entry phase to school attendance
- to expand the cooperation between nursery schools and primary schools
- to expand all-day school forms
- to expand inclusive model regions
- to offer learning assistance programmes
- to deploy Roma school mediators
- to offer bilingual teaching in Burgenland as well as mother-tongue teaching
- to expand vocational guidance and educational counselling
- to make available options in the field of adult education
- to involve representatives of Roma civil society in the work of the forum on the minorities school system.

3.12.9.1 Compulsory year of nursery-school attendance and early linguistic assistance

Nursery-schools are the first educational institution in the life of a child. In the year 2009, Austria took an important step in the direction of fair educational opportunities for all children – irrespective of their socio-economic or ethnic origin – when the federal and regional entities entered into an agreement pursuant to Article 15a of the Federal Constitution Act:

- During the final year before the transition to school, children are obliged to attend a suitable institutional childcare institution at a minimum volume of 16 to 20 hours on a minimum of four days per week
- This half-day attendance with a volume of 20 hours per week is free of charge, so as to further reduce the financial burden on families
- Making the admission to primary school easier by means of a transition management, and increasing the educational opportunities of children for their further educational and working life, independent of their socio-economic and cultural origin
- Needs-based creation of all-day and all-year facilities at locations with appropriate elementary educational institutions, taking account of the Barcelona Objectives of the European Union.

In Vienna, nursery-school attendance is free of charge for all age groups.

3.12.9.2 Learning assistance for Roma children in Burgenland

As part of the strategy for continuing the inclusion of the Roma in Austria, special attention was paid to measures supporting the completion of an educational path. In the Austrian educational system, learning processes are optimised by providing special support. This includes, in particular, teaching in Romani or promoting Roma institutions which, for example, accompany and support the development of children at school, as well as in the area of earlier language support, nursery-school teaching or also afternoon or all-day care.

Concerning the autochthonous minority of the Roma, these efforts have shown success in Austria. While in the 1980s, many Roma children still attended special needs schools, and also in the mid-1990s, the share of children from Roma families at special needs schools was higher than the general average, it has been possible in the meantime to lower this share to a level comparable to that of the general average. The teaching assistance provided by the Roma-Service association at Oberwart is of decisive importance in this connection. Moreover, the Roma-Service association also supports Roma in scattered settlements, which it reaches with its ROMbus.

3.12.9.3 Learning assistance for Roma children in Vienna

There are different institutions in Vienna which promote the school path of Roma children by providing learning assistance. The intention is to guide children and young people so that they can better understand the study material as well as to teach them working and learning techniques.

3.12.9.3.1 Learning assistance project by Romano Centro

The Romano Centro association has the longest record of providing learning assistance (1995). Its learning support project is funded mainly from the budget of the Federal Chancellery for promoting the national minorities as well as the education ministry. The teaching assistants visit the Roma children at home and thus provide their learning assistance in a family atmosphere. This also strengthens the contact and the exchange of information with the parents, last but not least with the goal of communicating a positive attitude towards schools and education. The learning assistance of Romano Centro is an integrative component of the services offered by Romano Centro, which also include school mediation and psycho-social counselling.

3.12.9.3.2 Learning assistance project of the Vienna Adult Education Centre

The following learning assistance project, which the City of Vienna finances, has a slightly different approach. Here, children are taken care of in courses (in groups):

Since the year 2005, MA 17 – the department of the Vienna municipality responsible for integration and diversity – together with the Roma associations has been developing learning assistance services for children as well as measures to support and inform the parents. Every learners' group is headed by a teacher (Rom/ni or non-Rom/ni) and by a Rom/Romni. The coordinators are parents or young adults and act als "role models". They have sufficient knowledge about the Austrian educational system and have developed a positive relation to it.

This project has been ongoing at different locations in Vienna since 2011, with Volkshochschule Wien GmbH as the responsible body, in cooperation with Roma associations.

Goals of learning assistance:

- to encourage and to ensure, on a sustainable basis, the success scored by children and young people at school, including and strengthening the multilingualism of pupils and students
- to support pupils at compulsory schools in their homework and other learning, playing and artistic activities
- to support children and young people in developing learning strategies, in coping with learning processes as well as strengthening their motivation for learning
- to work with parents so that family members become more involved in school activities.

Characteristics of learning assistance:

- Assistance is offered for all subjects at no cost
- for pupils on the primary but also on the secondary level.
- The learning assistance takes place twice per week during two hours in the afternoon.
- Group size – 10 persons minimum; 15 persons maximum
- Assistance by multilingual teachers for the relevant subjects and languages, who are all members of the Roma community

- The working languages are German and the family languages of the children and young persons (mainly Serbian and Romani).

In 2018, 14 learning groups with a total of 158 participants (88 girls, 97 boys) were offered and held at school locations/neighbourhood centres.

3.12.9.4 Roma school mediation

Since September 2000, the Romano Centro association has engaged Roma school mediators (they were called Roma school assistants up to the 2011/2012 school year), who work at selected schools in Vienna, which are attended by many Roma children. So far, the project was mainly financed with funding from the Federal Ministry of Education, Science and Research as well as from promotional funding for integration of the Federal Ministry for Europe, Integration and Foreign Affairs. The task of the Roma school mediators is to mediate between teachers, pupils and parents. They motivate and accompany the children in class and support them during learning, they help the teachers to understand the cultural background and the life situation of the children as well as to help parents to take a positive approach towards schools, so that they can support their children. Since they belong to the national minority of the Roma and have mother-tongue language skills (in Romani, Serbian, Romanian), the school mediators have an identity-creating function for the children and are available to parents as persons of trust – with understanding for the cultural background. Moreover, the school mediators provide support when additional learning materials and meaningful leisure-time activities are offered. They contribute towards increasing the awareness of parents for education, towards knowledge transfer concerning the Austrian school system and the options for support as well towards reducing prejudices vis-à-vis Roma at schools. One further, very important aspect is to reduce the absentee rates of pupils from classes, because the work of school mediators contributes towards identifying the reasons for staying away from classes at school and counteracting them at an early stage.

At present, four Roma school mediators work at eight schools in six districts of Vienna, and they take care of about 250 children.

3.12.9.5 Mother-tongue teaching (Vienna)

During the 2017/18 school year, a total of 172 pupils obtained mother-tongue teaching in the Romani language. The classes were held as integrative classes, which means that they

were held together with the teacher leading the class. In addition to Romani, the Romani teachers are often also fluent in and use other languages spoken by the Roma children. The Education Directorate Vienna was able to raise the number of Romani mother-tongue teachers for the 2019/20 school year, so that four teachers are currently available for the compulsory schools.

3.13 Article 13

- (1) Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
- (2) The exercise of this right shall not entail any financial obligation for the Parties.

3.13.1 Komenský School Association

The schools of the Komenský School Association are the core element of the work for the Czech minority in Vienna. In addition, it is also important for the Slovak minority, as Slovak is also being taught there. Moreover, the first Hungarian nursery-school group has been set up on the premises of the Komenský School Association.

At present, about 550 pupils attend these schools.

The Komenský School Association provides consistent education in the Czech and Slovak languages from nursery school up to the school-leaving examination. For about 15 years, the school-leaving examination has been held again every year. In the meantime, six teachers started working at the schools of the Komenský School Association who, in turn, graduated there. Innovative pedagogical approaches are followed: it has proved to be effective to alphabetise the children in their best language (Czech, Slovak or German) and to add the respectively other language at a later stage.

Furthermore, the school association cooperates closely with various other organisations of the national minorities, for example with the theatre association Vlastenecka concerning activities with and for young people, or the Sokol sports clubs.

The Komenský School Association is the entity behind this private bilingual educational institution with public-law status. It receives substantial grants from the budget, as the teachers are paid from public funds. In addition, the school association is supported with funding from the budget of the Federal Chancellery for the national minorities, particularly for its overhead expenses, but also for the staff costs incurred for the after-school care in the Czech and Slovak languages. Furthermore, the overall refurbishment of the school buildings was subsidised by the Ministry of Education, the City of Vienna and the Federal Chancellery.

3.13.2 Language learning offered by other national minority organisations

In the meantime, three organisations in Vienna have begun to offer courses for children to learn the Hungarian language. They all receive considerable funding from the budget for the national minorities:

- Central Organisation of Hungarian Associations and Organisations in Austria
- Hungarian School Association
- Amaped – Association for Hungarian Teachers in Austria.

In this context, it also needs to be mentioned that language coaching in Hungarian for children and young people is also promoted in areas outside the autochthonous settlement areas of Vienna and Burgenland (e.g. the so-called “Hungarian Weekend School” in Linz).

For the 2019/20 school year, efforts were successful to set up a bilingual Hungarian primary school class. The class is being continued this year¹⁷³; a new first grade in Hungarian could be launched in the 2020/21 school year.

Moreover, there are language courses for Croatian, which the Burgenland-Croatian Cultural Association organises in Vienna as well as courses for the Slovak language, which are offered by the Slovak School Association SOVA, in addition to courses for Slovene, which the Club of Slovene Students in Vienna organises.

The Advisory Committee encourages the authorities to pursue the amendment of the Private School Act in order to address the long-standing question of access to education for

¹⁷³ <https://schulgasse.schule.wien.at/klassen/2c/>

persons belonging to national minorities who live outside Burgenland and Carinthia. (Margin note 66)

In this context, it is reported that, at present, there are no plans to amend the Private School Act in the suggested direction.

3.14 Article 14

- (1) The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
- (2) In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
- (3) Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

3.14.1 Bilingual nursery schools

The current Programme of the Federal Government provides for negotiations with the federal provinces as well as the municipalities, with the goal of jointly making available the necessary effect-oriented funding (quality assurance in the educational group) so that the construction, maintenance and promotion of bilingual and multilingual nursery schools for the national minorities as well as other early-childhood care services are ensured.

3.14.1.1 Bilingual nursery schools in Vienna

In Vienna, the Komenský School Association offers bilingual nursery-school education to children of the Czech, the Slovak and the Hungarian minority. The City of Vienna refunds the major part of the costs. The parents must only pay for meals as well as any additional services.

3.14.1.2 Bilingual nursery schools in Carinthia

In Carinthia, there are private bilingual nursery schools, on the one hand, and bilingual groups in municipal nursery schools, on the other hand. Overall, the bilingual territory is largely covered.

It can be reported that, in keeping with a decision of the Dialogue Forum dated 17 October 2018, the governor of the federal province of Carinthia set up a working group within the department of the regional government responsible for nursery schools, which has the remit, first of all, to take stock of the current situation, and subsequently especially of the quality assurance concerning bilingualism at nursery schools. The working group deals, among others, with the basic and further training of bilingual elementary teachers at the Institute for Education and Advice – Carinthian Childcare Association. In the process of bringing professionalism to language teaching by bilingual elementary teachers, by dealing conscientiously with linguistic input, the federal province of Carinthia and the Alpe Adria University in Klagenfurt are currently conducting a research cooperation project. The introduction of a language teaching concept for all bilingual elementary child education and childcare institutions for children at the ages from 0 to 6 years is currently also under discussion. This is a proven set of tools which offers elementary teachers clarity when promoting the language skills of children in both languages. It shows to parents and organisations which goals are pursued in elementary child education and childcare institutions as well as in non-institutionalised care provided by childminders. The working group also discusses the creation of new facilities for children below the age of three, where both German and Slovene can be offered as languages. The Dialogue Forum deals with the results of the working group on a regular basis.

3.14.1.2.1 Bilingual private nursery schools in Carinthia and the Nursery School Fund

At present, ten private bilingual nursery schools in Carinthia receive funding from the Carinthian Nursery School Fund, in addition to the regular subsidies from the regional promotional funding for nursery schools. The fund was set up by the Carinthian Nursery School Fund Act, Regional Law Gazette No. 74/2001, which entered into force on 1 October 2001, in order to refund any deficit (loss) to the entities operating private bilingual nursery schools.

The objective of the Carinthian Nursery School Fund Act is to promote private bilingual or multilingual nursery schools in the settlement area of the Slovene minority in Carinthia. The financing granted by the federal province of Carinthia created the incentive to set up

bilingual nursery schools, on the one hand, while, on the other hand, the clear guidelines in the law concerning quality assurance can be regarded as exemplary. There are provisions concerning the special employment requirements for elementary teachers for bilingual care (see § 6 of the aforementioned law) and the implementation of a language teaching concept (see § 7 of the aforementioned law). The linguistic and teaching work on the basis of the language teaching concept is accompanied scientifically and evaluated annually. In this connection, it is justified to speak of a high level of quality concerning bilingual infant pedagogics, and it is not by coincidence that the population finds these nursery schools very attractive.

Moreover, the private bilingual nursery schools in Carinthia offer another advantage, namely that the boundaries of municipalities do not limit the possibility for signing up children for nursery-school attendance, so that a child speaking Slovene can also attend the nursery school of the neighbouring municipality.

Table 28 Childcare institutions in Carinthia offering Slovene on account of the Carinthia Nursery School Fund Act promoting bilingual or multilingual nursery schools (private nursery schools)

Name of entity	Municipality	Groups	Children	Regional funding in 2019 in €	Funding from the fund in 2019 in €
Private nursery school Jaz in ti	Ferlach	3	76	90,186.98	129,560.00
Parish nursery school of the convent	St. Jakob im Rosenthal	2	46	66,234.32	80,970.00
Private nursery school Mavrica rainbow	Eberndorf	1	25	33,117.16	63,125.00
Private nursery school Naš otrok – Our child	Klagenfurt	2	36	66,234.32	66,350.00
Private nursery school Ringa Raja	Ledenitzen (Finkenstein)	1	25	33,117.16	63,125.00
Private nursery school Sonce	Klagenfurt	2	52	66,234.32	61,550.00

Name of entity	Municipality	Groups	Children	Regional funding in 2019 in €	Funding from the fund in 2019 in €
Private nursery school Minka	Schiefling	1	25	33,117.16	72,000.00
Private nursery school Pika	St. Primus (St. Kanzian)	1	27	33,117.16	62,705.00
Private nursery school Kecec	Völkermarkt	1	18	33,117.16	65,615.00
Private nursery school CreaVita Montessori	Klagenfurt	1	26	33,117.16	47,500.00
Total:		15	356	487,592.90	712,500.00

Source: Office of the Carinthian Regional Government

The table above shows that there are ten bilingual or multilingual private nursery schools in Carinthia, which take care of a total of 356 children. For these childcare services, they receive regional funding in the amount of € 487,592.90. In addition, they receive subsidies from the Nursery School Fund in the amount of € 712,500.

3.14.1.2.2 Bilingual public childcare facilities in Carinthia

Table 29 Childcare facilities in Carinthia offering Slovene

Name of facility	Municipality	Groups	Children	Contribution by the federal province in 2019 in €
Parish nursery school Triangel	St. Leonhard/ Siebenbrunn	2	55	66,234.32
Municipal nursery school Feistritz i. Rosental	Feistritz i. Ros.	2	52	66,234.32
Municipal nursery school Ludmannsdorf	Ludmannsdorf	2	45	66,234.32
Municipal nursery school Bleiburg	Bleiburg	4	101	114,139.64
Municipal nursery school St. Michael	Feistritz ob Bleiburg	3	73	90,186.98

Name of facility	Municipality	Groups	Children	Contribution by the federal province in 2019 in €
Municipal nursery school Bad Eisenkappel	Bad Eisenkappel	3	48	90,186.98
Municipal nursery school Globasnitz	Globasnitz	2	43	66,234.32
Municipal nursery school Sittersdorf	Sittersdorf	2	42	66,234.32
Private daycare centre Jaz in ti	Ferlach	2	43	47,905.32
Private daycare centre Varstvo ABCČ	Klagenfurt	4	69	82,063.90
Private daycare centre Hermagoras	Klagenfurt	4	68	82,063.90
Daycare centre Feistritz ob Bleiburg	Feistritz ob Bleiburg	1	16	108,083.40
Municipal nursery school Ritzing	Völkermarkt	3	68	90,186.98
Daycare centre Bleiburg	Bleiburg	1	20	110,349.09
Municipal nursery school Zell/Sele	Zell	1	29	33,117.16
Municipal nursery school Neuhaus	Neuhaus	1	16	33,117.16
Private nursery school St. Egyden	St. Egyden	2	41	66,234.32
Total:		39	829	1,278,806.43

Source: Office of the Carinthian Regional Government

A total of 829 children are minded at these 17 childcare facilities (nursery schools and daycare centres). The federal province granted these entities subsidies in the amount of € 1,278,806.43. The shortfall must be covered by the funding organisations. As a rule, these are the municipalities.

3.14.1.2.3 Funding from the budget for the national minorities for bilingual childcare facilities in Carinthia

In 2019, the Federal Chancellery granted funding to the childcare facilities shown below, which also include a facility for toddlers (crèche) and daycare centres. The major part of this funding comes from the budget item “other grants (promotional funding for national minorities)”. This budget item is separate from the “grants under the National Minorities Act”, for which the national minorities’ advisory councils give their recommendations concerning grants.

Table 30 Promotional funding for the national minorities by the Federal Chancellery for bilingual childcare facilities, 2019

Subsidised facility	Funding under the National Minorities Act in €	Other grants in €	Intercultural funding	Total in €
Market community Eisenkappel-Vellach		20,000		20,000
Municipality Feistritz ob Bleiburg		20,000		20,000
Municipality Ludmannsdorf		20,000		20,000
Municipality Sittersdorf		15,800		15,800
Urban municipality Bleiburg		20,000		20,000
Market municipality Feistritz im Rosental		20,000		20,000
Municipality Globasnitz		20,000		20,000
Municipality Völkermarkt		20,000		20,000
Municipality Zell		20,000		20,000
ABCČ – Središče za obšolsko oskrbo/Care centre in support of schools – daycare centre, Klagenfurt	23,000			23,000
Bilingual nursery school Ferlach / Dvojezicni otroški vrtec Borovlje “Jaz in ti” – daycare centre	11,000			11,000
Mohorjeva družba v Celovcu / Hermagoras Association in Klagenfurt – daycare centre	22,000			22,000

Subsidised facility	Funding under the National Minorities Act in €	Other grants in €	Intercultural funding	Total in €
Parish nursery school St.Leonhard bei Siebenbrünn / Št.Lenart pri Sedmih studencih			6,000	6,000
Total	56,000	175,800	6,000	237,800

Source: Federal Chancellery, Department for National Minorities Issues

3.14.1.3 Bilingual nursery schools in Burgenland

Since 1 January 2009, the Burgenland Child Education and Care Act 2009, Regional Law Gazette No. 7/2009, in the version of Regional Law Gazette No. 70/2019, has been in force. According to § 7 (2) of the aforementioned law, the language of the national minority must be used for activities at a minimum of twelve hours per week and group in bilingual municipalities in Burgenland. The bilingual municipalities in this category are listed by name in the aforementioned law. In addition, the Croatian or the Hungarian language may also be used in non-autochthonous areas in Burgenland, next to the German language, if a minimum of 25% of the parents in these municipalities wish so.

The federal province provides a qualified teacher for the Croatian or Hungarian language, if the teacher in the municipal nursery school in question is only monolingual (German). The legal owner of the nursery school (municipality) must refund the costs for the qualified teacher to the federal province.

During the nursery school year 2018/2019, 2,356 children in 119 childcare groups in Burgenland received bilingual care.

3.14.2 The minorities school system

The Advisory Committee calls on the authorities to pursue their efforts towards promoting high-quality minority language teaching and learning, including through bilingual methodology, and to take all necessary measures to enhance access to minority language learning in particular at the upper secondary level. (Margin note 71)

The Advisory Committee calls on the authorities to maintain close dialogue with national minority representatives to ensure that their specific needs and concerns with respect to the conditions and quality of the teaching and learning of the national minority languages throughout Austria are adequately considered. (Margin note 72)

Austria makes every effort to maintain and expand the standard of bilingual teaching and learning in the minorities school system. Both, the Ministry of Education and the responsible departments in the education directorates in Eisenstadt and Klagenfurt, as well as the pedagogical universities responsible for teacher training are committed to this objective. The Ministry of Education regularly instructs working groups – in coordination with the responsible departments of the education directorates – to develop, perform and implement projects in the minorities school system. The development of the language portfolio for the primary level and secondary level 1 in the minority languages as well as the development of the competence profiles for Slovene in the 4th and 8th grades are further quality assurance measures. The pedagogical universities and the University of Klagenfurt are engaged in research in the field of multilingualism and didactics for multilingualism.

3.14.2.1 School supervision in the minorities school system

Both in Burgenland and in Carinthia, a separate department in the education directorate has been set up to supervise the schools of the minorities school system.

3.14.2.2 Forum Minorities School System

For several years, an annual institutionalised dialogue between the Ministry of Education, the regional school councils or (now) education directorates, and the representatives of the Croatian, the Slovene and the Hungarian minorities has been held in the framework of the Forum Minorities School System. This format developed from the process “strategy development for the minority school system”, which was presented in detail in the Fourth State Report.

In 2017, the Forum Minorities School System took place in Carinthia, following a welcome address by Governor Dr. Kaiser, and in the presence of the Executive President of the Regional School Board for Carinthia as well as the responsible department director in the Ministry of Education. The main points of attention were the development and implementation of the regional language portfolio (“Kajpataj” for Carinthia and “Klepeto” for Burgenland), the development of competence profiles in the minority languages, the

standardised school-leaving examination in the minority languages as well as the development of competence-oriented teaching materials in the minority languages. Reports were given on the 60-year anniversary of the Slovene grammar school in Klagenfurt and the 25-year anniversary of the bilingual grammar school at Oberwart, as well as the travelling exhibition (completed and presented in 2017) on the “minorities school system” and the establishment of a teacher training course for the secondary level for Burgenland-Croatian/Croatian at the Pedagogical University Eisenstadt.

In 2018, the Forum Minorities School System was held in Burgenland. Some 40 representatives of the minorities school system as well as experts from Vienna, Carinthia, Styria and Burgenland participated in the event and discussed current education- and language-policy developments as well as projects with special focus on the minorities school system.

The Education Forum 2019 in Vienna dealt with the issue of “Changes in Language Learning”.

3.14.2.3 Minorities school system in Carinthia^{174 175}

During the 2019/20 school year, there were 58 school sites within the territorial scope of application of the Minorities School Act for Carinthia, of which one was operated as a school branch. At 56 school sites within the territorial scope of application of the Minorities School Act, including one school branch, pupils signed up for bilingual learning. Outside the territorial scope of application of the Minorities School Act, there are two primary schools with bilingual teaching and learning according to the Minorities School Act. At two school sites, no pupils signed up for bilingual learning.

During the 2018/19 school year, there were 96 bilingual classes, 34 bilingual integrated classes and 96 monolingual classes within the territorial scope of application of the Minorities School Act for Carinthia. In so-called bilingual classes, all pupils signed up for bilingual learning. A teacher with additional bilingual qualification provides the teaching in all subjects.

¹⁷⁴ <https://www.bildung-ktn.gv.at/Minderheitenschulwesen/P-d.-Dienst---Abteilung-III---Minderheitenschulwesen.html>

¹⁷⁵ [Minorities school system in Carinthia, annual report 2018/19](#)

In the so-called integrated classes, the children who signed up for bilingual learning and the children who did not sign up for bilingual learning are taught jointly. A teacher with additional bilingual qualification provides the teaching in all subjects. In addition, a team teacher comes for 10 to 14 hours per week. While the bilingual teacher works in the Slovene language with the children who signed up for bilingual learning, the team teacher takes care of the group that did not sign up for bilingual learning in German.

In the so-called monolingual classes, there are no registrations for bilingual learning.

The table below shows the positive development of pupil numbers obtaining a bilingual education at primary schools. In the past three decades, the number of pupils who signed up for bilingual teaching within the territorial scope of application of the Minorities School Act has increased continuously.

Table 31 Registrations for bilingual teaching at primary schools – A comparison beginning with the 1959/60 school year

School year	Total number of primary school pupils	of these bilingual pupils	in %	Klagenfurt
1959/60	10325	1994	19.31	0
1979/80	7435	1065	14.32	0
1998/99	6108	1620	26.52	103
2005/06	5018	1819	36.25	165
2006/07	4818	1855	38.50	180
2007/08	4666	1892	40.55	187
2008/09	4506	1853	41.12	190
2009/10	4437	1831	41.27	185
2010/11	4385	1928	43.96	182
2011/12	4395	1975	44.93	166
2012/13	4451	1972	44.37	173
2013/14	4486	2000	44.58	183
2014/15	4535	2052	45.25	188

School year	Total number of primary school pupils	of these bilingual pupils	in %	Klagenfurt
2015/16	4462	2037	45.65	208
2016/17	4496	2053	45.66	228
2017/18	4501	2044	45.41	220
2018/19	4497	2031	45.16	207
2019/20	4475	2023	45.21	197

Source: Education Directorate for Carinthia

During the 2019/20 school year, a total of 4,475 pupils were taught within the territorial scope of application of the Minorities School Act. Of these, 2,023 signed up for bilingual learning. Outside of the territorial scope of application, pupils can obtain bilingual learning according to the Minorities School Act at two primary schools in the city of Klagenfurt. In the urban district of Klagenfurt, 197 pupils attended bilingual classes. 343 pupils attended the Slovene classes at 17 new middle schools, which results in a percentage of 12.08%.

These statistics clearly document the wish for forms of multilingual learning and education, including the minority language. Children with highly diverse language backgrounds attend the bilingual classes. Many do not have any prior knowledge of the minority language. The statutory special arrangement on class formation, especially the provision that there must not be more than 20 pupils in one class from the first to fourth grade (§ 16a of the Minorities School Act for Carinthia) is a factor that has a positive impact on the relative rise in registrations for bilingual learning on the primary level.

The table below is also of interest, on account of the longer time horizon, with regard to the Slovene language skills of the registered pupils in first grade since the 1980/81 school year:

Table 32 Slovene language skills of registered pupils in first grade, beginning with the 1980/81 school year:

School year	normal (%)	few (%)	none (%)	normal (N)	few (N)	none (N)
1980/81	43.05	25.69	31.25	124	74	90

School year	normal (%)	few (%)	none (%)	normal (N)	few (N)	none (N)
1990/91	31.03	20.48	48.49	103	68	161
2000/2001	25.15	19.80	55.05	127	100	278
2006/07	12.48	16.07	71.45	66	85	378
2007/08	15.22	15.92	68.86	88	92	398
2008/09	13.30	20.40	66.30	73	112	364
2009/10	14.28	12.85	72.85	80	72	408
2010/11	14.46	16.57	68.95	82	94	391
2011/12	15.33	11.83	72.83	92	71	437
2012/13	13.36	17.11	69.51	75	96	390
2013/14	15.31	18.97	65.72	92	114	395
2014/15	17.48	16.18	66.34	108	100	410
2015/16	15.14	22.40	62.46	96	142	396
2016/17	15.47	16.75	67.78	97	105	425

Source: Education Directorate for Carinthia

The differences in language skills are a major challenge for teaching. The teaching must be adjusted individually, so as to tune in with children at their respective level. The pedagogical universities therefore put great emphasis on communicating didactic methods for teaching heterogeneous pupil groups, in order to prepare the teachers in the best possible manner for this situation.

As a matter of principle, bilingual teaching is provided in line with the valid curricula. The implementation of the curriculum facilitates different variants for bilingual teaching. Several schools chose to spend more time in either one of the two languages (changing the teaching language every day or every week). Scientific studies and experience gathered by the school supervisors indicate that this method has a positive impact on acquiring skills in the minority language.

The table below gives a first overall impression about teaching and learning Slovene, broken down according to grade and form of teaching:

Table 33 Teaching and learning Slovene according to grade and form of teaching, 2018/19

School type	Grade	Bilingual teaching (German/Slovene)	Teaching language Slovene (BG/BRG f. Slowenenen*)	Alternative compulsory subject/ optional compulsory subject	Optional subject	Total per grade
Primary school	1	618				618
	2	553				553
	3	561				561
	4	506				506
New middle school, upper-level general secondary school	5		101	104	38	243
	6		91	92	32	215
	7		87	100	24	211
	8		94	76	19	189
Upper-level general secondary school, upper-level vocational secondary school	9	81	67	31	36	215
	10	76	61	121	19	277
	11	93	39	98	9	239
	12	69	49	30	33	181
	13	72		18	12	102
Total:		2629	589	670	222	4110

Source: Education Directorate for Carinthia

*) BG = grammar school, BRG = modern-language grammar school for Slovene pupils

The table shows that a total of 4,110 pupils were taught Slovene in some form (monolingual Slovene, bilingual, compulsory subject, optional subject) during the 2018/19 school year. Pupils in primary schools (2,283) continue to account for the largest share. In comparison to other forms of teaching, bilingual teaching clearly ranks first by a wide margin (2,629 of 4,110). At the Slovene grammar school (BG) / modern-language grammar school (BRG), Slovene is the language used for teaching.

The following table provides more detailed information about the distribution of registrations for bilingual teaching during the 2018/19 school year:

Table 34 Overview – Registrations for bilingual teaching, 2019/20

Grade	Scope of application	School type	Registrations
9 th to 12 th / 13 th grade	Schools within the scope of application of the Minorities School Act	Grammar School / Modern Language Grammar School for Slovene pupils	212
		Bilingual Federal Commercial College	252
		Higher Teaching Institute for Commercial Occupations + one- year Technical College for Commercial Occupations St. Peter	145
	Schools outside the scope of application of the Minorities School Act	upper-level general secondary schools	47
		upper-level vocational secondary schools	405
	5 th to 8 th grade	Schools within the scope of application of the Minorities School Act	Grammar School / Modern Language Grammar School for Slovene pupils
new middle schools			343
Schools outside the scope of application of the Minorities School Act		upper-level general secondary schools	131
		new middle schools	0
1 st to 4 th grade		Schools within the scope of application of the Minorities School Act	primary schools
	Schools outside the scope of application of the Minorities School Act	primary schools	197

Grade	Scope of application	School type	Registrations
Totals	Schools within the scope of application of the Minorities School Act		3,332
	Schools outside the scope of application of the Minorities School Act		780
	Total for Carinthia		4,112

Source: Education Directorate for Carinthia

The schools within the territorial scope of application of the Minorities School Act recorded 3,332 pupil registrations, those outside the Minorities School Act 780 pupil registrations.

The table below shows the development of Slovene teaching and learning at upper-level general secondary schools (Sek I and Sek II) and upper-level vocational secondary schools (Sek II) outside the territory of the Minorities School Act.

Table 35 Slovene learning at middle and upper-level schools in Carinthia with German as a teaching language – A comparison 2009–2019

School year	Upper-level general secondary schools		Middle & upper-level vocational secondary schools	
	Number of schools	Number of registrations	Number of schools	Number of registrations
2009/10	12	235	10	490
2010/11	11	220	9	501
2011/12	9	186	9	432
2012/13	9	170	9	313
2013/14	9	200	9	435
2014/15	11	203	10	520
2015/16	10	198	5	373
2016/17	10	221	8	501
2017/18	11	No figures available	7	No figures available

School year	Upper-level general secondary schools		Middle & upper-level vocational secondary schools	
	Number of schools	Number of registrations	Number of schools	Number of registrations
2018/19	8	184	6	364

Source: Education Directorate for Carinthia

Table 36 Summary (2019/20 school year) – Pupils with Slovene teaching / bilingual teaching in Carinthia

Educational level	Percentage	Number of pupils
Primary level	53.99	2,220
Secondary level I	20.21	831
Secondary level II	25.80	1,061
Total		4,112

Source: Education Directorate for Carinthia

This table illustrates that a large part of the pupils who attended bilingual classes at primary school did not continue their Slovene education on the secondary level. There are many reasons for this, for example, school stress.

According to the 2017 Education Reform Act, schools have more options in the framework of their school autonomy to organise classes at the school site. According to § 88 of the School Organisation Act, every school can now determine

- when an alternative compulsory subject is introduced at what minimum number
- what the minimum number of registrations should be for an optional subject or an optional exercise.

The Education Directorate took the following measures in order to counteract the break between bilingual teaching at primary level, and the number of pupils signed up for Slovene classes at secondary level I (please refer to the detailed report on the situation of the Slovene minority, pages 34 and following):

- Travelling exhibition “The Austrian Minorities School System – Language Diversity and History”
- Quality management across school types – directing pupil flows: With this new structure for the Education Directorate, the school supervisors perform their tasks across school types. With this change, the responsible school supervisor can exert some guidance on the school management of different school types in a municipality/region and initiate and implement further measures for quality development in the field of consistent language education at the transition points.
- Slovene classes at upper-level general schools in the Education Region West: The Education Directorate pushes for the set-up of a consistent eight-year education (four years of primary level, four years of secondary level I) at least at one site (at least in Villach). To this end, additionally, appropriated resources (“real hours”) are to be made available.
- Guidelines on consistent language learning for teachers: The process of acquiring language skills in two or more languages consistently is considerably promoted when coordinating the learning experiences in the education institutions. The guidelines will integrate the common features of the curricula of the educational institutions and give some insight into support for the transitions in connection with a consistent development of bilingualism.

An essential point in making Slovene learning attractive, also at schools of higher education, is the possibility to take the school-leaving examination in that language. The standardised, competence-oriented school-leaving and diploma examination (briefly referred to as “SRDP”) was held at all Austrian upper-level general secondary schools – and thus also at the Grammar School / Federal Modern-Language Grammar School for Slovene Pupils (BG/BRG Slowenen) – for the first time during the 2014/15 school year, and subsequently during the 2015/16 school year at all secondary schools throughout Austria.

The SRDP introduction led to more emphasis on competence-orientation, together with the relevant curricula, so that the results obtained with this type of school-leaving examination cannot be compared to those obtained with the previous examination. The school-leaving examination is now a centrally organised, standardised school-leaving examination which, at the same time, takes account of the specific features of the individual school types – at the BG/BRG for Slovene pupils the examinations are written in Slovene, the teaching language, and in German; the mathematics examination is available in Slovene and German. The school-leavers of this school therefore give proof of the special competences that are the characteristic feature of this institution of general education.

Bilingualism, or German and Slovene as teaching languages, is taken into account at the bilingual Federal Commercial College (BHAK) and at the Higher Teaching Institute for Commercial Occupations (HLW) St. Peter, for which an examination model was developed where the school-leavers use both teaching languages for their diploma paper, at the written examinations and the oral examinations, respectively, to tackle the tasks put before them. In this context, pupils can choose one option: If German is chosen for the written examination, the oral school-leaving examination must be taken in Slovene, and vice versa. In this model, too, the so-called competence in language mediation, in mediating between the languages, plays an important part, in that a text written in German must be presented in Slovene, and vice versa.

When Slovene is an alternative compulsory subject, the school-leaving and diploma examinations at the Alpe Adria Grammar School Völkermarkt and at the Federal Commercial College (BHAK) Völkermarkt, at the Commercial College (HAK) International, at the Upper-Level General Secondary School (AHS) for Employed Persons and at the Federal Institute for Elementary Teaching (BAfEP) are taken in written and oral form, or only orally for the school-leaving examination, respectively.

Table 37 Statistics on the standardised school-leaving and diploma examination (teaching language)

Secondary schools within the MSW *) scope	School-leavers until 2017/18 total	2015/16		2016/17		2017/18	
		Slovene written	Slovene oral	Slovene written	Slovene oral	Slovene written	Slovene oral
BG/BRG for Slovene pupils	2167	48	4	46	-	39	-

Secondary schools within the MSW *) scope	School-leavers until 2017/18 total	2015/16		2016/17		2017/18	
		Slovene written	Slovene oral	Slovene written	Slovene oral	Slovene written	Slovene oral
Bilingual Federal Commercial College	612	9	15	7	15	22	18
Higher Teaching Institute for Commercial Occupations St. Peter	485	10	-	11	-	17	-

Source: Education Directorate for Carinthia

*) MSW = minorities school system

When looking more closely at the above table on the standardised school-leaving and diploma examination, one can see that taking the written and oral school-leaving examination in Slovene recorded a slight rise in the 2017/18 school year, after a decrease in the 2016/17 school year. Particular significance attaches to the figures for the Federal Commercial College (BHAK).

The figures for Slovene as an examination subject (“modern foreign language”) at the school-leaving examination are shown in the table below:

Table 38 Diploma and school-leaving examination; Slovene as a modern foreign language at secondary schools

School	Subject	2015/16		2016/17		2017/18	
		written	oral	written	oral	written	oral
BG/BRG Völkermarkt	alternative compulsory subject (6 years)	4	2	4	4	7	3

School	Subject	2015/16		2016/17		2017/18	
		written	oral	written	oral	written	oral
HAK Völkermarkt	alternative compulsory subject (5 years)	7	3	5	2	8	1
BAfEP		18 (oral – optional subject)					
HAK International		12 (written/oral – 2 nd LFS *)					
Evening Grammar School Klagenfurt	external students	5 oral and written – 2 nd LFS, 4 years)					

Source: Education Directorate for Carinthia

*) LFS = technical school for agriculture and forestry

3.14.2.4 Minorities school system in Burgenland¹⁷⁶

At the school sites of bilingual schools in the autochthonous settlement area in Burgenland, nearly all children attend the bilingual, Croatian, or Hungarian classes, respectively. Outside the settlement area, the interest in Croatian and Hungarian classes is also on the rise. After the admission of Hungary to the EU, the interest in the Hungarian language increased rapidly. In recent years, though, the trend has turned downwards.

At compulsory schools, classes in the minority languages can be attended in all grades as optional exercise, optional subject, compulsory subject or as bilingual teaching. The following figures relate to the 2019/20 school year.

Table 39 Pupil numbers – Number of children learning Croatian, Hungarian or Romani in Burgenland. Summary for Burgenland for the 2019/20 school year. In brackets, the figures for the 2014/15 school year.

School type	Croatian	Hungarian	Romani
General compulsory schools (APS)	2,044 (1,703)	1,495 (2,058)	12 (0)

¹⁷⁶ <https://www.bildung-bgld.gv.at/schule-unterricht/minderheitenschulwesen/>

School type	Croatian	Hungarian	Romani
Upper-level general secondary schools (AHS)	316 (339)	178 (192)	0 (0)
Medium and upper-level vocational secondary schools (BMHS)	147 (126)	79 (201)	0 (0)
Training Institute for Elementary Teaching (BAfEP)	28 (29)	22 (5)	0 (0)
Total	2,535 (2,197)	1,774 (2,456)	12
Sum total	4,321 (4,653)		

Source: Education Directorate for Burgenland

The general overview above concerning the pupil numbers for Burgenland and the 2019/20 school year show that, in a five-year comparison, there is an increase in the number of pupils learning Croatian. By the same token, 12 pupils have been learning Romani since the 2019/20 school year. However, the number of pupils learning Hungarian is on the decrease.

The table below gives a general overview of the number of schools where Croatian, Hungarian or Romani is used for teaching. Accordingly, one of the three languages is taught at 88 of the 176 primary schools, which corresponds to one half of all primary schools in Burgenland.

Table 40 General overview – Number of schools

Schools	Burgenland	Croatian/Hungarian/Romani	%
Primary schools	176	88	50%
New middle schools (NMS)+ Polytechnical schools (PTS)	45	23	51%
Upper-level general secondary schools (AHS)	11	6	54%
Medium- and upper-level vocational secondary schools (BMHS) + Training Institute for Elementary Teaching (BAfEP)	19	9	47%

Source: Education Directorate for Burgenland

In addition to the number of schools, the number of pupils is of particular interest. More than one fourth of the pupils at primary schools in Burgenland are taught Croatian, Hungarian or Romani. Similar to the situation in Carinthia, the numbers in Burgenland also decrease, as pupils transfer to secondary schools.

Table 41 General overview for pupil numbers, break-down according to school types

Schools	Burgenland	Croatian/Hungarian/Romani	%
Primary schools	10,679	2,962	28%
New middle schools (NMS) + polytechnical schools (PTS)	7,271	589	8%
Upper-level general secondary schools (AHS)	6,041	494	8%
Medium- and upper-level vocational secondary schools (BMHS) + Training Institute for Elementary Teaching (BAfEP)	7,955	276	3%

Source: Education Directorate for Burgenland

Table 42 Total number of pupils compared to 1995/96

School year	Burgenland	Croatian/Hungarian/Romani	%
1995/96	22,841	1,882	8%
2019/20	18,234	3,551	19%

Source: Education Directorate for Burgenland

A longer-term comparison, as shown in the table above, indicates clearly that it was possible to more than double the number of pupils taking Croatian, Hungarian or Romani as a general compulsory subject. In absolute figures, this is an increase from 1,882 pupils in the 1995/96 school year to 3,551 pupils in the 2019/20 school year, and thus by 1,669 pupils.

The table below shows the number of teachers assigned to minority-language teaching.

Table 43 Number of teachers

Schools	Croatian	Hungarian	Romani
General compulsory schools (APS)	163	35	1
Upper-level general secondary schools (AHS) / Medium- and upper-level vocational secondary schools (BMHS) / Training Institute for Elementary Teaching (BAfEP)	20	11	0
Total	183	46	0

Source: Education Directorate for Burgenland

The general overview below shows once again the share of pupils attending Croatian or Hungarian classes, to which percentages have been added. As earlier, the relatively high number of pupils who learn Croatian or Hungarian at primary school must be highlighted. Here, too, the break between elementary and secondary school level is again quite obvious.

Table 44 Share of pupils with teaching in Croatian or Hungarian

Schools	Burgenland	Croatian (%)	Hungarian (%)
Primary schools	10,679	1,728 (16%)	1,226 (11.5%)
New middle schools (NMS) + polytechnical schools (PTS)	7,271	316 (4.3%)	269 (3.7%)
Upper-level general secondary schools (AHS)	6,041	316 (5.2%)	178 (2.9%)
Medium- and upper-level vocational secondary schools (BMHS) + Training Institute for Elementary Teaching (BAfEP)	7,955	147+28 (2.2%)	79+22 (1.3%)

Source: Education Directorate for Burgenland

Croatian is taught as a general compulsory subject at 23 primary schools in the autochthonous settlement area. In addition, there are five primary schools with bilingual classes or Croatian as a compulsory subject and, most recently, eleven primary schools where Croatian is taught as an optional exercise.

On the secondary school level, there is/are one bilingual new middle school (NMS), two new middle schools (NMS) with bilingual classes, and five new middle schools (NMS) with Croatian as a compulsory or optional subject, or optional exercise, respectively. In Burgenland, Croatian is the teaching language at one upper-level general secondary school (AHS). At three further upper-level general secondary schools (AHS), Croatian is taught as a modern foreign language. At six medium- and upper-level vocational secondary schools (BMHS) as well as at the Training Institute for Elementary Teaching (BAfEP), Croatian is being taught.

As far as Hungarian is concerned, there are two primary schools in the autochthonous settlement area, eleven primary schools with bilingual classes or Hungarian as a compulsory subject, as well as 55 primary schools where Hungarian is taught as an optional subject, or an optional exercise, respectively. At one new middle school (NMS), pupils are taught in two languages, in eight new middle schools (NMS) Hungarian is taught as a compulsory subject, and in eleven new middle schools (NMS) as an optional subject or optional exercise. Just like Croatian, Hungarian is the language used for teaching at one upper-level general secondary school (AHS), and it is offered as a modern foreign language at three schools. Similar to Croatian teaching, pupils learn the Hungarian language at seven medium- and upper-level vocational secondary schools (BMHS) and the Training Institute for Elementary Teaching (BAfEP).

The bilingual grammar school at Oberwart is of central importance, both for the Croatian and the Hungarian minority. The grammar school runs a Croatian and a Hungarian branch.

The rules that apply to the standardised school-leaving examination at the bilingual grammar school are the same as those for the standardised school-leaving examination in German.

The foregoing needs to be distinguished from the school-leaving examination in the minority language as “modern foreign language”. The following two tables show the number of pupils who take the school-leaving examination in Croatian or Hungarian at

upper-level general secondary schools (AHS), upper-level vocational secondary schools (BHS) and the Training Institute for Elementary Teaching (BAfEP).

Table 45 School-leavers from upper-level general secondary school (AHS) – Second modern foreign language between 2013/14 and 2017/18

School year	Croatian	written	oral	Hungarian	written	oral
2013/14	17	9	8	0	0	0
2014/15	28	14	14	0	0	0
2015/16	22	13	9	0	0	0
2016/17	19	9	10	3	0	3
2017/18	23	13	10	3	2	1

Source: Education Directorate for Burgenland

Table 46 School-leavers from upper-level vocational secondary schools (BHS) and the Training Institute for Elementary Teaching (BAfEP) between 2013/14 and 2017/18

School year	Croatian	written	oral	Hungarian	written	oral
2013/14	19	2	17	8	2	6
2014/15	11	3	8	14	5	9
2015/16	16	7	9	9	3	6
2016/17	15	7	8	3	1	2
2017/18	15	11	4	11	8	3

Source: Education Directorate for Burgenland

As far as the minority language Romani is concerned, information can be provided that it has been possible, after an interruption of several years, to introduce “Romani” as an optional exercise. During the 2019/20 school year, twelve pupils signed up for classes in Romani, i.e. at the primary school at Oberwart and the new middle school (NMS) at Oberwart.

3.14.2.5 Forum4Burgenland

On 11 April 2019, the “Forum4Burgenland” was set up. This platform is a joint initiative of the Pedagogical University Burgenland, the Education Directorate for Burgenland and of the national minorities living in Burgenland. Forum4Burgenland is oriented towards intensifying and institutionalising the already existing cooperation. The name Forum4Burgenland refers to the four languages spoken in Burgenland (German, Croatian, Hungarian, Romani). Two working meetings are held every year. Synergies are used for the production of textbooks, teaching materials and joint publications, as well as their evaluation in research projects as well as for subsidies and public events. One further objective is to achieve more visibility and perception of the minority languages.

To give an example, Forum4Burgenland dealt with the question of how the transition of children from nursery schools to the bilingual primary school can best be accompanied, or how the teachers can best manage the highly different language competences of the pupils in their bilingual teaching.

In February and March 2021, Forum4Burgenland organised a series of webinars with the title “Room4Language&Culture”, which dealt with the topic of multilingualism and digitalisation.¹⁷⁷ Several experts delivered impulse statements that were directed at school principals, (bilingual) teachers, parents as well as students and staff members of the Pedagogical University Burgenland.

3.14.3 Language teaching in the minority languages

3.14.3.1 Language teaching in the minority languages in Vienna

Mother-tongue teaching can be set up at different school types and in different formats, if there is sufficient demand. In practice, the overwhelming majority of mother-tongue teaching can be found in Vienna.¹⁷⁸

¹⁷⁷ <https://www.ph-burgenland.at/newsletter/2021/02/forum4burgenland/>

¹⁷⁸ <https://www.schule-mehrsprachig.at/muttersprache/service/statistik>

Table 47 Mother-tongue teaching in Vienna – General compulsory schools, 2017/18 school year

Languages	Pupils
Burgenland-Croatian	-
Romani	172
Slovak	-
Slovene	13
Czech	17
Hungarian	18

Source: Education Directorate for Vienna

It is gratifying to report that a separate bilingual (ascending) class (in Hungarian) was set up at a public school, beginning in the 2018/19 school year.

Please refer to the comments on Article 13 with regard to teaching and learning at the private Komenský schools in Vienna as well as the language learning programme of the national minority organisations.

3.14.3.2 Language learning in the minority languages in Styria

3.14.3.2.1 Slovene

As the possibilities for teaching and learning Slovene have been increased since the 2013/14 school year, teachers are available at compulsory schools for additional 20 hours per week in the Leibnitz district. As a result, it became possible to strongly increase the available options. The increased capacities are positively perceived, which finds expression in a growing number of pupils who learn Slovene. The following table provides information about the teaching of Slovene as a foreign language at the general compulsory schools:

Table 48 Slovene as a foreign language at general compulsory schools

Schools	2018/19 school year		2019/20 school year	
	Hours	Pupils	Hours	Pupils
School district Styria South-West	30	182	31	199
School district Styria South-East	11	76	9	93
Total	41	258	40	292

Source: Education Directorate for Styria

Slovene is taught as a foreign language at secondary schools such as the grammar school (BG)/modern language grammar school (BRG) Graz-Klusemannstraße (optional subject in the framework of the multiple-school course) or the federal modern-language grammar school (senior grades) (BORG) at Bad Radkersburg (alternative compulsory subject, 12 hours per week, spread out over 4 years). A total of 58 pupils attended these courses during the 2017/18 school year. At the BORG at Bad Radkersburg, it is also possible to take the school-leaving examination with Slovene as a subject.

During the 2017/18 school year, 23 pupils at general compulsory schools were given mother-tongue teaching in Slovene. These classes covered up to three hours per week and were offered at the new middle school (NMS) Graz St. Andrä.

Styrian schools and partner schools in Slovenia jointly organise various activities in order to foster the practical use of Slovene and the exchange of pupils. Primary schools and new middle schools, in particular, use these options and meet with Slovenian schools on different topics and projects such as, for example, communication, nature, or joint school parties or sports days.

3.14.3.2.2 Hungarian

During the 2017/18 school year, 119 pupils at general compulsory schools in Styria received mother-tongue teaching in Hungarian. Two different grammar schools in Graz offer multiple school courses with Hungarian as a mother tongue for the higher grades.

3.14.4 University studies in the minority languages

All minority languages, except Romani, can be studied at Austrian universities.

Table 49 Students at Austrian universities, languages of the autochthonous minorities, winter semester 2018

University	Regular studies	Started studies
University of Vienna	522	70
University of Graz	96	1
University of Innsbruck	106	23
University of Salzburg	174	43
University of Klagenfurt	114	13
Total	1,012	150

Source: Federal Ministry of Education, Science and Research / BMBWF

Table 50 Graduates at Austrian universities, languages of the autochthonous minorities, 2017/18 study year

University	Graduates
University of Vienna	45
University of Graz	5
University of Innsbruck	6
University of Salzburg	9
University of Klagenfurt	11
Total	76

Source: Federal Ministry of Education, Science and Research / BMBWF

Below is an overview showing which university offers which language/teacher training:

3.14.4.1 Bosnian/Croatian/Serbian and Burgenland-Croatian/Croatian

Bosnian/Croatian/Serbian are pooled together as Croatian and taught at the following universities:

- University of Vienna (Slavic studies)
- University of Graz (Bosnian/Croatian/Serbian)
- University of Innsbruck (Slavic studies)
- University of Klagenfurt (Slavic studies).

Teacher training courses for Bosnian/Croatian/Serbian can be attended at the following universities:

- University of Vienna
- University of Graz.

Moreover, the subject Burgenland-Croatian/Croatian can be studied at the Pedagogical University Burgenland since the 2017 winter semester.

3.14.4.2 Slovene

The Slovene language is taught at the following universities:

- University of Vienna (Slavic studies)
- University of Graz (Slovene)
- University of Klagenfurt (Slavic studies).

Teacher training courses for Slovene can be attended at the following universities:

- University of Vienna
- University of Graz
- University of Klagenfurt.

3.14.4.3 Hungarian

The Hungarian language can be studied at the University of Vienna, which also offers a teacher training course for Hungarian.

3.14.4.4 Czech

The Czech language is taught at the following universities:

- University of Vienna (Slavic studies)
- University of Salzburg (Slavic studies, and it can also be chosen as a focus when studying philology and literature and cultural studies).

A teacher training course for Czech is offered by the University of Vienna.

3.14.4.5 Slovak

The Slovak language can be studied at the University of Vienna, which also offers a teacher training course for Slovak.

The annexed table gives the number of students for the winter semester 2018 as well as a table showing the graduates for the 2017/18 study year in the languages of the autochthonous minorities.

3.15 Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

3.15.1 National minorities and involvement in politics

By a vast majority, Austria's national minorities use the legal structure of associations to organise. The by-laws define the specific purposes of the national minorities associations such as to preserve the national minorities, to foster the language and culture of the national minorities, or to engage in political lobbying for the national minorities. The representatives of the national minorities engage in regular exchanges with the political parties represented in Parliament.

There are regular contacts between high-ranking administrative and government representatives and representatives of the national minorities. For example, the minister in

the Federal Chancellery with responsibilities for matters concerning the national minorities met with the chairpersons of the national minorities' advisory councils, shortly after she assumed her office. Both in 2018 and 2019, her predecessors organised a reception for all members of the national minorities' advisory councils. In this connection, one example for the important exchanges between the representatives of the national minorities and the top regional bodies is the International National Minorities Congress in Carinthia. Every year, the governor of Carinthia attends this event. The Carinthian Dialogue Forum should also be mentioned, which is chaired by the governor of the federal province.

Members of the national minorities also succeed as candidates of political parties which do not explicitly consider themselves to be parties of the national minorities. On the municipal level, a considerable number of persons belonging to the national minorities are active as mayors or municipal counsellors.

Austria's election laws do not include any provisions favouring "national minority parties". In particular, there is no reduction for the minimum number of votes. "National minority parties" are not represented in legislative bodies on the federal or regional level. On the local level, the single list EL/Enotna lista¹⁷⁹ is quite successful and has provided numerous municipal counsellors to the municipal bodies in the bilingual region. Moreover, the mayors of Globasnitz and Eisenkappel belong to this list. Enotna lista defines itself as a political movement for the Slovene population in Carinthia, but also as a local party. It states that language policy, regional politics and neighbourhood policy are the priority issues.

Numerous members of national minorities hold offices in the public service.

The Advisory Committee calls on the authorities to establish appropriate mechanisms at local, regional and federal levels to promote institutionalised consultation and dialogue between representatives of national minorities and senior decision makers to ensure that their views and concerns are effectively taken into account. (Margin note 74)

A national minorities' advisory council has been set up for every national minority. They give advice to the Federal Government. In addition, members of national minorities hold offices in general representative bodies and positions in the public service. The national minorities set up private associations to organise themselves – they act as mouth-pieces

¹⁷⁹ <http://www.elnet.at/start/>

and organise educational and cultural services. The current government programme states that a working group will be set up, involving the representatives of the national minorities, to examine a modernisation of the representation of the national minorities.

3.15.1.1 National minorities' advisory councils

A national minority advisory council has been established at the Federal Chancellery for each of the six national minorities. On account of their expert knowledge, the members of the national minorities' advisory councils are the central contact persons for the public administration and, at the same time, they act as mouth-piece of their respective national minority. The national minorities' advisory councils are therefore the forum that enables the national minorities to actively advocate their interests, to submit the respective proposals and thus to exert an influence on the design of the economic, social, cultural and political situation of the population group which they represent.

The national minorities' advisory councils for the Slovene, Croatian, Hungarian and Czech minorities had been part of the original version of the Ordinance by the Federal Government on the National Minorities' Advisory Councils in the year 1977. The legal basis for setting up a national minority advisory council for the Slovak minority was adopted in 1992. At that time, the national minority advisory council for the Hungarian minority was enlarged. In 1993, preparations began to set up a national minority advisory council for the Roma. These councils actually were convened at very different points in time, as can be seen from the overview in the table below.

Table 51 National minorities' advisory councils

National minority advisory council for the	Legal basis (Ordinance of the Federal Government)	Date when the advisory council was convened	Number of advisory council members
Hungarian national minority	BGBI. *) No. 38/1977	12 July 1979	8
	BGBI. No. 425/1992	16 March 1993	16
Slovene national minority	BGBI. No. 38/1977	4 September 1989	16
Slovak national minority	BGBI. No. 425/1992	7 May 1993	6

National minority advisory council for the	Legal basis (Ordinance of the Federal Government)	Date when the advisory council was convened	Number of advisory council members
Croatian national minority	BGBl. No. 38/1977	3 August 1993	24
Czech national minority	BGBl. No. 38/1977	4 May 1994	10
National minority of the Roma	BGBl. No. 895/1993	5 September 1995	8

Source: Federal Chancellery, Department for National Minorities Matters

*) BGBl = Federal Law Gazette

The competences of the national minorities' advisory councils are by no means limited to submitting recommendations for promotional funding every year. The national minorities' advisory councils are appointed to advise the Federal Government, or the federal minister, respectively, in all questions affecting the interests of the national minorities. Moreover, they can submit proposals to improve the situation of the national minorities and their members. As a rule, every national minority advisory council meets twice per year and, if needed, more often.

The members of the national minorities' advisory councils also become involved outside of the meetings of the advisory councils, especially in connection with evaluation procedures, when the bills are communicated to the national minorities' advisory councils concerned, so that they can give their comments. In addition to formally seizing the national minorities' advisory councils, there are also informal contacts among the members of advisory councils, other representatives of the national minorities and the authorities, especially the Federal Chancellery and the offices of the regional governments.

The members of the national minorities' advisory councils are appointed by decision of the Federal Government – most recently in January 2018. The representative organisations of the national minorities have the right to challenge the decisions of the Federal Government. Time and again, the organisations of the national minorities have made use of this right. Once the members of a national minority advisory council have been appointed, they can only be recalled from office under specific circumstances, by decision of the Federal Chancellor or the responsible federal minister. The recall could also be challenged.

It is mandatory that one half of the advisory council members is appointed upon proposal by the representative organisations of the national minorities. The other half is made up of the so-called “political body” and the “church body”. The “political body” consists of persons who are members of a general representative entity (municipal council, regional parliament, National Council, Federal Council) and who were chosen with a view to their affiliation with the respective national minority or that they actually belong to the national minority. The “church body” consists of persons who, as members of the respective national minority, were proposed by a church or religious community. The advisory councils must be set up so that the main political and ideological views within the respective national minority are adequately represented. Only such persons can be appointed, where it can be expected that they will stand up for the interests of the national minority and the objectives of the National Minorities Act. Moreover, the Federal Government tries to take account of territorial aspects and to achieve a balanced appointment with regard to gender and age.

Only those advisory council members can be elected as chairpersons and deputy-chairpersons who are proposed by the representative organisations of the national minorities. The term of office of national minority advisory council members is four years.

3.15.1.2 Roma Dialogue Platform

The Roma Dialogue Platform was set up at the Federal Chancellery to institutionalise the dialogue between the administrative authorities, members of Roma civil society and other interested persons. Since 2012, a total of 28 Dialogue Platform meetings was held.

The 24th Dialogue Platform on 19 November 2019 was dedicated to the issue of “Empowering Roma Children and Young Persons”. The meeting dealt with Roma school mediation in Vienna, or learning assistance in Burgenland, as well as the topic of Roma activism. The platforms on 12 May and 17 June 2020 dealt with the culture of remembrance, especially the persecution of the Roma during the Third Reich.

The objectives of the Dialogue Platform are to put Roma-specific concerns on the administrative agenda as well as to promote cooperation and the exchange of experience. The EU Commission refers to this participatory format as a showcase model for a civil-society dialogue in the context of Roma inclusion. The regular presence of the

representatives of authorities responsible for Roma matters offers the possibility of a low-threshold access of Roma civil society to the relevant administrative entities.¹⁸⁰

3.15.1.3 Carinthian Dialogue Forum to develop the multilingual region

On 26 April 2011, the “Memorandum concerning bilingual topographical signs, the official language as well as measures for the cooperation with the Slovene-language minority” was signed. Among others, it became the basis for amending the National Minorities Act, Federal Law Gazette I No. 46/2011. Item 4 of this Memorandum defines the establishment of a dialogue forum on the level of the Carinthian regional government, to develop the mixed-language region.

The Dialogue Forum deals with all issues concerning the future as well as tasks that relate to the development of the Slovene national minority in Carinthia, and the life together of the people in the mixed-language region of Carinthia. It is meant to promote the neighbourly relations, especially with regard to cultural, social and economic aspects. On these matters, it can submit proposals, recommendations and comments to the authorities responsible for their implementation. The Forum shall meet once a year. The governor of Carinthia convenes the Dialogue Forum and chairs its deliberations. Internal rules define in detail the working methods of the Dialogue Forum. The matters relating to the Dialogue Forum are coordinated by the National Minority Office of the Carinthian Regional Government, which acts as the Forum’s office.

The Dialogue Forum is made up of one representative each of all political parties represented in the regional parliament, the members of the regional government, or a person nominated by them, respectively, one representative each of the Slovene organisations, one representative of Enotna Lista as well as six mayors (two each from the districts Völkermarkt and [Greater] Klagenfurt Land, one each from the districts Villach and Hermagor). Further experts can be called in by the Dialogue Forum, depending on the issues under discussion.

¹⁸⁰ <https://www.bundeskanzleramt.gv.at/themen/volksgruppen/roma-strategie/dialogplattform-roma-strategie.html>

So far, the Dialogue Forum has held twelve meetings, where the following topics were discussed, among others:¹⁸¹

- Implementation of the Memorandum with regard to the setting up of place-name signs, topographical signs, and signposts
- Music school issues; Slovene Music School/Glasbena šola
- Municipal online forms in Slovene
- The exhibition of the federal province planned for 2020 on the occasion of the 100-year anniversary of the referendum in Carinthia
- The European soccer championship of European minorities (“Europeada”) taking place in Carinthia in 2020
- The report which must be presented to the regional government every year in keeping with Article 69a of the Carinthian regional constitution on the situation of the Slovene minority in Carinthia
- Development and expansion of bilingual pre-school education (nursery schools, crèches)
- Resolution against the merger of bilingual courts to form larger court districts.

3.15.1.4 Discussion of the reports according to Article 69a of the Carinthian Regional Constitution in the Regional Parliament on the situation of the Slovene minority in Carinthia

The third report according to Article 69a of the Carinthian Regional Constitution was discussed at the Carinthian Regional Parliament on 23 July 2020 and adopted by majority vote (against the votes of the Austrian Freedom Party/FPÖ). Prior to that date, it had been discussed on 16 July 2020 in the responsible committee of the Regional Parliament, together with the representatives of all three Slovene representative organisations as informants (the same procedure was followed with the earlier reports in the years 2018 and 2019).

3.15.1.5 Forum Minorities School System

Please refer to item 3.14.2.2.

¹⁸¹ https://www.ktn.gv.at/Verwaltung/Amt-der-Kaerntner-Landesregierung/Abteilung-1/Volksgruppen_Menschenrechte/Volksgruppenb%C3%BCro/Dialogforum

3.15.1.6 Forum4Burgenland

Please refer to item 3.14.2.5.

3.15.2 Roma participation in socio-economic life

Austria has well developed social, health and education systems. It is assumed that measures in the field of education (for example, nursery schools at zero cost, more offers for afternoon care at schools or all-day schools; external training of apprentices; training obligation up to the age of 18¹⁸²), in the health sector (for example, orthodontic treatment at zero cost¹⁸³ and oral hygiene treatment for children and young persons; review of the mother-and-child pass to include additional examinations at no costs, among others eye and ear screens for children as well as dental and oral prophylaxis for pregnant women¹⁸⁴) and the social field (for example, access to municipal housing) will have a positive impact on groups that are disadvantaged in socio-economic terms, which include the Roma.

A wide range of counselling services, partly also in other languages, for example debt counselling¹⁸⁵, housing counselling¹⁸⁶¹⁸⁷, family counselling¹⁸⁸, help to provide needy persons with information and support.

Moreover, since 2013, a social worker employed by the Romano Centro association has been offering Roma-specific counselling with a focus on multiple discrimination, violence prevention and health aspects. This service is also funded with a subsidy from the promotional funding budget for the national minorities.

In addition, the RomBus project of the Roma Service association has been in operation since 2005. The “rolling classroom” makes it possible to provide intensive learning assistance and care, advice on educational matters as well as Romani teaching at Roma settlements.¹⁸⁹

¹⁸² <https://www.help.gv.at/Portal.Node/hlpd/public/content/11/Seite.1760190.html>

¹⁸³ <https://www.gesundheitskasse.at/cdscontent/?contentid=10007.837005>

¹⁸⁴ <https://www.gesundheit.gv.at/leben/eltern/mutter-kind-pass/mutter-kind-pass-untersuchungen>

¹⁸⁵ <https://www.schuldnerberatung-wien.at/anmeldung/index.html>

¹⁸⁶ <https://wohnberatung-wien.at/>

¹⁸⁷ <https://www.volkshilfe-wien.at/wohnungslosenhilfe/wohndrehscheibe/>

¹⁸⁸ <https://www.familienberatung.gv.at/beratungsstellen/information/einrichtung/1150-Wien-Familien-und-PartnerInnenberatung-Schwerpunkt-MigrantInnenberatung/>

¹⁸⁹ <http://www.roma-service.at/rombus.shtml>

3.15.2.1 Roma and employment

The Advisory Committee calls on the authorities to pursue their support for improving access to the labour market for persons belonging to national minorities, also including relevant vocational training for the Roma throughout Austria. (Margin note 80)

In Austria, all of the numerous labour-market measures are equally available to all persons in search of employment. As the current legislative basis does not allow to collect data on ethnic affiliation in connection with the data of the labour market services, no statement can be offered as to the number of Roma who participated in the qualification, employment and support measures financed by the labour market service under its labour-market policy. By the same token, only few data are available on the unemployment rate among Roma or into which industries Roma have become integrated, and with which qualifications. However, on the basis of interviews with persons who identified themselves as members of this national minority as well as persons working in this field (experts), social-science studies arrive at the conclusion that the labour and income situation of the Roma is below average figures, due to their lower educational level. With above-average frequency, Roma are employed in ancillary activities and/or atypical jobs. As the aforementioned factors are associated with a higher risk of unemployment, it can be assumed that Roma are hit more often than the average person.

It can be stated that Austria invests large sums in an active labour-market policy and that numerous measures are geared to increasing the employability of job-seekers and to finding available training jobs (apprenticeship positions) and workplaces for unemployed persons. According to Eurostat, the unemployment rate for Austria amounted to 4.8% in April 2019, and to 7.3% according to the national definition. In April 2019, the youth unemployment rate (ages 15 to 24 years) was 8.0%.

Austria attaches particular attention to fighting early drop-out from training/education by young persons and youth unemployment.

The so-called training guarantee, which was launched in 2008, is of particular interest for disadvantaged young persons. It means that every young person who does not attend a secondary school is offered apprenticeship training. The measures described here are mainstream measures of which, though, young Roma can benefit particularly:

3.15.2.1.1 Apprenticeship training in external facilities

Persons who have completed their mandatory school education and are registered with the labour market service, in search of an apprenticeship position but unable to find a suitable apprenticeship position on the regular labour market, or who discontinued their in-company apprenticeship, can sign up for so-called external apprenticeship training. This is provided at a training facility. In addition, these persons have to attend vocational school. It is possible to transfer to a conventional apprenticeship with a company at any time. The labour market service bears the costs of the external apprenticeship training. Moreover, the young persons receive a training allowance. In legal terms, they are in the same position as conventional apprentices.

3.15.2.1.2 Inclusion measures for the Roma in the field of employment and access to the labour market in Austria's strategy for the inclusion of the Roma

In the context of the labour market, one can see that the Roma tend to be affected more frequently by unemployment, especially long-term unemployment. This trend is due to a general educational disadvantage, a relatively higher share of low-skilled persons and frequent employments below the educational level, whenever persons have acquired a medium or higher education.

Austria's strategy to continue the inclusion of the Roma of 2017 contains the following objectives concerning the labour market:

- to improve access to the labour market for Roma and Romnja
- to reduce labour market obstacles for the employment of socio-economically disadvantaged Roma and, in particular, Romnja.
- The existence of Roma and, in particular, Romnja with low incomes shall not be at risk.

These priorities and measures to be taken were developed with the close involvement of civil society. German and literacy courses as well as competence training and qualification measures are offered in the field of basic and further training. Job coaching, job forums as well as information and cultural events on topics of relevance to the labour market and occupations were organised in the context of labour market counselling. Public relations, for example sensitising workshops, are an additional important aspect. Moreover, young Roma are contacted at the school/job interface. In this connection, it is planned that Roma school mediators provide occupational and educational counselling, involving also the parents. Under the Operational Programme Employment 2014-2020, Austria has

earmarked a special Roma empowerment priority to finance these measures with funds from the EU Roma Strategic Framework.

The University of Vienna is currently evaluating Austria's strategy for the inclusion of the Roma.

Austria's efforts in this field, in particular the rise in job offers for the Roma, were also underlined recently in the report of the EU Commission against Racism and Intolerance (ECRI) dated 7 April 2020.

3.15.2.1.3 Specific counselling measures to improve the integration of the Roma into the labour market

For many years, the labour market service has been oriented to work for people belonging to different national minorities, or having different migration backgrounds. Quite deliberately, it pursues a "diversity management". This term describes the creative deployment of differences in persons and the diversity of their characteristic features. This includes, among others, to hire staff for the labour market service belonging to different national minorities, or with a migration background, as well as to offer special training options to staff members of the labour market service. However, it has proved to be efficient to support specific counselling facilities for the Roma, in addition to the general counselling services of the labour market service.

3.15.2.1.4 Promotional projects by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASGK) in Burgenland

In the years 2017 and 2018, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASGK) granted funds to the KARIKA association in Burgenland for the project "Butschakero Them – Arbeitswelt" (World of Work). In Vienna, the Lovara-Roma association received funding for the project Romblog 2.0.

3.15.2.1.5 Grants from the European Social Fund and the BMASGK for Roma empowerment in Austria

During the current funding period of the European Social Fund (2014–2020), Austria put an explicit focus on the Roma (e.g. integration into the labour market, addressing specifically the special needs of the Roma). One of the essential premises was the consideration that

the discrimination experienced by Roma requires special projects for their integration, in addition to the mainstream measures open to all. On 28 November 2014, the European Commission approved the operational programme submitted by Austria “Employment Austria 2014-2020”. Priority axis 2 of this operational programme “Promoting social inclusion and fighting poverty and every type of discrimination” addresses the investment priority “Active Inclusion”. It is explained that efforts for active inclusion need to be made, last but not least, by promoting equal opportunities and fostering the active participation of the affected persons. In other words, the affected persons must actively participate in improving their chances on the labour market. The underlying objectives are to improve the employability and socio-economic inclusion of marginalised groups of the population such as, for example, the Roma. This is to be achieved by support and stabilisation, by education and training, as well as anti-discrimination measures. It is also considered to be essential that Roma associations and Roma institutions become involved in developing and implementing these measures. A broad-based approach is regarded as expedient. It should combine as many intervention streams as possible – for example family counselling, debt counselling, health aspects, together with education, qualification and employment.

In April 2015, the Federal Ministry of Labour, Social Affairs and Consumer Protection published a call for project applications (1st call) under the title “Roma empowerment for the labour market”. A budget of € 4 million, with 50% funding from the European Social Fund and 50% national co-financing, was available in the following three and a half years. Nine projects were realised under the focus “Development and model-like implementation of counselling and qualification measures”.

Six projects were carried out in Vienna: one project each by the Romano Centro association, Caritas Wien, Volkshilfe Österreich and the Austrian Roma Association, as well as one project each by the social undertakings itworks and Mentor. The Phurdo association carried out one project in Salzburg, Volkshilfe Oberösterreich implemented one in Linz, and Caritas Graz pursued one project in Graz.

In July 2019, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection published a second call. Until year-end 2022, a budget of about € 4 million is once again available, equally divided between the European Social Fund and national co-financing. Eight projects were approved.

In Vienna, one project each is supported again for Caritas Wien, Volkshilfe Österreich as well as the social undertaking itworks. The project by the Lovara-Roma association will now

also receive ESF funding. The Adult Education Centres Vienna as well as the Vocational Training Institute Vienna are new among the approved projects. Caritas will implement a project in Graz, and Volkshilfe Oberösterreich will also receive grants.

The work programme of the projects covers the following aspects:

- Support in identifying problem situations and joint search for appropriate strategies to find solutions (life and job perspectives)
- Strengthening self-esteem/self-confidence among Roma
- Counselling and information in connection with problems when deciding about occupational options
- Information about occupational choices and career choices, training options, job profiles, labour market development, etc.
- Information, support and establishing contacts to the appropriate institutions in connection with labour and social-law problems
- Motivating Roma to enrol in courses and re-training that is meaningful from the standpoint of labour-market policy, training to become a skilled worker
- Support when looking for a job and when applying for a job (drafting application letters and a curriculum vitae)
- Preparing for job interviews and, on request, accompanying persons to job interviews, accompanying persons on errands to administrative authorities
- Support and follow-up support to Roma at the workplace, at secondary or vocational schools, during re-training
- Assistance in organising childcare places as well as subsidising measures
- Information on social-security law matters (health, accident, pension and unemployment insurance)
- Cooperation with authorities, administrative offices as well as social counselling institutions
- Ongoing public relations and awareness-raising in order to dismantle stereotypes and prejudices (information to the media, schools, universities, youth organisations)
- Specific training (media, retail trade, German courses).

The objective of these projects is to make sure that Roma and Romnia have sustainable access to the labour market. The projects are implemented by Roma associations or institutions which undertook to hire Roma and Romnia for key positions. The options offered by the projects are open to all Roma, equally to men and women.

3.15.2.2 Roma and the housing situation

In recent years, a general and more than proportional rise in housing costs was recorded, as a result of which housing became considerably more expensive and became a special challenge, especially in urban conurbations. It is a matter of principle that members of the national minority of the Roma are offered the same type of public support as all other persons in search of housing.

The labour-market situation and the associated financial resources of many Roma households are below average, which has a major impact on the actual housing situation, or the possibilities to acquire adequate housing. A disadvantageous housing situation is an obstacle to inclusion in many ways. Housing is an important requirement for access to work as well as participation in educational and further-training activities, because there can be no intensive learning, for example, if there is no privacy and no quiet area. Poor housing quality can also have tangible negative effects on the health situation, which, in turn, can further diminish the opportunities for participating in the labour market.

It became evident in the urban areas such as Vienna and Linz, but also at Oberwart, that municipal housing plays a major role. In most cases, the financial resources of many Roma households do not permit the acquisition of an owner-occupied flat or buying a house. Municipal housing is the “preferred choice” and – next to the private housing market – it is the most important solution. The housing situation of the Roma in rural areas is seen differently. Access to homes, also owned property, is comparably easier than in urban areas. The general perception is that the majority lives in municipal housing or cooperative flats, and that some live in owner-occupied flats and certainly also their own homes.

Access to municipal housing in Vienna has been disconnected from citizenship for many years. If housing costs are too high in comparison to the family income, then an application for housing assistance can be filed.¹⁹⁰

¹⁹⁰ <https://www.wien.gv.at/amtshelfer/bauen-wohnen/wohnbauforderung/unterstuetzung/wohnbeihilfe-antrag.html>

The City of Vienna deals with housing-law issues in the form of studies and events.¹⁹¹ A service unit “Housing Partner” was set up in order to counteract neighbourhood conflicts in buildings with municipal housing and to offer mediation services, if necessary.¹⁹²

3.16 Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Please refer to the comments in the Second State Report.

3.17 Article 17

- (1) The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- (2) The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Please refer to the comments in the Second State Report.

¹⁹¹ <https://www.wohnbauforschung.at/index.php?id=466>

¹⁹² <https://wohnpartner-wien.at/ueber-uns/was-macht-wohnpartner>

3.18 Article 18

- (1) The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- (2) Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

3.18.1 Cultural treaties with the neighbouring states

Austria has signed cultural treaties with numerous countries¹⁹³, including Hungary, Croatia, Slovenia, the Czech Republic and Slovakia. Mixed Commissions regularly elaborate the cultural working programmes, which contain concrete cooperation projects.

- 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.
- 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.
- 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 III No. 170/2000.
- Agreement between the Government of the Republic of Austria and the Government of the Republic of Croatia in the fields of culture and education, Federal Law Gazette III No. 177/2005.
- Agreement between the Government of the Republic of Austria and the Government of the Republic of Hungary on cooperation in the fields of culture and science of 19 May 1976, Federal Law Gazette No. 519/1977.

¹⁹³ <https://www.bmeia.gv.at/europa-aussenpolitik/auslandskultur/abkommen/liste-der-kulturabkommen/>

3.18.1.1 Cultural cooperation with the Czech Republic

The second working programme in connection with the cultural treaty was adopted in Prague in the year 2015.¹⁹⁴ The support for the Austrian school in Prague as well as for the Czech schools of the Komenský School Association is mentioned here from among the great number of activities. The long-standing exchange programme “Action Austria – Czech Republic” is being continued. The contracting parties underline their determination to cooperate more closely in the framework of EU programmes.

3.18.1.2 Cultural cooperation with Slovenia

At present, the fourth working programme applies to the period 2017–2021.¹⁹⁵ The intensive cooperation and the many exchange programmes are being continued. It is emphasised that Articles 33 to 35 of the working programme are specifically dedicated to the Slovene minority in Austria, the members of the German-speaking minority in Slovenia and the Slovene-speaking population outside of the autochthonous settlement areas in Austria. Moreover, both sides welcome concrete, project-related, cross-border cooperation for the benefit of the members of the national minority of the Roma and the members of the Hungarian national minority in Slovenia and Austria.

3.18.1.3 Cultural cooperation with the Slovak Republic

At the fifth meeting of the Mixed Commission in Bratislava, the fifth working programme was adopted, which covers the period 2019–2024.¹⁹⁶ The close cooperation in the fields of the arts, culture, science and sports, including a variety of scholarship and exchange programmes, is being continued. In Article 34 “both sides welcome the direct cooperation between legal entities and physical persons which will contribute to the development of the culture of the national minorities in the Slovak Republic and the culture of the national minorities in the Republic of Austria.”

¹⁹⁴ 2nd working programme CZ – AT

¹⁹⁵ Working programme SI – AT

¹⁹⁶ 5th working programme SK – AT

3.18.1.4 Cultural cooperation with Croatia

The working programme for the period 2016–2019¹⁹⁷ also comprises numerous exchange activities and underlines the strengthened cooperation in the framework of EU projects. The national minorities are mentioned in Article 29. “Both sides support and foster the cultural activities of the Croatian minority in the Republic of Austria and the Austrian national minorities in the Republic of Croatia. These are based on the minority rights entrenched in the respective laws of the two countries as well as the commitment to protect the historic and cultural heritage.”

3.18.1.5 Cooperation with Hungary

In this context, the 14th working programme is currently under implementation.¹⁹⁸ The schools that teach the respectively other language are mentioned in particular. The ethnic groups, or national minorities, are mentioned in Article 51. Both sides welcome direct cooperation which contributes to the preservation and further development of the cultures of the ethnic groups, or national minorities.

3.18.2 Austria’s cultural activities abroad

Austria is well aware of the unifying power of cultural exchanges. In terms of geography, the focus is on Austria’s neighbourhood policy. As a result, particularly close relations are mentioned to the “kin-states” of Austria’s national minorities.

3.18.2.1 Austria’s culture forums¹⁹⁹

Austria’s culture forums are centres abroad for Austria’s cultural activities, which are organised in a decentralised form (“culture embassies”). They develop locally adjusted programmes and projects with cultural workers and cultural institutions from the fields of culture and science in the respective host country – and they also act as service centres for Austrian cultural workers and scientists and support them in their efforts to build up contacts and networks abroad and with foreign countries. Culture forums have been set up, among others in Budapest, Ljubljana, Prague, Zagreb and Bratislava.

¹⁹⁷ [Working programme CR – AT](#)

¹⁹⁸ [14th working programme HU – AT](#)

¹⁹⁹ <https://www.bmeia.gv.at/europa-aussenpolitik/auslandskultur/kulturforen/>

3.18.2.2 Austrian libraries²⁰⁰

At present, there are Austrian libraries at 65 locations in 28 countries – primarily in Central, Eastern and South-East Europe. They always exist in a partnership with local institutions (libraries and universities) in the host country and offer information about Austrian culture, always adapted to the respective location. In addition to the library facilities, these institutions organise events in the cultural field such as readings, lectures, music and film performances, exhibitions, video performances, conversation hours and library tours as well as symposia, always in cooperation with Austria's embassies, consulates general and culture forums. Via their partnership with local universities and research institutions, Austria's libraries abroad constitute a science network at the same time.

The following Austrian libraries have been set up in the so-called kin-states of the Austrian national minorities: In Croatia, there is an Austrian library in Osijek, Rijeka, Zadar and Zagreb. In Slovenia, there is a library in Maribor. In Slovakia, there are libraries in Bratislava and Košice. In the Czech Republic, libraries can be found in Brno, České Budějovice, Liberec, Olomouc, Opava, Plzeň, Ústí nad Labem and Znojmo. In Hungary, there are libraries in Budapest, Debrecen, Pécs, Szeged, and Szombathely.

Below some of the projects undertaken by Austria's representatives abroad in Slovenia, Croatia, the Slovak Republic, Hungary and the Czech Republic are presented, which were implemented in recent years.

3.18.2.3 Activities of the Culture Forum Prague²⁰¹

For many years, the Culture Forum Prague has supported artistic exchanges in the field of literature, as a partner of the international poetry festival EUROPAS DICHTER LIVE (Europe's poets live), which the Stranou association organises at various locations in the Czech Republic. The authors Cvetka Lipuš, Jani Oswald, Rezka Kanzian and Maja Haderlap, which also write in Slovene, read from their work at these events.

²⁰⁰ <https://www.oesterreich-bibliotheken.at/Č>

²⁰¹ <https://www.oekfprag.at/arch iv/>

3.18.2.4 Activities of the Culture Forum Ljubljana²⁰²

The Culture Forum Ljubljana can report about a continuous and successful cooperation with a great many Slovenian partners and institutions. Projects are sponsored in all areas of the arts and culture, with the areas of fine arts, architecture, music, dance, theatre and literature being in the foreground. In this context, it should be mentioned that the regional governments of Carinthia and Styria as well as the culture departments of the two regional capitals Klagenfurt and Graz participate in the organisation of projects.

- “UTOPIA_gnp” by Tanja Prušnik – location: Kranj – The artist Tanja Prušnik, a Carinthian Slovenian, who lives in Vienna, is at ease (“at home”) both in Slovene and Austrian culture and history, which covers several generations. In her exhibition, she showed the resistance fight of the Carinthian partisan fighters against the murderous Third Reich and the National-Socialist tyranny between 1938 and 1945, which her grandfather, Karel Prušnik-Gašper, described in his memoirs, published in 1958. (2017)
- Roy de Roy at the Ethno and World Music Festival Druga Godba – The band Roy de Roy consists of Carinthian Slovenes and Slovene musicians living in Austria: Nikolaj Efendi (vocals, guitar), Matej Ček (accordion, guitar), Tom Petrič (trumpet, horn), Ema Lipuš (percussion) and Marjan Mečina (double bass) (2017)
- Poetry and Wine Festival – performance by the Bališ Band – The band comes from Klagenfurt. Its members are mainly Carinthian Slovenes (Pettau/Ptuj 2017)
- 6th International Matjaž Ocepek Philosophy Symposium: – ETHISCHE PRAXIS ZWISCHEN PHILOSOPHIE UND EXISTENZ (Ethics in Practice between Philosophy and Existence) – Organisers: The Soeren Kierkegaard Research Institute Ljubljana and KUD Apokalipsa. – The newly published book about the 500-year anniversary of protestantism in Carinthia by the Carinthian Slovene author Vinko Ošlak was presented in the course of the symposium (2017)
- Book presentation – “Enzyklopädie der slowenischen Kulturgeschichte in Kärnten / Koroška – Von den Anfängen bis 1942” (Encyclopaedia of Slovene Cultural History in Carinthia / Koroška – From the Beginnings to 1942) by Univ.-Prof. Dr. Katja Sturm-Schnabl and Dr. Mag. Bojan-Ilija Schnabl (both Carinthian Slovenes) – Location: Academy of Science, Ljubljana (2017)
- Carinthian Culture Days, 4–25 April 2017, Ljubljana:

²⁰² <http://kf-laibach.squarespace.com/archiv-1>

- Exhibition “SORBISCHE ZYKLEN” (Sorbic Cycles) by Karl Vouk (Carinthian Slovene). – Performance by the music group “Praprotnice” (Hanz Pörtsch, Irene Strasser, Rozka Tratar-Sticker and Georg Ernst)
- Book presentations by the Christian Cultural Association (KKZ) and the Slovene Ethnological Institute Urban Jarnik, Klagenfurt
- “Berichte, Beiträge” (Reports, Contributions), edited by Martin Kuchling; anthology by the Christian Cultural Association, 2013–2016
- “Führer durch das Gailtal. Ein kulturhistorischer Führer” (A guide through the Gail Valley – A cultural history guide) by Uši Sereinig and Polona Sketelj
- “Katalog der musealen Sammlung Köstenberg” (Catalogue of the museum collection Köstenberg) by Uši Sereinig and Polona Sketelj; edited by Vito Hazler
- “Wörterbuch der Rosentaler Mundart” (Dictionary of the Rosental Dialect), compiled by Bertrand Kotnik and Franc Kattinig
- “Broschüre und WhatsApp, Von der Wiege bis zu den sozialen Netzen” (Brochure and WhatsApp, From the cradle to the social networks), contributions to the conference at Malborghet on 06/11/2016 – Initiative “Slowenisch in der Familie” (Slovene in the family)
- Puppet show “Dschungelbuch” (Djungle book) – directed by Matevž Gregorič, with 11 young actors and actresses from the puppet theatre of the Slovene culture association “Srce” Eberndorf (Carinthia). Mentors: Daniela Krabath and Gitti Neuwersch; Puppets: Urši Zankl and Daniela Krabath.
 - Concert “Das Kärntner Lied über die Grenzen hinweg” (Carinthian songs beyond frontiers) – participants from Carinthia: quintet with the Smrtnik brothers from Železna Kapla and the mixed choir Danica (director: Stanko Polzer) from Škocjan v Podjuni.
 - TRIVIUM UNTERWEGS (Trivium on the road): memorial event for the Carinthian Slovene poet Fabjan Hafner. Presentation of the bilingual anthology “TRIVIUM | tri poti | Drei Wege 2000–2014” (three roads). Presented by Alenka Resman Langus; musical entertainment: Janez Gregorič (guitar).
- Participation in the Ljubljana Book Fair 2017. In 2017, the international focus of the Ljubljana Book Fair was on the German-speaking countries in Europe. The main guests from Austria were the Carinthian Slovene authors Maja Haderlap and Florijan Lipuš, who are well known to the Slovene audience.
- “Freches Schwarz! Kollagen und Objekte” (“Pretty Black!”): exhibition of collages and objects by the Carinthian Slovene artist Rudi Benetik (Nova Gorica, 2018)

- Performance of the Tonč Feinig Trio from Klagenfurt – (Tonč Feinig – piano, Klemens Marktl – percussion, Štefan Thaler – double bass) – annual reception by the AA Ljubljana (2018)
- Solo concert – The Carinthian Slovene author and teacher Janez Gregorič presented his CD “Cronomais de Montevideo” at a solo concert and presented his guitar school at a workshop. (2018)
- New album – The Carinthian Slovene singer of the Punk Band “Roy de Roy”, Nikolaj Efendi, presented his current album in Ljubljana. (2018)
- Carinthian Culture Days 2018:
 - Exhibition Hanzi Mlečnik (Carinthian Slovene)
 - Book presentation and reading – “Iz koroških grap v obirsko sonce” (From Carinthia’s gorges to sunny Obir) by Valentin Polanšek
 - Puppet theatre “Radovedni slonček” (The curious little elephant) – Carinthian Slovene puppet theatre group Mladi Celovčani SKD Celovec from Klagenfurt
 - Carinthian evening (23/04/2018, 19:00 hrs – Cankarjev dom): mixed choir MePZ Akzent, Ledenitzen (directed by Anica Lesjak-Ressmann) and women’s choir Rož from Sankt Jakob im Rosental (directed by Carmen Manet)

3.18.2.5 Activities of the Culture Forum Bratislava²⁰³

The Culture Forum Bratislava reports about a series of events with artists who can be seen at the same time as representatives of the linguistic minorities in Austria – especially the Slovak and the Roma minorities:

- The performance of the Austro-Slovak-international children and youth choir “Superar” (Roma) at a gala concert on the occasion of the start of Austria’s EU Council Presidency (2 July 2018, Reduta Bratislava) deserves special mentioning. In addition to “Superar”, the evening programme included the well-known “Bruno Walter Symphony Orchestra” and the Austrian pianist Gottlieb Wallisch.
- Susanne Gregor (schreibART, SK): Book presentation “Territorien” (Territories) – 28 February 2017, ÖKF Bratislava – Susanne Gregor, born in Zilina, Slovakia, in 1981; lives in Austria.
- Jozef Ivaska (SK) – Christmas concert – 13 December 2017, Bratislava
- Gabriela Medvedova (SK) – Exhibition “Reminiszenzen” (Recollections) – 11–31 October 2017, Bratislava.

²⁰³ https://rakuskekulturneforum.sk/de/podujatia/list/?tribe_event_display=past&tribe_paged=1

- Exhibition about the Roma – “Millionäre der Zeit – Roma in der Ostslowakei” (Millionaires of Time – Roma in Eastern Slovakia) – Lecturer: Robert Gabris – 24 November 2016 – 17 February 2017, Bratislava. In the exhibition, the photographer, Anja Schäfer, and the radio moderator, Elisabeth Putz, present a multi-dimensional picture of the Roma in Eastern Slovakia.
- Zdenka Becker (SK) – Book presentation “Samy” – 16 Mai 2018, in the framework of the festival “Nacht der Literatur 2018” (Night of Literature) in Bratislava, Banska Bystrica, Liptovsky Mikulas, Nitra, Piestany and Zilina
- Michael Stavaric (CZ) – Book presentation “Requiem: Fortwährende Wandlung” (Requiem: Continual Change) – 13 November 2018, Bratislava
- Robert Gabris (SK/Roma) – Exhibition “Peace” – 4–18 October 2018, Bratislava
- “Zerschlag mein Herz” (Crush my Heart) – director: Alexandra Makarova (SK) – 17 Dezember 2018, Lumiere Cinema, Bratislava – Watched by his despotic Uncle Rocky, the Slovak Roma Pepe must go begging on the streets of Vienna in order to earn money for his family. When Marcela, who is his age, joins him to work off the debts of her father, the two teenagers fall in love. However, they did not reckon with Rocky, who has his own plans for Marcela.
- Simona Eisinger (SK) – song recital – 4 December 2018, Bratislava.

3.18.2.6 Activities of the Culture Forum Zagreb²⁰⁴

The Culture Forum Zagreb supports numerous cross-border cultural activities, including readings and book presentations, concerts and photo exhibitions. The many years of cooperation of the Photography Circle Graz and the Photo Club Zagreb need to be mentioned, in particular. Moreover, there are the Austrian Culture Days which take place in Osijek every year.

On the occasion of the 25-year anniversary of the existence of Croatia as an independent state in 2017, there was a particularly full programme of cross-border cultural events.

²⁰⁴ <http://www.kulturforum-zagreb.org/de/press/>

Please refer to the brochure “Kulturjahr Österreich – Kroatien 2017” (Culture Year Austria – Croatia 2017).²⁰⁵

3.18.2.7 Activities of the Culture Forum Budapest

With its large variety of events, the Austrian Culture Forum Budapest²⁰⁶ offers a platform for cultural contacts between Hungary, Austria and persons with interests in culture from all parts of the world. It promotes artists and projects in the fields of music, literature, performing arts and fine arts, film as well as symposia and discussion meetings. The cooperation with the schools sponsored by Austria and the German-speaking Andrassy University Budapest is another highlight. The Austrian Culture Forum Budapest organises most of its events in cooperation with Hungarian partner organisations in museums, galleries, concert halls, programme cinemas, theatres and universities.

Some of the initiatives in recent years which the Culture Forum organised or supported are described below:

- Education platform Baja: In 2013, the Vienna Literature association, together with the Institute for Nationality and Foreign Languages and the Pedagogical University Baja launched the “Bildungsplattform Baja” (Education Platform Baja). It enables teachers at primary schools in the discipline German nationality language to obtain a diploma. Further-training events are offered. In 2015, the cooperation was extended by a cooperation agreement with the Pedagogical University Lower Austria.
- Austria Day on 6 October 2017, Budapest: “Österreichische Spuren in Ungarn” (Austrian traces in Hungary).
- Austria Day on 11 October 2019 – Further-training event for Hungarian teachers of German; in close cooperation with the Austro-Hungarian Institute Budapest, the Union of Hungarian-German School Associations and Austria Literature. Lectures and workshops on Austrian culture and history.
- Presentation of a joint Austro-Czech history book on 21 May 2019: The objective of the joint Austro-Czech history book is to illustrate the history of the two countries and

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https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Kultur/Dokumente/DE_Kulturjahr_2017_OEsterr_eich_Kroatien_DT.pdf

²⁰⁶ [Culture Forum Budapest – archive of events](#)

their societies, with a focus on the developments in the 20th century. Project presentation by Prof. Stefan Newrkla and Dr. Nikolas Perzi.

- Speaking contest on 21 May 2019, Budapest: Pupils of the Austro-Hungarian European School once again participated in the youth competition in the category “classical speech”. The task was to choose a pupil for the qualifying round in St. Pölten.
- “Brück/che – 30 Jahre Fall des Eisernen Vorhangs” (Bridge – 30 Years after the Fall of the Iron Curtain), 7 May 2019, Budapest. Cross-border arts project. The performance by Zsófia Safranka-Peti (dance artist) and the Viennese musician Barbara Neu (clarinet) offered an artistic presentation of the sentiments of the artists, who were born in the 90s concerning the Fall of the Iron Curtain.
- Exhibition on the 30-year anniversary of the Fall of the Iron Curtain in German, Hungarian and English. (May 2019)
- European Day of Languages, Győr, 26 September 2019. “European Language Cocktail Bar 2019”. On the occasion of the European Day of Languages, the European cultural institutes in Hungary present their language and culture at the Széchenyi István Egyetem in Győr. The objective of the event is to motivate young people, in particular, to learn European languages. The event features a language quiz and a mini language course.

3.18.3 Further elements and examples of cross-border cooperation

Cross-border activities that are relevant for the national minorities are promoted in many ways. On the one hand, the national minority organisations receive funding, especially from the budget for the national minorities, for the projects which they organise, such as staging language summer camps abroad (kin-state) or inviting foreign artists to events of the organisations in their home country.

On the other hand, there are broader-based options, for example, programmes for school partnerships as well as pupil and teacher exchanges, scholarship programmes, in which members of the national minorities can participate and will derive personal benefit.

It should be mentioned that the cooperation often also takes place in the framework of EU-sponsored projects, especially within the EFRE-supported INTERREG programmes “Austria – Slovakia”, “Austria – Hungary”, “Austria – Czech Republic”, and “Austria – Slovenia”. Here, the organisations of the national minorities often serve in a bridge function.

3.18.3.1 Project “Cooperation in education in the border regions BIG AT-CZ, BIG AT-HU und BIG SK-AT”²⁰⁷

BIG AT-CZ, BIG AT-HU and BIG SK-AT are projects with neighbouring states receiving EFRE funding. The basic topic of all three projects is “Language diversity at nursery schools and schools”. BIG stands for “Bildungskoooperation in der Grenzregion” (Cooperation in Education in a Border Region). The federal province of Lower Austria is the lead partner in all three projects.

Throughout the programme area, the early neighbourly, or multilingual and intercultural education in nursery schools and schools in the border regions is intensified. The priority goal is to develop the quality and to promote the consistency of language options from the nursery school to primary school, with a focus on the interface. Learning languages early and continuously, teaching neighbour languages/mother tongue languages as well as the respective teacher qualifications are all planned up to the final grade. The stronger involvement of politicians and parents serves to ensure the acceptance of the neighbour languages and multilingualism in everyday social and economic life.

3.18.3.2 EU projects with the participation of institutions of the Slovene minority and bilingual municipalities

As part of the INTERREG Programme Slovenia – Austria 2014 to 2020, four projects are sponsored where organisations/institutions of the Slovene minority are involved as project and/or lead partners:

- EUfutur EZTS_Geopark – ARGE Geopark Karawanken, association/Drustvo Kulturni dom Pliberk
- Connect SME plus – Slovene Business Association & trinitec IT Solutions & Consulting GmbH
- NaKult – ARGE Geopark Karawanken, association/Drustvo Kulturni dom Pliberk
- SMART Tourist – Hermagoras Association Klagenfurt

Moreover, the establishment of the Geopark Karawanken has intensified cooperation among 14 municipalities in Carinthia and Slovenia (Bad Eisenkappel/Železna Kapla, Zell/Sele, Bleiburg/Pliberk, Feistritz ob Bleiburg/Bristrica pri Pliberku, Sittersdorf, Gallizien,

²⁰⁷ <https://www.big-projects.eu/start/>

Lavamünd, Globasnitz/Globasnica, Neuhaus, Črna na Koroškem, Mežica, Prevalje, Ravne na Koroškem, Dravograd). ARGE Geopark was also a project partner of the “Danube Geo Tour” project, which was sponsored in the course of the transnational programme INTERREG Danube. On 27 November 2019, the decision was taken to transform the working group ARGE Geopark into an ENTC (European Network of Territorial Cooperation). It has become a legal entity, in keeping with provisions under European law. As a result, the cooperation of the 14 municipalities was lifted from the purely project-based level to an administrative/structural level. Please refer to page 48 and following of the report on the situation of the Slovene minority page for further information.

3.18.3.3 Cooperation in education between Carinthia and Slovenia

Cooperation with Slovenia is particularly intensive in the field of Slovene-language education in Carinthia. The Ministry of the Republic of Slovenia for Education, Science and Sports and the Education Directorate for Carinthia have set up a mixed commission to plan and coordinate regional cooperation which also relates to the mobility of pupils and teachers, bilateral further-training events and study trips. The mixed commission meets once every year. The following activities have been undertaken:

- Annual seminar about Slovene language, literature and culture (for teachers at bilingual schools and teachers of Slovene from Carinthia), organised by the Education Institute of the Republic of Slovenia (Zavod Republike Slovenije za šolstvo)
- Summer seminars for the Slovene language, organised by the Centre for the Slovene Language as Second/Foreign Language (University of Ljubljana), and summer courses for the Slovene language (University of Primorska) for teachers and students of the pedagogical university (several scholarships)
- Seminar about Slovene language, literature and culture, organised by the Department of Philosophy at the University of Ljubljana (one scholarship for a teacher)
- “Aus der Praxis für die Praxis” (From Practical Experience for Practical Application), annual further-training event for teachers of Slovene from Carinthia, Italy, Hungary and Croatia, organised by the Education Institute of the Republic of Slovenia (Zavod Republike Slovenije za šolstvo). These network gatherings are always organised in a different region, in line with the rotation principle. The discussions and deliberations cover teaching materials, methodical-didactic experiences, language-teaching approaches and possible cooperation measures that will promote the development of teaching.

- Foreign-language assistants – A total of six language assistants for Slovene work at eight secondary general and/or vocational schools in Carinthia
- Numerous projects in the framework of school partnerships. These are organised under the autonomy regime of schools. Due to their large numbers, it is impossible to list details.
- There is also one cross-border language project concerning elementary teaching. There is an exchange of the elementary teachers working at the nursery schools of Mavrica at Eberndorf and Muta in Slovenia. The idea is to also carry out language projects conducted at primary schools in a similar format at nursery schools.

3.18.3.4 Joint Committee Carinthia – Slovenia

In addition, the “Joint Committee Carinthia – Slovenia” plays an important role in the relationship to Slovenia. After a break of ten years, annual meetings of the Contact Committee Carinthia – Slovenia (formerly: “Contact Committee”) have been organised once again since 2014, both on the political and the administrative level.

On 29 March 2019, the 5th meeting of the Joint Committee Slovenia – Carinthia was held at Brdo, chaired by VPM/AM Miro Cerar and Governor Peter Kaiser. As usual, the three working groups held their meetings, namely Working Group I: Regional networking, environmental protection and promoting an efficient use of the natural resources; Working Group II: People networking; Working Group III: Business, culture and development of rural areas. A joint statement was adopted and it was decided to either continue or begin cooperation and the exchange of experience in the fields of regional planning, traffic, energy, environment, protection against natural and other disasters, social politics, health, education, sports, culture, public administration, business and tourism as well as agriculture and rural development. The range of issues covers the exchange of experience in regulating the protection of townscapes, the approach to bears and wolves, and the operation of cross-generation care centres for palliative care to sports medicine, culture tourism and agricultural eco-products. This year again, the emergency personnel for natural disasters will hold joint cross-border exercises, and the full-year opening of Paulitschsattel Mountain will be continued (last winter it was opened for the first time).

Moreover, time and again, the working groups also dealt with specific topics of the national minority such as, for example, the integration of the Slovene Music School “Glasbena šola” into the Carinthian regional music school system, the inclusion of a targeted objective in the Carinthian regional constitution for the protection and promotion of the Slovene minority

in Carinthia, the exchange of nursery-school teachers between bilingual nursery schools in Carinthia and nursery schools in Slovenia as well as the use of native speakers, the organisation of Europeada 2020 in Carinthia (European soccer championship of the autochthonous national minorities), positive experience with the Dialogue Forum and the financing of the Slovenian Studies Library / Slovenska študijska knjižnica.

3.18.3.5 Joint Committee Slovenia – Styria

A joint committee has also been set up for the relationship of the federal province of Styria to the Republic of Slovenia. The Joint Committee Slovenia – Styria also meets once every year, alternating between Slovenia and Styria. There is also independent cooperation in several areas which continues during the period between annual meetings.

3.18.3.6 Book donations campaign

Every year, a package of books can be handed to numerous institutions in Slovenia, with the financial support of the federal ministry responsible for the arts and culture and the Hermagoras-/Mohorjeva publishing house. Under this scheme, nursery schools, schools, senior-citizen homes, multi-generation centres and social institutions throughout Slovenia receive books published by the Klagenfurt publishing house Hermagoras-/Mohorjeva-Verlag, with a value of € 50,000.

For the 18th time on 29 January 2019, book vouchers with a total value of € 50,000 could therefore be given to a total of nine social institutions and charitable associations in Slovenia and neighbouring Croatia. This corresponds to more than 2,000 books by Austrian and Slovenian authors. The umbrella association of the German-speaking minority is also among the recipients.

3.18.3.7 Slovene reading hall in Graz

In the year 2013, a “Slovene reading hall” was set up at the regional library in Graz. On the occasion of the 25-year anniversary of the Republic of Slovenia and the 165-year anniversary of the Hermagoras association, the Slovene ministry for Slovenes abroad and the Hermagoras association handed a book package to the Slovene reading hall in Graz. The solemn transfer ceremony took place on 16 December 2016.

3.18.3.8 Year of the Neighbourhood Dialogue Austria – Slovenia 2019/20

More or less on the event of the 100-year anniversary commemorating the referendum in Carinthia, Austria and Slovenia celebrated the Year of their Neighbourhood Dialogue. A dialogue and contemporary artistic productions will be the priorities of this year. This is the basis to create new roads to new encounters, as there are still many things that are not well known or less familiar, in spite of the multi-level interaction and well-developed networks between Austria and Slovenia.

The Year of the Neighbourhood Dialogue between Austria and Slovenia was opened on 9 October 2019 by two jazz concerts, performed in parallel in Ljubljana and Vienna. In Vienna, the year was officially inaugurated in the presence of Foreign Minister Schallenberg and Slovenian Ambassador Ksenija Škrilec. At exactly the same moment, the Slovene Foreign Minister Cerar performed the inauguration in Ljubljana, in the presence of Austria's Ambassador Sigrid Berka.

Until autumn 2020, more than 60 cultural events – concerts, theatre and dance performances, film showings, and exhibitions – had been planned in either country. Moreover, the dialogue is also continued on an interdisciplinary level in the fields of science, politics and business.

3.18.3.9 International Symposium on Cultural History at Mogersdorf / Burgenland²⁰⁸

The “International Symposium on Cultural History Mogersdorf” has been held every year since 1969 in one of the participating countries of Hungary, Slovenia, Croatia, Styria and Burgenland. At its foundation, the aim was to be a forum for historians and scientists in related areas from the countries of the “Pannonian region”, beyond the dividing trenches of the societal division in Europe at that time. Ever since, certain specific phenomena on the history of culture, which unite (or distinguish) the nations of the “Pannonian region”, are discussed at the annual meetings. However, the symposium was not meant to be only a gathering of scientists but to make an active contribution (within its possibilities) towards understanding among the peoples in Central Europe. An international organising committee, which meets three times per year, is responsible for determining the scientific content of every symposium and for nominating the speakers. This committee consists of

²⁰⁸ http://schloesslverein.mogersdorf.at/standard.php?p_id=183&l_id=de&sub=174

two to three members per participating country (Burgenland, Styria, Slovenia, Croatia, Hungary/District Somogy, Hungary/District Vas).

One main aspect in the design of the symposium is that the lectures are made available to a broad public, as they are published in printed form after the symposium.²⁰⁹

3.18.3.10 Schlaining Conversations / Burgenland

The “Schlaining Conversations” were founded in 1982 and deal with issues related to the history of the border region between Austria and historical Hungary. One of its focal points is the Burgenland region. Every year, scientists from Austria, Hungary, the former Yugoslavia and Slovakia attend the meeting. The most recent gathering in September 2019 – the 39th Schlaining Conversations at Castle Schlaining – dealt with the topic “Emigration. Immigration. Internal Migration: Migration and Regional Mobility in the Pannonian Region”.

Since 1982 several hundreds of scientists from Austria and abroad have attended the “Schlaining Conversations” and put their research results, presented in lectures, up for discussion. The results of the symposia are made available to an interested audience in special proceedings published in “Wissenschaftliche Arbeiten aus dem Burgenland”²¹⁰ (Scientific Works from Burgenland).

The Adult Education Centre (VHS) of the Roma in Burgenland presented the second volume of a series of lectures at the end of April 2017. These were held in the course of the Schlaining Conversations and dealt with “Roma und Sinti – Vergangenheit bis zur Gegenwart” (Roma and Sinti – From the Past to the Present). At the Schlaining Conversations in 2014 and 2015, scientists from Austria, Hungary, Germany, Croatia and Slovakia as well representatives of the Burgenland-Roma institutions dealt with the national minority of the Roma and Sinti in the past and at the present day. The editors dealt with the topic on a scientific level and wrote contributions.

Moreover, the Austrian Study Centre for Peace and Conflict Solution is also accommodated at Schlaining. It offers courses and training on the topics of teaching peace and

²⁰⁹ <https://www.burgenland.at/themen/wissenschaft/landesarchiv/publikationen/internationales-kulturhistorisches-symposion-mogersdorf-tagungsbaende/>

²¹⁰ <https://www.burgenland.at/themen/wissenschaft/online-verlag-burgenland/printverlage/wissenschaftliche-arbeiten-aus-dem-burgenland/>

peacebuilding as well as mediation and support for peace processes, and it engages actively in peace and conflict research.

3.18.3.11 DiviTV²¹¹

The goal of the DiviTV project is to offer information and communication on a regular basis on the minority language of the Burgenland-Croatian population via television. DiviTV is broadcast via satellite, cable and social-media channels and is intended to reach an audience of 80,000 persons. This fosters a community spirit and builds the foundation for working together as well as for developing a transnational cultural understanding. Cooperation with schools, nursery schools, associations and organisations in Austria and Slovakia are currently in the planning stage. In connection with the planned language-course broadcasts, this strengthens the community and fosters community awareness.

3.18.3.12 Austro-Czech history book²¹²²¹³

In the year 2019, the book “Neighbours. An Austro-Czech History Book” was presented. This project was launched by the “Permanent Conference of Austrian and Czech Historians for the Common Cultural Heritage” (SKÖTH) and is coordinated by the Austrian Academy of Science. The objective is to compile a comparative presentation of the history of the two states and societies, on the basis of the most recent research results. SKÖTH was founded already in the year 2009 and goes back to the then foreign ministers of Austria and the Czech Republic, Michael Spindelegger and Jan Kohout. The special feature of this scientific project is the fact that every chapter was developed and written jointly by an Austro-Czech team of authors. As a result, the outcome is not parallel national stories, placed side by side, but reflections about how global, European and Central-European development trends are reflected in the two countries and their societies. A total of 27 historians worked on this project. In addition to the joint Austro-Czech history book “NEIGHBOURS”, which was published both in Czech and German, a brochure as well as didactic material for teaching in schools was published.

²¹¹ <https://www.sk-at.eu/de/projekte/1-runde>

²¹² <https://www.oeaw.ac.at/ihb/forschungsbereiche/geschichte-der-habsburgermonarchie/forschung/oesterreichisch-tschechisches-geschichtsbuch/>

²¹³ <https://www.bibliothekderprovinz.at/buch/7459/>

3.18.3.13 EU Strategy for the Danube Region

In the framework of the EU Strategy for the Danube Region (EUSDR), “Priority Area 9 – investments in people and skills” deals with issues such as education, labour market policy and marginalised groups like, in particular, the Roma.

In this context, the following examples of activities undertaken since 2015, with reference to the Roma, can be highlighted:

- Workshop “Early School Leaving and NEETs across the Danube Region – towards new regional perspectives” (2018 in Vienna, in the framework of the Danube Region Youth Platform)
- Workshop “Empowering Roma” (2017, 4th Danube Participation Day ‘Science meets Participation, Innovation and Sustainability. The Agenda for Participation in EU Macro-Regional Strategies’ in Budapest)
- Working Group “Equal Opportunities and Social Inclusion with a Focus on Roma” (2016, 4th International Stakeholder Conference of Priority Area 9 in Vienna)
- Workshop “Roma and Sinti: Participation as a key to empowerment” (2015, 4th Annual Forum of the EUSDR in Ulm)

3.18.3.14 Erasmus+ programme

In February 2015, the Ministry of Education, the National Roma Contact Point at the Federal Chancellery and the national agency Erasmus+ Education (OeAD-GmbH) organised a workshop on the topic “Options for schools to participate in the EU programme Erasmus+ – A contribution to Austria’s Roma strategy”. The objective of the event was to help teachers and Roma school mediators from the respective institutions to set up a network. The focus of the workshop was the presentation of the eTwinning platform, which schools can use to form partnerships and conduct projects. Moreover, possible mobility measures for pupils, apprentices and teachers, which are part of Erasmus+, were presented.

Projects with and about minorities and autochthonous ethnic groups are conducted in the framework of the EU education programme Erasmus+ (2014–2020). The following projects are listed below, by way of example (Source: National Agency Erasmus+ Education):

- Project “Digital Learning for Roma Communities in Kosovo, Romania and Slovakia”²¹⁴; from September 2015 to August 2018;
Together with six partners from five countries, the Technical University Vienna implemented a strategic partnership in the field of school education. The goal of this project was to prevent early dropping out from school and to improve the digital education of minorities, especially of the Roma.
- Project “Head in the Clouds: Digital Learning to Overcome School Failure”²¹⁵; another project with a similar objective (related to the Roma), where the Technical University Vienna was the Austrian partner. Conventional and digital learning tools were implemented.
- Project “Bridges between Borders”:²¹⁶
The new middle school Haiming was the Austrian participant. During short exchange visits of pupil groups, specially trained “buddies” at the host school take care of the pupil groups, who are disadvantaged on account of their cultural differences (they belong to the Cimbrian minority as well as the Roma minority and come from Eastern Europe) as well as their difficult social environment.
- Project “PALM Promoting authentic language acquisition in multilingual contexts”²¹⁷; Austrian partner: Pedagogical University Lower Austria;
The objective of this project is to develop and implement a learning platform to learn different languages, based on authentic texts by children and young persons.
- Project “SLAVIT – Slovensko v naravoslovje treh dežel”²¹⁸
Austrian partner: Bilingual Grammar School for Slovenes in Klagenfurt
A series of natural-science workshops in Slovene, based on the school partnership of the Slovene Grammar School in Klagenfurt, the Scientific High School France Prešeren in Trieste/Trst and the middle school of the Biotechnical Centre Naklo in Strahinjš.
- Youth feature film project “Friend – Prijatelj II”²¹⁹
Austrian partner: Practice-Oriented Commercial College Völkermarkt
Transnational film projects with the participation of pupils, teachers and experts of the Commercial College Völkermarkt and the grammar school Ravne na

²¹⁴ https://informatics.tuwien.ac.at/news/1874?utm_campaign=feed&utm_term=news

²¹⁵ <https://brainsintheclouds.eu/>

²¹⁶ <https://www.bildung-tirol.gv.at/de/content/etwinning-qualit%C3%A4tssiegel-2018-und-sonderpreis-nms-haiming-verliehen>

²¹⁷ <https://www.palm-edu.eu/de/uber-palm/>

²¹⁸ <https://www.slog.at/aktivitaeten/detail/C28/slavit-am-bg-brg-fuer-slowenen>

²¹⁹ <https://www.hak-vk.at/kultur/dank-erasmus-neues-internationales-spielfilmprojekt/>

Koroškem/Slovenia. The film with the title “Still ruht der See” (Quietly rests the lake) was presented in Villach in September 2019.²²⁰

- Project “ECVET AGENT”²²¹

The main goal of the ERASMUS+ project “ECVET AGENT” was to develop a training curriculum for small and micro-entrepreneurs in agriculture, on the basis of the existing knowledge, skills and competences of the target group – the Roma – and also other disadvantaged persons such as long-term unemployed persons. The curriculum was developed and tested by 8 international partners in 7 countries.

- Bilingual Commercial College Klagenfurt

Since 1990 it has offered the languages of the Alpe Adria region, combined with a solid education in economics. Every school graduate is fluent in a minimum of four languages: German, Slovene, English, Italian, perhaps also Croatian and Russian. The Commercial College (HAK) Klagenfurt conducts Erasmus+ projects, which help its pupils to gather not only international vocational experience in the economic and social fields but also to expand their foreign-language competence and thus their career chances.

- Project “Basic Education for Roma Adults” (2015–2018):²²²

Austrian partner: Caritas für Menschen in Not (Caritas for People in Need)

Goal: to support and promote the basic education (adult education) of Roma, to develop manuals and toolkits.

3.19 Article 19

The Parties undertake to respect and implement the principles enshrined in the present Framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal

²²⁰ <https://www.hak-vk.at/kultur/still-ruht-der-see-kinopremiere-am-freitag-in-villach/>

²²¹ <http://www.ecvet-agent.eu/>

²²² <https://www.caritas-linz.at/aktuell/news/news-archiv/detailansicht-archiv/news/81125-internationales-bildungsprogramm-fuer-roma-von-caritas-entwickelt/>

instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Please refer to the comments in the Second State Report.

4 Comments by the National Minorities' Advisory Councils and National Minorities' Organisations

4.1 Comments by the Community of Carinthian Slovenes (SKS) and the Central Association of Slovene Organisations (ZSO)

Comments on items in the 5th Report of the Republic of Austria concerning the Framework Convention and the immediate measures recommended by the Committee of Ministers

Ad 2.1. Modernising national minority law

The intention to modernise the law pertaining to the national minorities is appreciated.

The 2011 National Minorities Act regulates the use of the official language and the topographical signs, which were negotiated in a compromise. However, there is need for further statutory regulations and clarification concerning some of the solutions such as, for example, the use of the official language in outsourced entities or self-regulatory bodies. Moreover, the use of the official language is limited to the sovereign sphere, although its voluntary use – going beyond this – is not forbidden. The increase in promotional funding for the national minorities, the involvement of the national minorities' advisory councils in preparing the calls for funding as well as the adjustment of the subsidies to their impact-oriented management are also appreciated. However, it would be desirable if the involvement of the members of the national minorities' advisory councils were ensured by way of a statutory regulation. It would also be desirable if the promotional funding for the press and the media were adjusted by law, in the Press Promotion Act, among others, so that the media of the minorities would become eligible for funding under relaxed conditions, and if that could be ensured beyond the currently applicable approach, where allocated amounts vary constantly.

A new codification of the provisions concerning national minorities under constitutional law is also appreciated. In this context, we would like to point out that preliminary work on these issues was done during the Austrian Convention.

There is much and urgent demand in the field of education, especially concerning early childcare, where there are neither federal statutory basic provisions specifically covering the minorities, nor the respective legislation on implementation. There is need for regulatory action in connection with the training of teachers, their further training, and measures concerning their qualifications – all the way to regulating educational materials and financial measures. A few initiatives by, for example, the Working Party on Bilingual and Multilingual Childcare Institutions in Carinthia as well as the Federal Province of Carinthia with its Education Department and the Office for the National Minority, are currently undertaking some ground work. Their experience could be used when proceeding to the respective regulations.

Ad 2.2. Ensuring the quality of all members of the national minorities before the law

All legal remedies are appreciated that facilitate a check on compliance with the minority rights. In this context, it is pointed out that there is no legislation on class actions. Introducing a law on class actions would also be indispensable for the further development of a modern, needs-oriented protection of the minorities. It can hardly be justified that the risks and costs of administrative and court proceedings become the burden of individual members of the national minorities, especially as the number of persons belonging to the national minority continues to go down, and since the activities of individual persons to preserve, promote and further develop national minority rights should not be tied to time-consuming procedures. A law on class actions could ease the burden on members of the national minorities, at least in checking and possibly also in enforcing the guaranteed national minority rights. It would also make it easier to counter any possible acts of structural discrimination.

With regard to the varying scopes of application of material laws concerning minority schools, the official language, the language used in court, topography, etc., it would also be meaningful to work toward harmonising the local spheres of application. This would eliminate many uncertainties concerning subject-matter and territorial jurisdiction and would establish a more transparent legal situation. We also refer to the fact that, as yet, bilingual courts have not been extended and/or ensured for the entire autochthonous settlement area of the Slovene national minority.

In this context, it is also urgent to refer to the modern, digitalized and globally linked world. The mobility of people requires a further development of the protection afforded to the

national minorities, also beyond the autochthonous settlement area. In this context, the language rights, etc. will have to be reviewed and be based on new legal standards.

Finally, we refer to one socio-political area that has been given little or no attention in all considerations. As the population is ageing, it needs services in the health, social and care sectors in the languages of the national minorities. In the context of equal treatment, it would also be commendable to take adequate account of people with vulnerabilities.

Ad 2.3. Reform of the national minorities' advisory councils

As was mentioned at the beginning, the national minorities' advisory councils are not regarded as bodies actually representing the national minorities. They were designed to act in an advisory function. It is nevertheless essential that the representative organisations of the national minorities are adequately represented in the national minorities' advisory councils. All efforts to produce a binding and transparent basis such as guidelines for subsidies, calls for proposals, budgetary orientation, with defined objectives and indicators, etc. are therefore welcome in order to be able to perform the advisory function in an impact-oriented manner. It would also be meaningful to obtain expert opinions and expert assessments in order to comply with the requirements of an activity that more or less coincides with that of an expert, as well as to be able to make the respective proposals that will improve the situation of the national minorities and their members. The members in the advisory councils work on a pro bono basis. In addition to their occupational activities, advisory council members often also engage in voluntary cultural, social and political activities, so that it is hardly possible to produce in-depth assessments, comments and proposals that take account of the complex interdependence of the current social, economic, cultural, political and global challenges.

Ad. 3.1. Article 1

It is suggested that the review processes under the listed agreements should generally put more emphasis on the implementation, promotion and development of national minority rights, especially since the various reports pay attention to the rights of the national minorities only in a marginal form, if at all. Of course, this does not apply to ECRML monitoring.

Ad 3.2. Article 2

The good-neighbourly relations to the Republic Slovenia are of particular importance to the Slovene national minority. In this context, the regular exchanges between representatives of the two states are highly appreciated. Issues concerning the national minority always feature on the agenda of such meetings. The effective protection of the minorities both in Austria and in Slovenia, for all national minorities living on this territory, is a mutually enriching experience and supports the further development of the level of protection afforded to the national minorities.

Ad 3.4.2. Constitutional provision concerning a targeted objective for the protection of the national minorities

The amendment of the Carinthian regional constitution, adopted in 2017, which introduced the constitutional provision concerning a targeted objective, namely the protection of the Slovene national minority, is regarded as an important confidence-building measure. Further steps in the direction of developing modern and effective legislation for the national minorities will have to be judged accordingly. However, they cannot replace the legislative regulations in the field of elementary teaching on the federal level, as was mentioned earlier. Laws pertaining to the national minorities are a federal competence and legislation on the federal level is therefore necessary.

Ad 3.4.3 Legal protection by the courts and 3.4.6.4. Actual equality by effective legal remedies

In addition to referring to the use of Slovene as a language in court, as being a core element of the afforded legal protection and the equal treatment of members belonging to the national minorities, we refer to the missing legal possibility of filing a class action.

Ad 3.4.5. Equal treatment laws

The implementation and application of the relevant European directives is of particular importance for protection against discrimination and the equal treatment of members of a national minority, as well as constituting an effective supplement to the national equal-treatment standards concerning the national minorities. Unfortunately, these directives and their transposition are still not very much known in Austria. In this connection, it is suggested to launch an information campaign.

Ad 3.4.6.1. and 3.4.6.2. Awareness-raising at the judiciary, among the police and civil servants

Further awareness-raising measures, especially also concerning the national minorities living in the federal provinces, including support for learning the minority languages, would be a meaningful addition to the statutory provisions for the protection of the minorities. It is also suggested to design a national strategy for the protection of the national minorities.

3.5. Article 5

The promotional measures by the Federal Government and the Federal Province of Carinthia is highly appreciated. It is also appreciated that the organisations of the national minorities are included in the development of promotional programmes. However, it would be easier to develop the respective impact-based measures if the Republic of Austria had a national strategy for the protection of its national minorities. This would be an instrument – at least until a newly codified law on the national minorities is adopted, which should reflect the common set of principles and values of the Republic concerning the protection of the national minorities – which could sustainably guarantee effective and target-oriented promotional measures.

The granting of a donation on the occasion of the 100-year anniversary of the referendum in Carinthia is appreciated, although it would be more meaningful to promote cultural and language projects than the possibility to promote infrastructure projects on the municipal level without any specific implications on the protection of the national minorities.

3.6. Article 6 3.6.1. Tolerance and intercultural dialogue in Carinthia

The developments, both on the legal and the political level, are given a positive evaluation. The Office for the Carinthian Minority is providing valuable services in the administrative field and contributes considerably to a better understanding of the situation of the minority. It would be helpful if that institution could be strengthened by more staff with legal and linguistic qualifications, particularly against the background that there will be increasing requirements, especially in connection with digital administrative services, in addition to intercultural communication. The Office for the Carinthian Minority could become a central citizens' service point in Carinthia and, among others, make sure that uniform translation standards and legal opinions are produced. It is regrettable that the further development of the Slovene administrative language on the basis of the Austrian legal system is currently

reduced to the work of only a few persons. The agenda of the Office for the Carinthian Minority is quite complex and fairly unique on the administrative level. In this context, a further development of the tasks of the Office for the Carinthian Minority by means of a participative process, involving the national minority, would be welcome.

The Dialogue Forum for the development of the mixed-language region, which was set up in connection with the Memorandum on the occasion of the signpost compromise, also deserves to be mentioned positively. In particular, the projects and specific work assignments emanating from the Dialogue Forum, such as the establishment of the working group on language competence, prove that there is common concern for a promising future-oriented regional and multilingual development in Carinthia.

Ad 3.6.2.2. Culture of remembrance

At present, the memorial and remembrance events, which are attended by high-ranking political representatives, are a major contribution to the culture of remembrance. However, in addition to visible memorial sites, attention should increasingly also be paid, among others, to modern empirical findings and measures that would have to be derived from there. The understanding for historical events, which a younger generation can no longer grasp, must be linked up to current developments. Xenophobic, discriminating and democracy-threatening aspects will then be put into a context that can be communicated more readily. When names are given to public sites, traffic areas, etc., these occasions lend themselves to a new and contemporary public discussion.

Ad 3.9. Article 9

The services offered by the Austrian Broadcasting Corporation are commendable. The specific programmes for the national minority offered in the language of the national minority are diverse and contribute to the use of the minority language as well as to information about the national minority. Nevertheless, it would be meaningful to expand the options in the general ORF programme with reports and information broadcasts for the “majority population”. There is still room for improvement concerning the current level of knowledge about Austria’s autochthonous national minorities.

Ad 3.9.5. Print media

The amount allocated in the budget item for the media of the national minorities is appreciated. However, a specific legal basis, such as the Press Promotion Act, can better ensure the funding of the national minority media on a long-term basis

Ad 3.14.2. The Minorities School System

In addition to the aforementioned measures required for elementary teaching, the language training of teachers must be given more attention. At present, a decreasing number of students decide to enroll at the pedagogical university. There is a lack of bilingually trained teachers, as a result of which the available opportunities are becoming limited for receiving education in the minority language. Bilingually trained teachers are missing on both secondary levels (SEK I and SEK II). The same applies to full-day care and afternoon care. In addition to countering the lack of teachers, measures must be taken to stop the massive drop in enrolment numbers for bilingual education at the transition from the primary level to secondary level SEK I, but especially from secondary level SEK I to secondary level SEK II. In general, the enrolment for a bilingual education should be valid until completion of mandatory school attendance (ninth grade). Polytechnical schools and further training in apprenticeship vocations are further issues where bilingual education should be massively supported and expanded. Moreover, there must not be any cuts in the central educational institutions of the Slovene-speaking minority from units to real hours. These must explicitly be maintained. An increase in the number of real hours would facilitate and ensure the various measures to additionally promote the Slovene language. After all, qualified persons are being trained in these areas. They offer the basis for a prospering economy, especially in the border regions. Cross-border and global business could be based on a natural multilingualism and intercultural competences. When appointing staff for the Education Directorate for Carinthia, increased attention should be paid to aspects of the minorities school system. It appears to be important that persons with language skills and expertise concerning the protection of the national minority are not only appointed to the department for the national minority schools but also to the top management level of the Education Directorate. Integrative action and awareness-raising cannot only be guaranteed by specific institutions such as the department for the national minority schools but must be understood and supported by the entire senior management.

In this connection, we would like to refer to the annexed position paper on the 2018 Report of the Federal Province of Carinthia on the situation of the Slovene national minority,

prepared by all three political representative organisations – IV. Educational system (see Annex).

Ad 3.15.1.4. Treatment of the reports according to Article 69a of the Carinthian Regional Constitution in the Carinthian Regional Parliament

The annual report by the Carinthian Regional Government to the Carinthian Parliament is a unique opportunity to give visibility to the measures leading to an improvement of the situation of the national minority and to discuss them. So far, the comments made by the Slovene organisations, were taken into account. Unfortunately, though, in 2019 Parliament failed to deal with the report in the responsible committee together with representatives of the Slovene national minority. The result is a departure from one of the main objectives of the report, namely the joint discussion with the national minority and about its problems. As constructive discussions lead to a visible and documented step-by-step improvement – the report according to Article 69a of the Carinthian Regional Constitution relates to the enforcement by the regional authorities – it is proposed that a regular report on the measures taken is also given on the federal level within the competences of the Federal Government.

3.17 Article 17

Due to the COVID-19 pandemic, Austria's population was also confronted with far-reaching measures that restricted the personal freedom of movement and individual mobility. For the members of the national minority and the organisations of the national minorities, in particular, the restrictions on the freedom of movement beyond the borders into Slovenia had massive repercussions. In addition to the restrictions on cultural events, on on-site teaching, etc., the members of the national minority suffered from the limited range of mobility which reduced the opportunities for communicating in their mother tongue. It is hoped that the time-limited measures will not have a serious sustainable negative impact on the further development of the language of the national minority. However, the national minority will not simply be able to continue on the level prior to COVID times, without compromises on quality. Especially with a view to future crisis situations, which might affect the cross-border range of action, it is therefore urgently recommended to develop a crisis manual for specific issues concerning the national minorities. The common border region is reflected in numerous cultural, social, economic and political projects and contributes considerably to a prospering development of the national minority. Common crisis guidelines, developed jointly with the Republic of Slovenia, which take account of the

essential needs of the national minority, could help to prevent a further marginalisation of the national minority and the use of the language of the national minority.

4.2 Comments by the Chairman of the National Minority Advisory Council for the Czech National Minority and his Deputy

In Resolution CM/ResCMN(2017)6 on the implementation of the Framework Convention for the Protection of National Minorities, the Committee of Ministers stated in its further recommendations that an amendment of the Private School Act should be considered favourably in order to address the long-standing concerns of access to education for persons belonging to national minorities outside Burgenland and Carinthia.

As was already outlined in previous position papers, the provisions of the school system for the federal provinces of Vienna, Burgenland and Carinthia are of a different quality concerning the national minorities living there. There has been no change for the Czech and Slovak national minorities since the report of the Expert Committee for the Framework Convention in 2002.

In 2017, Austria carried out a major reform of the laws pertaining to the school system. Changes were also made in connection with the aforementioned Private School Act. The Chairman of the National Minority Advisory Council for the Czech Minority and his deputy prepared and submitted a modification in the course of the consultation procedure to the authorities concerned, primarily to Parliament. This proposal was not accepted. It had envisaged a legal guarantee of the currently existing funding of the teachers as a “living subsidy” as well as coverage of the overhead expenses per pupil, corresponding to the school maintenance rates in the public school system.

At present, a bilingual school education in the language of the national minority is offered in Vienna to members of the Czech and Slovak national minorities solely at the schools of the private Komenský School Association. There is no option available at public schools. For the pupils, this situation entails a financial burden, as a tuition fee must be paid, which the private school operator must collect in order to cover the school maintenance costs. The public sector covers these costs when incurred by public schools.

4.3 Comments by the Members of the Advisory Council for the National Minority of the Roma (Mayor Georg Rosner and Manuela Horvath)

General observations

The current report, which is based on the Framework Convention for the Protection of National Minorities, is an important instrument in order to improve the situation of the national minorities, not only in Austria but throughout Europe as well as to better root in society the importance of national minorities.

3.6.2.4 Year of cultural diversity 2016

In this section, we noticed a typing mistake, i.e. “Romane Thana”.

3.6.6.6 Roma Holocaust commemoration

The letter by the then responsible minister was sent to nine and not to ten municipalities in Burgenland, as is stated in the report (Stegersbach, Markt Allhau, Deutsch Kaltenbrunn, Frankenau-Unterpullendorf, Oberpullendorf, Großwarasdorf, Oberschützen, Loipersdorf-Kitzladen, Jennersdorf).

3.15.1.1 National minorities’ advisory councils

There are major differences among the individual national minorities with regard to their economic and social situation. At the meetings of the national minority advisory council, the main topics are the allocation of subsidies as well as cultural topics. The economic and social problems of the national minorities must not be disregarded. Possible funding measures for local and sustainable projects should be discussed, and ways and means for their implementation should be found in order to improve the economic and social situation of members of the national minorities who are in an even weaker position.

It should also be possible to elect those members of the advisory council as chairperson and deputy chairperson who were not proposed by an organisation of a national minority, provided that these persons are members of the respective national minority.

Cross-linking of the national minorities

For a better embedding of the national minorities within society, the focus should be on the cross-linking of all national minorities in Austria and/or throughout Europe. The national minorities often face the same problems. Cross-linking would make it easier to solve these problems in a target-oriented manner, and/or would prevent that they actually arise. A positive example does already exist in the town of Oberwart, where the national minorities exchange their views and support each other. It is also planned to build a house for all national minorities. This example could serve as a model for further projects in other regions.

4.4 Comments by the Council of Carinthian Slovenes (NSKS)

Comments on the 5th Report by the Republic of Austria pursuant to Article 25 (2) of the Framework Convention for the Protection of National Minorities.

On 30 June 2021, the Federal Chancellery sent a letter dated 25 June 2021, communicating the 5th Report of the Republic of Austria pursuant to Article 25 (2) of the Framework Convention for the Protection of National Minorities with a total of 254 pages. The chairpersons of the respective national minorities' advisory councils were requested to compile the opinions of the members of the national minorities' advisory councils and condense them into a document of 5 pages, as a maximum, and send them to the Federal Chancellery by 04 August 2021. It is impossible to deal seriously with a report of 254 pages, which was drawn up in euphemistic terms and is incomplete in almost all decisive points. The Council of Carinthian Slovenes / Narodni svet koroških Slovencev instructed the Chairman of the Association of Carinthian Slovene Lawyers / Društvo koroških slovenskih pravnikov to prepare the written comments. On 02 August 2021, the comments (covering a total of 47 pages) were sent to the Federal Chancellery on 02 August 2021.

On 18 August 2021 the Federal Chancellery thanked us for sending the comments and requested that "for the purpose of translation a summary of your comments be sent by 25 August 2021, at the latest,; which should not exceed 5 pages. In the event that no such summary is sent by that date, the first five pages of your comments dated 02 August 2021 will be translated."

The manner in which the Federal Chancellery is handling the report by the Republic of Austria as well as the comments by the national minorities concerned is tantamount to a blank refusal of any discussion. If the Federal Chancellery were interested in conducting a serious dialogue, it would also have to be interested in forwarding the comments of the respective national minorities in their entirety and without any more ado. This, in particular, since it is always the details that matter in connection with legislation concerning national minorities, in order to be able to judge whether the protection of the national minorities is actually “lived”, in keeping with the intended spirit, or whether the obligations exist only on paper.

Nevertheless, we will comply with the request of the Federal Chancellery, out of respect for the Committee of Ministers. Instead of a new summary, a slightly shortened version of an article will be given below, which was published in the Slovene newspaper “DELO” on 07 August 2021 and also prepared by the Association of Carinthian Slovene Lawyers / Društvo koroških slovenskih pravnikov. It deals with the State Report by the Republic of Austria and the report by the Carinthian Regional Government about the situation of the Slovene minority, which was published slightly earlier:

“In recent weeks, a dispute arose on the pages of ‘DELO’ about the current situation of Austria’s minority policy vis-à-vis Slovenes in Carinthia. Irrespective of the question whether ‘there is any progress after all’ or not, one should focus on the facts:

1. Gentle repression of Article 7 of the Austrian State Treaty:

In recent weeks, two reports about Austria’s minority policy were published, namely the report by the Carinthian Regional Government on the situation of the Slovene minority in Carinthia for the year 2020, on the one hand, and the report of the Republic of Austria concerning the 5th report of the Council of Europe pursuant to the Framework Convention for the Protection of National Minorities, on the other hand. What is most striking about these voluminous reports – 33 pages, on the one hand, and 254 pages on the other hand – are the items that are not contained in these reports: Although Article 7 of the State Treaty of Vienna continues to be the most important provision by far for the protection of the Slovene population in Carinthia and Styria, this provision is more or less not mentioned at all in the reports by the Republic of Austria and the Federal Province of Carinthia relating to the protection of Carinthian Slovenes! Concerning the Slovene population in Styria, the Republic of Austria actually and literally writes in its report that it can see no possibility for introducing bilingual schools, Slovene as an official language, or bilingual topographical

signs – all of this is provided for in Article 7. Already ten years ago, the Republic of Austria made it impossible to apply the provisions of Article 7 directly, when it adopted constitutional provisions, and now the validity of this provision per se is undermined furtively. This is a dangerous development which may ultimately lead to a situation where Austria could declare that Article 7 of the State Treaty has become obsolete.

2. Ignoring European standards and recommendations:

In its 5th report pursuant to the Framework Convention for the Protection of National Minorities dated 17 October 2017, the Council of Europe recommended that Austria should take some immediate and several additional measures. To this day, the Republic of Austria has consistently ignored all of these recommendations. In the Austrian report, drawn up by the Federal Chancellery, the recommendations of the Committee of Ministers are ultimately reduced to absurdity. The Committee of Ministers of the Council of Europe recommended as an immediate action to ensure systematically full and effective equality before the law of all persons belonging to national minorities by guaranteeing effective access to a legal remedy to challenge the denial of minority rights, including language rights. Austria states in its report that under Austrian law, members of the national minorities DO have the right to complain to the courts, if they wish to do so, as a result of which equality is being ensured. Austria does not mention that all provisions on bilingual topography and the bilingual official language in Carinthia were decided on the constitutional level so that no more complaints are possible, especially in this respect – although less than one half of those topographical signs have been set up, which ought to have been put up in keeping with the case law of the Constitutional Court, and although Slovene has only been admitted as an official language in approximately one third of the bilingual municipalities of Carinthia. It is not even possible to raise a complaint against the absurd arrangement that in one and the same municipality, and without any logical reason, the inhabitants of some villages are allowed to use Slovene as an official language, while the inhabitants in other villages cannot do so. Nor is it possible to complain that the inhabitants of several bilingual municipalities such as, for example, Ludmannsdorf/Bilčovs or St. Jakob im Rosental/Šentjakob v Rožu, do not have the possibility to use Slovene in court, although they can do so at the respective municipal authorities, while the inhabitants of other municipalities, such as Gallizien/Galicija, are allowed to use Slovene in court but not before local authorities. There are 20 different categories of Carinthian Slovenes, depending on how many minority rights they can enjoy.

3. Nationalised representation of the national minorities instead of democratic structures:

The Council of Europe also recommended that Austria should reform its national minorities' advisory councils in order to ensure that they constitute a functional mechanism through which persons belonging to national minorities can participate effectively in all relevant decision-making processes, beyond the allocation of cultural support. In reality, the opposite is true. Increasingly, Austria is transforming the national minorities' advisory councils into institutions for some kind of nationalised minority policy, where only the chairpersons and the vice-chairpersons of the advisory councils are allowed to decide – and it would be best if they did so together. In such an advisory council forum of chairpersons and vice-chairpersons, the Carinthian Slovenes would only be represented by 2 out of 12 representatives. Whatever does not meet with everybody's agreement, is subsequently of no relevance to Austria's national minority policy. At present, the Carinthian Slovenes are represented by Bernard Sadovnik from the Community of Carinthian Slovenes, which is a small and the least relevant 'representative organization' of Carinthian Slovenes, and by Mrs. Susanne Weitlaner, as representative of Slovenes in Styria. However, this curious 'representation', which is without any democratic legitimacy and control, takes decisions. Only recently, it was decided to conduct a survey for the evaluation of the situation of Carinthian Slovenes at the enormous price of € 270,000.00, although nobody knows what criteria will be applied when interviewing people. There is not a single concept to put more democracy into the representation of the national minorities and to actually strengthen them. Instead, there are a few officials of the national minorities who have benefitted from this unpleasant situation for several decades, but who thwart any attempt to bring about change to the system.

4. Complete standstill in major areas:

Education in the Slovene language is of vital importance for the existence of the Slovene national minority. There is complete standstill in this area, although there were numerous reforms otherwise, especially in the educational field in recent years. However, there is no progress at all in the area of the minorities school system, which should not only stand for bilingual teaching at primary schools but provide education from nursery school up to an option to enrol in Slovene studies in Klagenfurt/Celovec. The bilingual school system essentially continues to focus on the four years of primary school, based on the principle of registration for bilingual education, which dates back to the year 1958, and without consideration for more recent developments, at least during the past 30 years. The Federal Province of Carinthia refers to federal competences in this respect, the federal authorities refer to the competences of the municipalities, and the municipalities refer back to the regional entities – much to the detriment of the children and young people who are

deprived of the possibility of getting a bilingual education, bilingual teaching and further training in the Slovene language. This complete standstill has spread to other areas as well. This cannot be altered by putting up – on a voluntary basis – a few additional bilingual signs. Of course, each and every new signpost is gratifying. However, there is a difference in whether a national minority has the right to public bilingualism, or whether these are acts of grace, depending on whether the necessary majority can be found in the respective municipal councils or not.

There is therefore no reason to be satisfied. It is true that the atmosphere in the population has improved considerably in recent years. Most likely it is also true that the majority of the people in Carinthia would not have a problem nowadays if one were to really begin with a consistent implementation of the minority rights. Perhaps a relevant part of the population would even welcome measures in the direction of ‘language planning’, as it is being pursued successfully in other European regions, with the goal of reviving endangered minority languages.

However, national minority policies in Carinthia and Austria are remote from such an approach. The Green Party, which takes an amiable attitude towards the national minority, is part of the Federal Government; yet, it is not responsible for national minorities policies. The official Austrian reports are the same of what they were in all those years past – without any actual understanding for the problems of the Austrian national minorities, and without any willingness to enter into a serious dialogue. This year, for the first time since the reports on the situation of the Slovene national minority were introduced, Carinthia did not even invite representatives of the Carinthian Slovene population to a discussion of the report. Austria communicated its 254 pages to the representatives of the national minorities at the end of June 2021 and gave them the opportunity to comment on it before early August 2021, with the comments being requested to cover not more than 5 pages.

However, the public is told the same old story – namely that the dialogue is so successful.

It is true that there is no longer open hostility. There are now verbal commitments to engage in dialogue and tolerance, but they are not followed up by deeds. The following joke was told in connection with former Federal Chancellor Kreisky: ‘He (= Kreisky) and the leader of the opposition went fishing together. The leader of the opposition caught a fish and beat the fish to death – the onlookers were shocked. Kreisky caught a fish and began to caress the fish. The onlookers rejoiced. When Kreisky was asked what he was doing, he replied: This treatment will also kill the fish.’

‘At present, Slovenes in Carinthia are getting their caresses.’”

Moreover, we refer to the comprehensive comments which we communicated and which we attach once again for the benefit of completeness. We are convinced that – despite the absence of willingness on the part of the Federal Chancellery to translate the full text of our comments – this full text with our comments will ultimately come to the attention of responsible and concerned persons, organisations, institutions and states dealing with and also interested in the protection of national minorities.

5 Appendix tables

Administrative Forms in the languages of the national minorities (Ministry of Finance)

Tax returns

E 1	Income tax return
E 1a	Supplement to income tax return E 1 for individual entrepreneurs (operating income)
E 1a-K	Supplement to income tax return E 1 for small businesses
E 1b	Supplement to income tax return E 1 for income from rental and leasing of developed and undeveloped land
E 1c	Supplement to income tax return E 1 for individual entrepreneurs with lump-sum income from agriculture and forestry
E 1kv	Supplement to income tax return E 1 for income from capital assets
E 2	Completion instructions for income tax return (E 1) for 2018 and supplement to income tax return E 1 for individual entrepreneurs (operating income) (E 1a)
E 4	Application for the multiple-child bonus on the basis of the circumstances of the year
E 6	Declaration of the income of partnerships/associations (declarative statement)
E 6 Erl.	Completion instructions for the declarative statement (E 6) 2018 and the supplements to the declarative statement (E 6a, E 6a-1), E 6b, E 6c)
E 6a	Supplement to the declarative statement (E 6) 2018 for operating income
E 6a-1	Supplement to Form E 6a
E 6b	Supplement to the declarative statement (E 6) 2018 for income from rental and leasing of developed and undeveloped real estate
E 7	Income tax return for 2018 (in case of limited liability to pay taxes)
E 8	Completion instructions for income tax return (E 7) for 2018 (in case of limited liability to pay taxes)
E 11	Supplement to the income tax return
E 30	Declaration for consideration at the employer's: single-earner tax credit, single-parent tax credit, family bonus plus, disability-related tax allowances for extraordinary burdens or increased pensioner deduction

E 31	Report on the cancellation of the single-earner/single-parent tax credit / increased pensioner deduction and/or changes in the country of residence in the case of children
EGA 1	Declaration on the natural gas duty
ELA 1	Declaration on the electricity duty
ENAV 3	Application for advance reimbursement of the energy taxes for 2018 for production operations
L 1	Declaration concerning the employee tax assessment
L 1ab	Supplement L 1ab for 2017 to the declaration concerning the employee tax assessment (L 1) or the income tax return (E 1) for consideration of extraordinary burdens
L 1d	Supplement L 1d for 2017 to Forms L 1, E 1 or E 7 for special consideration of special expenses
L 1d-Erl	Completion instructions for supplement L 1d
L 1i	Supplement (L 1i) for 2017 to the declaration concerning the employee tax assessment (L 1) or the income tax return (E 1) for income from employment without wage tax deduction – additional disclosures where certain cross-border criteria are met – application for unlimited tax liability (§ 1 (4))
L 1k	Supplement to the declaration concerning the employee tax assessment (L 1) or the income tax return (E 1) for 2017 for consideration of a child allowance, a support money deduction, an extraordinary burden for children or for subsequent taxation of a grant by the employer for childcare costs
L 2	Completion instruction for Form (L 1) (Declaration concerning the employee tax assessment)
L 17	Wage statement/ Pay statement
L 17a	Notes for completing the Form (L 17) wage statement/pay statement
U 1	VAT return
U 1a	Completion instructions for the VAT return

Other Forms

Finpol 9	Personal data sheet
FStr 8	Legal instructions for persons arrested on the basis of the Financial Penalties Act (FinStrG)
FStr 9	Legal instructions for persons suspected or accused of having committed a fiscal criminal offence
FStr 9a	Legal instructions in connection with fiscal criminal proceedings against associations as defined in § 1 Responsibilities of Associations Acts (VbVG)

FStr 39	Legal instructions about house searches and body searches
FStr 80	Statement according to Article 4 of the Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition of financial penalties
FStr 126	Information for persons arrested in accordance with the Code of Criminal Procedure
FStr 131	Legal instructions for persons accused in accordance with the Code of Criminal Procedure (StPO)
FStr 136	Legal instructions for witnesses in accordance with the Code of Criminal Procedure (StPO)

Studies in the languages of the autochthonous minorities in Austria (regular and commenced) – Winter semester 2018

University	Type of studies	Studies (short text)	Name/language (3 rd indicator)	Regular studies			Commenced studies		
				women	men	total	women	men	total
University of Vienna	Bachelor studies	Finno-Ugric studies (B)	Hungarian studies	48	18	66	9	2	11
		Slavic studies (B) ¹	Bosnian/Croatian/ Serbian	136	50	186	18	7	25
			Slovene	16	5	21	4		4
			Czech	32	21	53	9	3	12
			Slovak	19	8	27	1	2	3
	Master studies	Finno-Ugric studies (M)	Hungarian studies	6	5	11	1	2	3
		Slavic studies (M) ²	Slavic studies	77	28	105	8	4	12
	Doctoral studies	Finno-Ugric studies	Hungarian studies	3	1	4			
		Slavic studies ²	Slavic studies	35	14	49			
University of Graz	Bachelor studies	Bosnian/Croatian/ Serbian (B)	Bosnian/Croatian/ Serbian	34	17	51	1	5	6
		Slovene (B)	Slovene	9	6	15	2		2
	Master studies	Bosnian/Croatian/ Serbian (M)	Bosnian/Croatian/ Serbian	15		15	2		2
		Slovene (M)	Slovene		1	1			

University	Type of studies	Studies (short text)	Name/language (3 rd indicator)	Regular studies			Commenced studies		
				women	men	total	women	men	total
	Doctoral studies	Bosnian/Croatian/ Serbian	Bosnian/Croatian/ Serbian	7	3	10	1		1
		Slovene	Slovene	3	1	4			
University of Innsbruck	Bachelor studies	Slavic studies (B) ²	Slavic studies	67	22	89	16	2	18
	Master studies	Slavic studies (M) ²	Slavic studies	10	3	13	4	1	5
	Doctoral studies	Bosnian/Croatian/ Serbian	Bosnian/Croatian/ Serbian	1		1			
		Slavic studies ²	Slavic studies	3		3			
University of Salzburg	Bachelor studies	Slavic studies (B) ²	Slavic studies	53	20	73	11	6	17
	Master studies	Language sciences (M) ²	Language sciences	18	7	25	4	5	9
		Comparative literature (M) ²	Literature and cultural studies	56	9	65	13	3	16
	Doctoral studies	Slavic studies	Slavic studies	9	2	11		1	1
University of Klagenfurt	Bachelor studies	Slavic studies (B) ²	Slavic studies	80	14	94	8	2	10
	Master studies	Slavic studies (M) ²	Slavic studies	13	2	15	1		1
	Doctoral studies	Slavic studies ²	Slavic studies	3	2	5	1	1	2

¹ The bachelor studies Slavic studies at the University of Vienna are offered in the languages Bosnian/Croatian/Serbian, Bulgarian, Polish, Russian, Slovak, Slovene, Czech and Ukrainian.

² Due to the data available it is not possible to differentiate according to the different languages.

Source: Federal Ministry of Education Science and Research (BMBWF); winter semester 2018 (Status: 04/01/2019)

Regular completion of studies in the languages of the autochthonous ethnic groups in Austria – study year 2017/18

University	Type of studies	Studies (short text)	Name/language (3 rd indicator)	Completed studies		
				women	men	total
University of Vienna	Bachelor studies	Finno-Ugric studies (B)	Hungarian studies	5	1	6
		Slavic studies (B) ¹	Bosnian/Croatian/ Serbian	10	4	14
			Czech	2	1	3
			Slovak	1		1
	Master studies	Bosnian/Croatian/ Serbian (M)	Bosnian/Croatian/ Serbian	1		1
		Slavic studies (M) ²	Slavic studies	6	2	8
		Czech (M)	Czech	2		2
	Doctoral studies	Finno-Ugric studies	Hungarian studies	2	1	3
		Slavic studies ²	Slavic studies	4	3	7
	University of Graz	Bachelor studies	Bosnian/Croatian/ Serbian (B)	Bosnian/Croatian/ Serbian		1

University	Type of studies	Studies (short text)	Name/language (3 rd indicator)	Completed studies			
				women	men	total	
	Master studies	Bosnian/Croatian/ Serbian (M)	Bosnian/Croatian/ Serbian	4		4	
University of Innsbruck	Bachelor studies	Slavic studies (B) ²	Slavic studies	4		4	
	Master studies	Slavic studies (M) ²	Slavic studies	1		1	
	Doctoral studies	Bosnian/Croatian/ Serbian	Bosnian/Croatian/ Serbian		1	1	
University of Salzburg	Bachelor studies	Slavic studies (B) ²	Slavic studies	5	2	7	
	Master studies	Slavic studies (M) ²	Slavic studies		1	1	
		Comparative literature (M) ²	Literature and cultural studies		1		1
University of Klagenfurt	Bachelor studies	Slavic studies (B) ²	Slavic studies	5	1	6	
	Master studies	Slavic studies (M) ²	Slavic studies	1		1	
	Doctoral studies	Bosnian/Croatian/ Serbian	Bosnian/Croatian/ Serbian		1	1	2
		Slavic studies ²	Slavic studies		1		1
		Slovene	Slovene		1		1

¹ The bachelor studies Slavic studies at the University of Vienna are offered in the languages Bosnian/Croatian/Serbian, Bulgarian, Polish, Russian, Slovak, Slovene, Czech and Ukrainian.

² Due to the data available it is not possible to differentiate according to the different languages.

Source: Federal Ministry of Education Science and Research (BMBWF); winter semester 2018 (Status: 04/01/2019)

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Federal Chancellery

Ballhausplatz 2, 1010 Vienna

+43 1 531 15-0

volksgruppen@bka.gv.at

bundeskanzleramt.gv.at