

# **4<sup>th</sup> 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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## 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 implementation measures 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 according to Article 25 of the Framework Convention (“Outline for State Reports to be Submitted under the Fourth Monitoring Cycle of the Framework Convention for the Protection of National Minorities”, CM(2013)30), the focus of the present Fourth State Report of the Republic of Austria is on the implementation of the recommendations issued during the previous monitoring cycle as well as current new developments. The margin notes indicated in the present Fourth State Report thus refer to the review report (“Opinion”) of the Advisory Committee expressed in connection with third review (“Monitoring Cycle”). Whenever no changes need to be reported, reference will be made to a previous State Report, if applicable. Part I of the present report is a general overview of the political implementation measures. Part II is dedicated to the implementation of the “Issues for immediate action”, recommended in the Resolution of the Committee of Ministers concerning the implementation of the Framework Convention for the Protection of National Minorities by Austria, CM/ResCMN(2012)7, adopted on 13 June 2012. Part III reports along the outline of the individual articles of the Framework Convention, giving due consideration to the “Further recommendations” in the Resolution of the Committee of Ministers, as well as further findings of the Advisory Committee. The Annex contains the statements submitted by the Austrian minorities’ advisory councils.

Please refer to Austria’s statement on the occasion of Austria’s ratification of the Framework Convention with regard to the scope of the reporting obligation and/or of the subject of the monitoring. 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 national 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. “*Volksgruppe*”, as defined in this law are the autochthonous national minorities.



## I 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 [Res CMN(2004)1] completed the first monitoring cycle, the resolution of 11 June 2008 [Resolution CM/Res. CMN(2008)3] completed the second monitoring cycle, and the resolution of 13 June 2012 [Resolution CM/Res CMN(2012)7] completed the third monitoring cycle. Austria is now submitting the fourth State Report; the comments of the national minorities' advisory councils have been obtained and are attached to it.

Austria published the text of the Framework Convention (in German) as well as important documents from the preceding monitoring cycles, especially Resolution CM/Res.CMN(2012)7 (in German and English) on the website of the Federal Chancellery in order to raise the level of public awareness for the Framework Convention, as well as to support its implementation and to promote the dialogue between the national minorities and the majority population. It is also planned to publish the present fourth State Report in German and English on the website: <http://www.bundeskanzleramt.at/site/3516/default.aspx>

## II Concerning the immediate actions recommended by the Committee of Ministers

### II.1 First recommended immediate action – amending the National Minorities Act

Take resolute steps towards amending the national minority legislation with a view to ensuring consistent and inclusive protection of national minority rights throughout Austria; ensure comprehensive and effective consultation with national minority representatives before adopting any amendments to relevant legislation.

The Programme of the Federal Government for the XXIV<sup>th</sup> Legislative Period (2008 – 2013) envisaged a review of the National Minorities Act in cooperation with the national minorities' advisory councils. This initiative was launched on 3 December 2009 by an inquiry scheduled in Vienna which was attended by members of the advisory councils for the national minorities as well as scientists, politicians and civil servants. Three working groups were set up in the course of a further conference on 14 April 2010 in order to deal with specific national minority issues, i.e. "Education and Language", "Regional and Economic Policy" and "Structural and Legal Issues". Their remit was to draw up modern elements of legislation for the national minorities, including national minority school laws as well as further measures in the linguistic-pedagogical field and regional and economic policy. In this context, Austria's commitments under the Charter of Regional and Minority languages were also to be taken into account. In the course of 2010 and 2011 the working group "Education and Language" met six times (including the meetings of the sub-groups), the working group „Regional and Economic Policy“ met on three occasions, and the working group "Structural and Legal Issues" convened ten times.

Attached to a letter dated 29 February 2012 the draft for an amendment of the National Minorities Act was sent to a large group of addressees for comments, including the advisory councils for the national minorities. Pursuant to the explanatory notes to the draft, the document served the following main perspectives, in addition to achieving several legislative adaptations:

- Introducing updated constitutional provisions on the targeted objective and definitions suited for a modern and pluralistic society.
- Setting up the advisory councils for the national minorities on a new basis in line with a civil-society model. At the same time, their tasks would be re-defined and expanded, and their autonomy would be enhanced.

- A forum of the national minorities' advisory councils would be set up as a coordinating body across national minorities.
- The provisions on subsidies would be modified and the allocation of subsidies would be designed in a more target-oriented, more efficient and more flexible manner and be geared to impact orientation. The national minorities would increasingly be involved in the allocation and evaluation of the granted subsidies.

Below are further regulatory issues to be addressed:

- Stating clearly that discriminatory acts based on affiliation to a national minority are covered by the federal law on equal treatment (Equal Treatment Act) and can be asserted on this basis.
- Introducing the right of third-party intervention, based on the model of § 62 of the Equal Treatment Act: Representative national minority organisations would be able to join in civil proceedings as interveners to assert claims pursuant to the Equal Treatment Act, provided that the person concerned so requires.
- New composition of the national minorities' advisory councils: The members of the advisory councils for the national minorities would continue to be appointed by the Federal Government, as was the case before. In this context, the representative organisations of the national minorities would have had the right to nominate three fourths of the members and not only one half, as was the case before. One fourth of the members would be experts with specific knowledge in the fields of linguistics and education, pedagogics, culture, religion, as well as social, economic and legal science, and regional policies, who are of importance to the respective national minority, or who have specific expertise and experience concerning national minority issues. Members of the churches and religious denominations with specific expertise would be regarded as experts on religious issues.
- The regional administrative bodies or other public entities and public-law corporations would be motivated to affix bilingual signs, beyond their statutory obligations. However, this provision would not cover the bilingual place-name signs of the traffic police. The latter issue was finally solved by the amendment to the National Minorities Act of 26 July 2011, Federal Law Gazette I No. 46/2011 (for details see below).
- The regional administrative bodies or other public entities and public-law corporations would be motivated to additionally use the languages of the national minorities, beyond their statutory obligations.
- Regional administrative authorities or other public entities and public-law corporations would expressly be required to also use the diacritic signs belonging to the language of a national minority in a correct and complete manner.
- Modification of the provisions on official languages: In procedures which need to be conducted at periodically recurring intervals (e.g. in connection with prescribing charges and levies), a one-time request by the person concerned should be sufficient to conduct

(also) all future procedures in a minority language as official language, until cancelled, and to issue and serve all decisions in such procedures (such as decrees or statements on arrears) (also) in that official language.

- The forum of the advisory councils, which would be set up, would have the competence, amongst others, to submit a proposal to the Federal Chancellor on the allocation of the subsidies among the national minorities.
- Enshrining the right of the advisory councils for the national minorities as well as the forum of the advisory councils to report to the Federal Chancellor on the impact of the measures subsidised by the federal authorities on preserving and safeguarding the language and culture of the national minorities as well as on promoting inter-cultural dialogue; such reports would have had to be used as a basis for the report on promotional measures which the Federal Chancellor presents to the National Council every two years.
- Codifying the possibility of granting subsidies to municipalities for measures that are necessary to maintain, safeguard and promote nursery schools for two and more languages.

The national minorities submitted a large number of comments on the draft. In the end, it was not possible to reach a consensus and – for the time being – this amendment has not been further acted upon.

In the meantime, i.e. in July 2011, urgent issues concerning the bilingual topographical signs and the use of minority languages as official language have been solved by another legislative amendment. For details, please refer to item II.2 below.

The current Programme of the Federal Government does not foresee any further amendment of the National Minorities Act. However, the Federal Chancellery, which is responsible for drafting such an amendment, has stated repeatedly that it would not refrain from action if it were the unanimous wish of all advisory councils for the national minorities to modify certain provisions.

## II.2 Second recommended immediate action – linguistic rights and implementation of the relevant Constitutional Court decisions

Ensure effective and consistent enjoyment throughout Austria of the linguistic rights of persons belonging to national minorities in line with Articles 10 and 11 of the Framework Convention and relevant Constitutional Court decisions; ensure that due flexibility is introduced when applying thresholds in relevant national legislation to avoid arbitrary distinctions being made.

Repeatedly, the arrangements for topographical signs as well as for the use of minority languages as official languages in the National Minorities Act and in the implementing

ordinances have been the subject of legal actions before the Constitutional Court and annulling decisions of the Constitutional Court. In this context, the central issue was the interpretation of the concept of “administrative district with mixed population”, as contained in Article 7 number 3 of the State Treaty of Vienna. Neither Article 7 number 3 of the State Treaty of Vienna nor practice under international law makes it possible to derive a specific percentage for the minority population, which is decisive to conclude on the existence of a “mixed population”. The bandwidth in international practice ranges between approximately 5% and 25%. In view of the wide range of opinions concerning the decisive percentage for the minority population, efforts were made to obtain clarification through constitutional legislation on the basis of a broad political consensus.

Upon instructions from the Federal Chancellor, the (then) State Secretary in the Federal Chancellery, together with the Governor of Carinthia engaged in talks on the so-called “topographical signs” with all parties concerned, i.e. the mayors of the municipalities concerned, the homeland associations, the political parties and the organisations of Slovenes in Carinthia (i.e. the Central Association of Slovene Organisations in Carinthia, the Council of Slovenes in Carinthia and the Community of Slovenes in Carinthia). On 26 April 2011 agreement was reached among the aforementioned negotiating parties on an overall package, for which the negotiating partners signed a “Memorandum”.

This consensus was used as a basis for the amendment to the National Minorities Act, Federal Law Gazette I No. 46/2011, which entered into force in July 2011. This amendment to the National Minorities Act contains first a complete list of the villages in the federal provinces of Burgenland and Carinthia where bilingual topographical signs and inscriptions shall be affixed. Moreover, it was laid down which authorities and service units must ensure that the Croatian, Slovene and Hungarian languages can be used as official language, in addition to the German language. In particular, the municipalities are also listed by name, in which the language of the national minority can be used as official language. Both lists (Annex I and Annex II to the National Minorities Act) have constitutional rank.

The list of villages where bilingual Slovene topographical signs and inscriptions must be affixed consists essentially of three elements: 1. The villages of the previously applicable Ordinance on Topographical Signs – Carinthia, Federal Law Gazette II No. 245/2006; 2. All villages where the Constitutional Court based its case law on the premise of a mixed population; 3. Villages where the share of the mixed-language population amounted to a minimum of 17.5%; here, also those villages were included which showed a bandwidth of 15% to 20% in the survey conducted by the Austrian Statistical Office (*Statistik Austria*) (Special Analysis of the National Censuses 1971-2001, Informal Language Carinthia). Altogether, bilingual Slovene topographical signs must now be affixed in 164 villages in 24 municipalities (instead of 93 villages in nine municipalities, as before). The number of municipalities in Carinthia where Slovene is admitted as official language was raised to a total of 16; in one case (Feistritz ob Bleiburg) this only required a follow-up to a change of the municipal territory. The municipalities of Eberndorf and St. Kanzian are new entrants to the list; yet, the right to use Slovene as official language in these two municipalities is limited to specific villages within the municipal territory.

The list of villages in Burgenland topographical signs and inscriptions in Croatian and Hungarian shall be affixed corresponds to the territorial sections that were already determined in the Ordinance on Topographical Signs – Burgenland, Federal Law Gazette II No. 170/2000. No change in content has therefore been made here. The list covers 28 municipalities with a mixed Croatian population and four municipalities with a mixed Hungarian population. In 27 municipalities in Burgenland the Croatian language can be used as official language, and the Hungarian language can be used in four municipalities. Here, the amendment to the National Minorities Act of 26 July 2011, Federal Law Gazette I No. 46/2011, did not result in any change in content, compared to the revoked ordinances on official languages, Federal Law Gazette No. 231/1990 in the version published in Federal Law Gazette No. 6/1991, as well as Federal Law Gazette II No. 229/2000 in the version published in Federal Law Gazette II No. 335/2000. There was merely a follow-up to changes in the municipal territories.

As the law now lists explicitly and by name the villages and municipalities which are regarded as mixed settlement areas, legal certainty has been established for the authorities and the members of the national minorities, on the one hand, while, on the other hand, these provisions ensure a higher level of guarantee so that future fluctuations in the settlement density of a national minority will not have any immediate impact on linguistic rights.

### II.3 Third recommended immediate action – national minorities' advisory councils

Review the current system for the appointment and composition of the advisory councils for national minorities to ensure that they are representative of the views and concerns of persons belonging to national minorities; substantially broaden the competencies of the councils and ensure that they are effectively consulted on all issues that affect them and have an impact on the relevant decision-making.

As mentioned above in Item II.1, the draft for an amendment to the National Minorities Act of February 2012, which was sent out for commenting but was ultimately not adopted, would have led to a new mode of appointing the advisory councils for the national minorities and changed their competencies. It was intended to grant the representative organisations of the national minorities the right to propose three fourths of the members on the advisory councils for the national minorities. One fourth of the members were to be experts with specific knowledge concerning languages and education, pedagogics, culture, religion, as well as in the social, economic and legal fields and regional policies, which are of significance to the relevant national minority, or who have special expertise and experience concerning national minority issues. The mandatory appointment of members belonging to general representative bodies and the churches would have been deleted.

However, the currently valid legal regime already accounts for the fact that the representative organisations of the national minorities have considerable influence on representation in the advisory council: it is mandatory that one half of the members of the advisory councils for the

national minorities are appointed from among the proposals made by representative organisations of the national minorities. With regard to the appointment of the other half, the Federal Government must comply with requirements concerning substance; it must, in particular, pay attention to a balanced representation of the political and ideological opinions within a national minority. Moreover, the Federal Government tries to take account of territorial aspects and to achieve a balanced composition in terms of gender and age. The organisations can appeal the appointment of members to the advisory councils to the Federal Court of Administration [Bundesverwaltungsgericht], or they can appeal them to the Supreme Administrative Court [Verwaltungsgerichtshof]. It is therefore difficult to understand why the advisory councils for the national minorities do not represent the views and concerns of the members of the national minorities in a representative manner – apart from the inherent problem that a theoretically unlimited number of opinions (on many diverse topics) must be represented by a restricted, relatively small number of seats.

The national minorities' advisory councils can express their views on all issues of concern to the national minorities. They advise the Federal Government as well as the regional governments, whenever requested. The Explanatory Notes to the bill for the National Minorities Act of 1976 already underline that the national minorities' advisory councils are intended to be set up as a forum for members of the national minorities, where they can represent their legitimate interests and which they can use them as a vehicle for these interests. With their detailed knowledge of the activities of and incidents in the national minorities, they have an important role to play in the allocation of the subsidies for the national minorities as well as in controlling developments within a national minority. Especially when pursuing a coordinated approach, they can put great emphasis on their viewpoints. The most recent meeting of all advisory councils for the national minorities took place on 8 June 2015.

## III As to the individual articles

### III.1 Article 1

The protection of national minorities and of the rights and freedoms 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
- ▶ International Covenant on Economic, Social and Cultural Rights of 19 December 1966
- ▶ International Convention on the Elimination of All Forms of Racial Discrimination of 7 March 1966
- ▶ European Convention for the Protection of Human Rights and Fundamental Freedoms, together with its Additional Protocols
- ▶ Charter of the Council of Europe
- ▶ European Charter for Regional or Minority Languages

Finally, 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. The independent expert in the field of cultural rights of the UN Human Rights Council visited Austria in April 2011.

Austria has advocated strengthening the protection of minorities on the international level for a long time, especially within the scope of the United Nations, the Council of Europe and Organisation for Security and Cooperation in Europe.

The [Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#) should be mentioned particularly. It was initiated by Austria, and the General Assembly of United Nations adopted it in 1992. This Declaration was the first document to define in detail the rights of persons belonging to minorities and thus specified Article 27 of the International Covenant on Civil and Political Rights, which guarantees the rights of persons who belong to national minorities, concerning their language, culture and religion.



Upon an Austrian initiative, the United Nations established the office of an Independent Expert on Minority Issues in 2005, who deals with the concerns of minorities in all parts of the world on an ongoing basis and also conducts country visits. In 2014 this mandate was transformed upon an Austrian initiative into a Special Rapporteur for Minority Issues and thus adapted to the other existing special rapporteurs of the Human Rights Council.

In the course of the reform of the United Nations, the Working Group on Minorities, which had existed since 1955, was transformed in September 2007 – again on Austria’s initiative – to become the Forum on Minority Issues of the United Nations. An important new feature of the Forum is the fact that civil-society and minority representatives can attend the meetings and also cooperate in developing strategies and measures for the global protection of national, ethnic, religious and linguistic minorities. Moreover, the Special Rapporteur for Minority Issues can include thematic recommendations of the Forum in his report to the Human Rights Council. Since the Forum on Minority Issues was founded, conferences were held on subjects such as “Minorities and the Right to Education”, “Minorities and Effective Political Participation”, “Minorities and Effective Participation in Economic Life”, “Guaranteeing the Rights of Minority Women”, “Implementing the UN Declaration on Minority Rights”, “Guaranteeing the Rights of Religious Minorities” and “Preventing and Addressing Violence and Atrocity Crimes Targeted against Minorities”.

In the Human Rights Council of the United Nations, too, of which Austria was a member between 2011 and 2014, the protection of ethnic, religious and linguistic minorities is a focus of activities undertaken by Austria.

A large-scale international conference was organized in summer 2013 on the occasion of the 20-year anniversary of the World Conference on Human Rights in Vienna.

## III.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.

## III.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.

### III.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 comprises 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:

- ▶ There must be groups. The minimum size of the group has not been defined. However, individual families in scattered settlements will not be regarded as sufficient, so as to form a national minority group.
- ▶ Austrian citizenship
- ▶ non-German mother tongue
- ▶ own folklore tradition
- ▶ to live in parts of the federal territory: This is understood to mean a continuous settlement history in a specific territory over a minimum period of three generations, whereby 30 years are regarded as a yardstick for one generation, so that a total of about 100 years is accumulated. One cannot speak of continuity in settlement if there is a rolling minority, i.e. that there are new inflows time and again, while the earlier arrivals either become assimilated or return or move on.

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

- ▶ Burgenland-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 live in Austria. The figures obtained at the most recent national census conducted in 2001 are given below in order to provide an approximate impression of the numerical strength of the national minorities that live in Austria. When looking at the table below, one should bear in mind that the figures can only constitute approximate values for the size of a national minority, as the national census did not inquire about affiliation to a national minority but about the actual informal language used by persons, and as multiple answers were admitted.

**Table III-1 Population according to informal language and nationality pursuant to the 2001 National Census**

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

\*...% data relating to the total number of indications concerning the non-German informal language

\*\*...Variant of Slovene interspersed with German vocabulary

Source: *Statistik Austria*

However, the results for “Romani”, as an informal language, require specific explanations. For the entire federal territory a figure of 6,273 (of which 4,348 are Austrian citizens, of which again 1,732 were born in Austria) is given, which appears to be strikingly lower than the rough estimates for the number of Roma living in Austria. It needs to be assumed that many Roma either indicated German or the language of their countries of origin, which they did either accidentally or because they actually do not (no longer) speak Romani, or because they did not want to admit being Roma. Moreover, there is reason to assume that Romanians checked the box “Romani” by mistake. On the basis of these data a serious evaluation along socio-graphic and socio-economic characteristics was therefore not possible. It is estimated that merely 3,000 to 5,000 Roma belong to the autochthonous minority. Since then the total number of Roma living in Austria has been estimated to amount to between 80,000 and 100,000.

The Advisory Committee has asked the Austrian authorities to examine in a constructive dialogue with representatives of the Polish population whether they wish to be recognised as a national minority, taking into account all essential criteria, including statistics, but not exclusively (Margin note 28).

On this matter Austria reports that the requirements to be met by a national minority do not prevail. The Polish population in Vienna has the socio-graphic characteristics of a migrant group. In particular, they lack continuity in settling in Austria over the required period of time. This view has been communicated to the representatives of the Polish community. Austria does not plan to expand the scope of application of the Framework Convention.

The Advisory Committee recommended – in close liaison with the national minorities – to consider major modifications of the National Minorities Act and the related constitutional provisions in order to ensure a more uniform and comprehensive application of the minority rights in Austria as well as to make available sufficient resources for an adequate implementation of a comprehensive legislation for the protection of national minorities. (Margin note 27)

In this connection it is stated that Austria does not intend to streamline the legal provisions for all national minorities and all settlement areas, also because the basic requirements are different. This applies, in particular, to the provisions on minority languages as official language and on topography and the minority school system, which are all guided essentially by the provisions of the State Treaty of Vienna. The Hungarian minority was the only one to benefit from the fact that they settle in the same federal province as the Croatian minority and obtained the same rights in Burgenland, although the Hungarian minority is not mentioned in the State Treaty of Vienna.

However, the factual differences are even bigger. The national minority settlements, neither in Styria, nor in Vienna, are of such density as to justify the use of the minority language as an official language, the use of bilingual topographical signs and a minority school system, as in Carinthia or Burgenland. The same applies to the settlement area of the Slovene minority in Styria, although it is mentioned explicitly in the State Treaty of Vienna. As to the educational situation in Vienna: it is characterized by major linguistic pluralism among pupils, where more than one half of the pupils in compulsory schools have a migration background. The largest groups, in terms of numbers, belong to the so-called new minorities. The (autochthonous) national minorities belong to the smaller language groups. Due to the large linguistic and social heterogeneity at Vienna's school, the focus of government efforts is on integration, as well as on balancing the lesser educational chances which result from the social background of the pupils. Nevertheless, Austria is making efforts to improve the requirements for preserving the languages and the cultural activities of the national minorities in a metropolitan environment and therefore supports various organisations of the national minorities to prepare activities in this respect.

### III.3.2 Freedom to declare one's association with a national minority

Austria is committed to the principle that members of the national minorities are free to declare their association 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 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 association with a national minority.

The Explanatory Notes to the government bill for the National Minorities Act also 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 association with a national minority.

This means that a national minority member can decide on a case-by-case basis whether he/she wishes to avail himself/herself of a right granted to a national minority, or whether he/she outs himself/herself as a member of a national minority. The provision of § 1 (4) of the National Minorities Act is also being interpreted to mean that national minority members must not even find themselves in situations where they face a decision to declare their association with a national minority. This is also meant to avoid any mental pressure. It must also be borne in mind that Austrian national minority members – partly with the exception of the Roma – cannot be identified by external characteristics, and that, in general – like in any modern society – multiple identities can be assumed. It is Austria's approach to respect such an attitude. It would be completely unacceptable, and is generally rejected, that persons should be registered by name as belonging to a specific national minority, which is also due to experience with persecution in the past. In line with the freedom to declare one's association with a national minority, Austria also refrains from collecting anonymous data or data for statistical purposes on association with a national minority. In 2006 the Register Census Act, Federal Law Gazette I No. 33/2006, finally also abolished the legal basis for an anonymous mother-tongue survey.

### **Anonymous survey on mother tongue**

The anonymous survey on mother tongue, foreseen in the National Census Act, Federal Law Gazette No. 159/1950, as amended by Federal Law Gazette No. 398/1976, was conducted in Carinthia in 1976 for the first and last time. The Slovene minority vehemently boycotted this anonymous survey on mother tongue. The Register Census Act, Federal Law Gazette I No. 33/2206, which entered into force on 1 January 2006, also abolished the legal basis for an anonymous survey on mother tongue. The national minorities welcomed this amendment, as – against the background of incidents in the past – increased political agitation against the national minority would have had to be feared in the run-up to an anonymous survey on mother tongue (also referred to as: National Minority Determination), leading to polarization among people in the region. This would cause more damage than benefits to the members of the autochthonous national minorities.

One also needs to refer to one further, fundamental problem in connection with survey to determine association with national minorities: The large majority of Austria's national minority members frequently grew up bilingually and has a majority-language command that is (at least) as good as that of the minority language. As a rule, it is also their growing self-perception to have multiple identities of varying degrees. There are therefore inconsistencies between the modern phenomenon of multiple identities and the principle of determining association with national minorities, which requires distinguishing the population along ethnic boundaries. Even when safeguarding full anonymity, both national minority members and the majority population could easily misunderstand a survey on mother tongue to be a decision for or against a national minority, or for or against the majority population.

## National censuses and register censuses

The Advisory Committee recommended to use expandable lists at future national censuses when collecting data on language use and to facilitate multiple choices for languages and identities (Margin note 37).

In this connection it is mentioned that it was possible to indicate multiple choices in the 2001 national census. However, it is not expected that there will be national censuses in the future where information on informal language will be collected. In view of the modern options of automated data synchronization as well as for reasons of cost economies, the traditional national censuses have been replaced by automated register censuses (see Register Census Act, Federal Law Gazette I No. 33/2006). The registers used for data reconciliation do not contain the feature “mother tongue”. § 1 (3) of the Register Census Act does grant the responsible federal minister the authorization to conduct “a person-related full analysis on the use of informal languages by conducting a survey among citizens”, if this should be indispensable. However, it is not intended and need not be expected that this authorization will be used.

The results on informal language use obtained from the national censuses have acquired historical significance, inasmuch as the Constitutional Court used them as criteria in its decisions on complaints proceedings on the proportion of national minority members in relation to the total Austrian residential population in the relevant regions. In its case law, the Constitutional Court stated expressly that the figures can be used as *approximations*. In consequence, the results of the national census were used as basic data when calculating the population percentages in the bilingual areas, which in turn were used for the so-called compromise on topographical signs. However, a conclusion with inverse effect does not apply, i.e. that changes in the bilingual population ought to lead to changes in the National Minorities Act. Rather, the amended provisions have obtained a very robust status, as they have been given constitutional rank.

### III.3.3 Individual rights and collective rights

It lies in the nature of several of the rights enshrined in the Framework Convention that they are exercised in community with other persons, such as the right of assembly and the right of association (see Article 7 of the Framework Convention), or the right to establish religious institutions, organisations and associations (Article 8 of the Framework Convention). The right to use the minority language in private and in public according to Article 10 of the Framework Convention is also geared to communicating with others and thus with several persons. Some rights, which require active state action, depend on the presence of “substantial numbers of persons belonging to a national minority”. See here Article 10 (2) of the Framework Convention referring to national minority languages as official languages, or Article 11 (3) referring to topographical signs.

It is a separate issue whether rights are directly vested in a group as such, or who has the capacity to sue in democratic proceedings. Austria’s legislation on the national minorities contains only a few collective rights such as, for example the right that the advisory councils for

the national minorities must be seized, and the right of representative organisations of the national minorities to propose potential members of the advisory councils for the national minorities, together with the possibility to challenge the composition of the respective advisory council for a national minority before the Federal Court of Administration as well as the Supreme Administrative Court (§ 4(1) of the National Minorities Act). One further example is the right of representative organisations of the national minorities to propose members of the audience council of the Austrian Broadcasting Corporation according to § 28 (4) of the ORF Act. Please also consider the option that 120 fee payers (or such person who are exempt from paying ORF fees) can to file a complaint pursuant to § 36 (1) 1.b. of the ORF Act in case of infringements of that law. In fact, national minority members have seized this possibility, which can be compared to a collective action, in order to claim that they are not sufficiently provided with broadcasts in the national minority language. (Decision by the Federal Communications Senate, 27 June 2008, file number 611.922/0003-BKS/2008).

As a matter of principle, though, Austria's legal system is designed for individual rights and the protection of individual rights, and this also applies to matters pertaining to the national minorities. National minority members can assert the rights, which have been granted to them as individual persons under Austria's legal regime, in keeping with the legal procedures defined in the Constitution. Complaints against administrative acts can be filed to the administrative courts, or appealed to the Supreme Administrative Court. In case of violations of rights safeguarded by constitutional law, complaints can be filed to the Constitutional Court.

### III.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.

#### III.4.1 Principle of equality and ban on discrimination

The principle of equality has been enshrined in Austria's legal system in several places. In historical sequence, they are the following:

### **Constitution of 21 December 1867 on the General Rights of Citizens of the Kingdoms and Countries Represented on the Imperial Council, Imperial Law Gazette 1867/142**

Article 2 All citizens are equal before the law.

Article 3 (1) Public offices are equally accessible to all citizens.

However, Article 19 of the Constitution of 1867 can no longer be applied, because there are only national minorities in the Republic of Austria and no more ethnic peoples, as was the case at the time of the Austro-Hungarian Monarchy when this law was created. In this connection the Constitutional Court has stated that Articles 66 to 68 of the State Treaty of St. Germain, in conjunction with Article 8 of the Federal Constitution Act (Collection of the Findings and most important Decisions of the Constitutional Court 2459/1952 and others) supersede Article 19 of the Constitution on the General Rights of Citizens of the Kingdoms and Countries Represented on the Imperial Council (Imperial Law Gazette 1867/142).

### **State Treaty of Saint-Germain-en-Laye, 10 September 1919, State Law Gazette of the Republic of Austria No. 303/1920**

Article 66 (1) Without any distinction on the basis of race, language or religion, all Austrian citizens are equal before the law and enjoy the same civil and political rights.

Article 67 Austrian citizens belonging to a minority on the basis of race, religion or language enjoy the same treatment and benefit from the same guarantees, by law and in fact, as all other Austrian citizens; ....

### **Federal Constitution Act, Federal Law Gazette 1930/1 (Re-Notification) in the currently valid version:**

Article 7 (1) All citizens are equal before the law. Any privileges on the basis of birth, sex, position, class and religion shall be precluded. ...

### **State Treaty on the Re-Establishment of an Independent and Democratic Austria (State Treaty of Vienna), Federal Law Gazette No. 152/1955:**

Article 7 Rights of the Slovene and Croatian Minorities

(1) Austrian citizens belonging to the Slovene and Croatian minorities in Carinthia, Burgenland and Styria shall enjoy the same rights on the basis of the same conditions as all other Austrian citizens ....



### **Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), Federal Law Gazette 1958/210, in the currently valid version**

Article 14 The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. .

The Convention for the Protection of Human Rights and Fundamental Freedoms is on constitutional level in Austria. The rights enshrined in the Convention are therefore rights that are safeguarded by the Constitution. A violation of these rights can be challenged before the Constitutional Court.

### **Federal Constitution Act on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, Federal Law Gazette 1973/390**

Article II (1) Racial discrimination of any kind shall be prohibited – also whenever Article 7 of the Federal Constitution Act in the version of 1929 and Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Federal Law Gazette No. 210/1958, already opposes it. The legislator and enforcement agencies shall refrain from any distinction merely on the ground of race, colour, origin or national or ethnic origin.

### **Charter of Fundamental Rights of the European Union**

Article 21 (1) Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

Since 2012 the Constitutional Court has also been applying the yardstick of the European Charter of Fundamental Rights in the process of applying European Union law. In consequence, the rights guaranteed by the Fundamental Rights Charter cannot only be asserted as rights guaranteed by the Constitution in individual complaints, but also constitute a yardstick in proceedings that provide for a general control of the legal standards.

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 decrees as well as individual acts by administrative units must comply with the principle of equality. 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 ban on 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.

### III.4.2 Constitutional provision on the targeted objective to protect 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 9224/1981) that, in their entirety, the many different provisions on 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 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 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) are 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 on 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.

### III.4.3 Legal protection by the courts

As was mentioned above, 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 – after domestic remedies have been exhausted.

At the beginning of 2014 a two-tier administrative court system was introduced. The appeal stages within the administrative system were eliminated in favour of legal remedies managed by independent administrative courts (Federal Court of Administration [Bundesverwaltungsgericht], Administrative Courts of the Provinces [Landesverwaltungsgerichte], and Federal Fiscal Court [Bundesfinanzgericht]). This does not only enhance organisational transparency but also sets a new standard for a state governed by the rule of law (Federal Law Gazette I No. 51/2012). Decisions of the administrative courts can

be appealed to the Supreme Administrative Court unless violation of a right is claimed that is safeguarded by constitutional law.

In connection with the ordinary courts of jurisdiction, parties in proceedings 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 of the legal provisions that were applied in their 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.

#### III.4.4 Review of maladministration by the Ombudspersons Office

The Ombudspersons Office checks on any mismanagement by administrative authorities. Any violation of a human right, as well as any discrimination based on ethnic association, 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 Ombudspersons Office in case of an alleged maladministration by a federal entity, including government activities conducted in the form of private-law undertakings, especially for alleged violations of human rights, provided that person is affected by the maladministration and he/she cannot or no longer resort to other legal remedies. The Ombudspersons Office must investigate these complaints. The result of the investigation, together with any possibly taken steps, must be communicated to the complainant. The Ombudspersons Office has the right to conduct an *ex officio* investigation if any maladministration by federal entities is suspected, including government activities conducted in the form of private-law undertakings, especially in case of suspected violations of human rights. The Ombudspersons Office is independent in the exercise of its duties.

#### III.4.5 Structure of the equal treatment legislation in Austria

The principle of equality permeates all government activities; private persons enjoy private autonomy, as a matter of principle. However, legislation on equal treatment also prevents private persons and public legal entities, when acting as private-law undertakings, from putting other persons at a disadvantage in certain areas, on account of the sex, their ethnic association, religion, age, handicap or sexual orientation. Austria has been transposing the relevant EU directives (Framework Directive on equal treatment in employment and occupation, Racial Equality Directive) in *several* laws, on account of the distribution of competencies in a federal state.

The Federal Law on Equal Treatment, Federal Law Gazette I No. 66/2004, in its currently valid version, which is briefly referred to as Equal Treatment Act, relates to discrimination both in a working environment and outside of a working environment, whenever federal entities are

responsible for the matter in question. However, when handicaps are the source of discrimination, this law does not apply, as there are separate regulations for this aspect.

The Federal Law on Equal Treatment in Federal Entities, Federal Law Gazette No. 100/1993, in its currently valid version, which is briefly referred to as Equal Treatment for Civil Servants Act, has been enacted to protect federal civil servants as well as persons applying for recruitment as civil servants. Moreover, the federal provinces have enacted equal treatment laws or anti-discrimination laws for those areas where they have legislative competencies. This is the case, for example, for the service regulations of their civil servants, or the use of hospitals, nursery schools, social housing. These equal treatment laws differ only in minor points.

In consequence, there are different responsible entities that provide advice and support to persons who regard themselves as victims of discrimination. The Equal Treatment Ombudspersons Office and the Equal Treatment Commission, for example, have competencies under the Federal Law on the Equal Treatment Commission and the Equal Treatment Ombudspersons Office, Federal Law Gazette No. 108/1979, in its currently valid version, which is referred to briefly as GBK/GAW Act, for matters covered by the Equal Treatment Act.

The Federal Equal Treatment Commission is responsible for cases of discrimination resulting from a service contract with a federal entity. The respective 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 local entities, as well as for cases of discrimination arising from the exercise of regional administrative activities. For details please refer to the brochure published by the Federal Ministry of Labour, Social Affairs and Consumer Protection "Equal Opportunities – Equal Treatment Laws in Austria", 6th edition, date: January 2015, which also contains a list of all legal sources and information centres. <https://broschuerenservice.sozialministerium.at/default.aspx>

There is constructive interaction in everyday operations among the different information centres, and persons seeking advice are referred 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.

### **Modification of the equal treatment legislation**

The historical core of the Equal Treatment Act, which goes back to 1979, was the equal treatment of men and women in the working environment. The Equal Treatment Act was modified by the amendment published in Federal Law Gazette No. 66/2004, which was adopted to transpose Council Directives 2000/43/EC and 2000/78/EC. It was expanded to include ethnic association, religion or opinion, age and sexual orientation as grounds for discrimination.

In addition to transposing Council Directive 2004/113/EC implementing the principle of equal treatment between men and women in the access to and supply of goods and service, the amendment published in Federal Law Gazette I No. 98/2008, which entered into force on 1

August 2008, led to numerous new features which also had an impact on cases of ethnic discrimination. Please refer to the Third State Report for details.

The amendment of the Equal Treatment Act, Federal Law Gazette I No. 7/2011, resulted in the following new features, which are also of relevance to ethnic discrimination:

- Job advertisements must now contain information about the collective-bargaining minimum salary as well as an indication that the employer may be prepared to pay more than that salary, together with any possibly due supplementary allowances.
- Protection against discrimination was extended to persons who are placed at a disadvantage and/or harassed directly or indirectly on account of their close relation to a person displaying discriminatory traits (discrimination by association).
- The minimum amount of damages for harassments was raised to € 1,000.
- The requirement to advertise living space free of any discriminatory comments.

The amendment to the Equal Treatment Act, Federal Law Gazette I No. 107/2013, led to the following changes concerning discrimination on ethnic grounds:

- It clarifies that the ban on discrimination also refers to “establishing, setting up or expanding an enterprise, as well as commencing or expanding any other type of self-employed activity” concerning access to a self-employed activity. It applies to all persons who exercise or wish to exercise a gainful activity at their own account in keeping with domestic law requirements.
- It clarifies that the obligation to indicate the minimum salary in a job advertisement also applies in analogy to sectors of the economy where there is no minimum remuneration based on collective agreement, legislative arrangements or other rules of collective legal formulation. The job advertisement must then indicate the remuneration that is meant to serve as a minimum basis for the negotiations on the work contract where the remuneration will be agreed.
- The dialogue of the Federal Chancellor with non-governmental organisations, which took place on a regular basis in the past, was enshrined in the law. The Federal Chancellor engages in a dialogue with the non-governmental organisations at least once per year. The goal is to fight discrimination in the spirit of the pertinent law and to promote compliance with the principle of equal treatment.

### **The Federal Equal Treatment Ombudspersons Office**

<http://www.gleichbehandlungsanwaltschaft.at>

## Competencies of the Equal Treatment Ombudspersons Office

The task of the Equal Treatment Ombudspersons Office is to advise and accompany individual cases. Occasionally, the Equal Treatment Ombudspersons Office engages in the settlement of disputes by sending letters to the alleged discrimination offenders, requesting their redress. In specific cases the Equal Treatment Ombudspersons Office can file an action with the competent labour or civil court to establish a violation of the equal treatment requirement, provided that the employee or the affected (discriminated) person agrees (§ 12 (5) of the GBK/GAW Act). The Equal Treatment Ombudspersons Office has the right to submit an application to the Equal Treatment Commission for an examination of a specific case, i.e. whether the equal treatment requirement has been violated (§ 12(1) of the GBK/GAW Act).

However, the Equal Treatment Ombudspersons Office does not act as legal counsel in court cases. § 62 of the Equal Treatment Act stipulates, though, that the Association of Claimants for the Enforcement of Rights of Victims of Discrimination can join the legal action for the enforcement of rights under the Equal Treatment Act as intervening party, if the person affected so demands. The Association of Claimants for the Enforcement of Rights of Victims of Discrimination is an umbrella organisation of non-governmental organisations based on the law on associations. The trade unions also provide legal protection to some extent.

The Equal Treatment Ombudspersons Office also has preventive competencies as well as competencies beyond individual cases. It has the right to require the district administrative authorities to punish persons who advertised jobs or living space in a discriminatory manner in violation of § 23 of the Equal Treatment Act and § 36 of the Equal Treatment Act. The Equal Treatment Ombudsperson is one of the parties in these proceedings and has the right to complain against decisions and object to penal orders (§ 24 and § 37 of the Equal Treatment Act).

Moreover, the Equal Treatment Ombudspersons Office organises workshops and presentations on equal treatment law, produces information materials and submits opinions and recommendations.

## Human and financial resources of the Equal Treatment Ombudspersons Office

The Advisory Committee encouraged authorities in Austria to continue expanding the financial and human resources of the Equal Treatment Ombudspersons Office so that it will be in a position to provide sufficient support to potential victims of discrimination throughout Austria. Regional offices of the equal treatment service points should therefore be set in the federal provinces (*Länder*). (Margin note 32)

In this connection it can be reported that the GBK/GAW Act contains the legal basis for such regional offices in the federal provinces (*Länder*), which would have competencies for all aspects of the Equal Treatment Act (§ 4 of the Equal Treatment Act). However, at present such regional offices have only been set up (in Graz, Klagenfurt, Linz and Innsbruck) with competencies for men and women in the working environment. So far, the authorization to issue an ordinance that would entrust responsibility for issues of ethnic discrimination or other grounds of discrimination to regional ombudspersons has not (yet) been used.

This means that face-to-face contact to obtain advice in connection with ethnic discrimination – apart from events and information days in the federal provinces (*Länder*) is only possible at the office of the Equal Treatment Ombudspersons Office in Vienna. However, mention should be made of the detailed information on the website of the Equal Treatment Ombudspersons Office as well as of the possibility to obtain advice over the telephone free of charge.

The costs for the staff, materials, further education and office rent of the Equal Treatment Ombudspersons Office are paid from the budget of the Federal Chancellery. 23 positions have been established for the Equal Treatment Ombudspersons Office, of which 15 are full-time equivalents for legal staff, who are distributed over the three sub-sections of the Equal Treatment Ombudspersons Office, as is shown in table below. The most recent expansion of the human resources was in 2009.

The annual budget for information and public relations activities of the Equal Treatment Ombudspersons Office was raised to €61,000.00 per year.

**Table III-2 Human resources of the Equal Treatment Ombudspersons Office**

Year	Female lawyer for the equal treatment of women and men in the working environment (Part I of the Equal Treatment Act)	Male/Female lawyer for equal treatment without discrimination on grounds of ethnic origin, religion or ideology, age or sexual orientation (Part II of the Equal Treatment Act)	Male/Female lawyer for equal treatment without discrimination on grounds of ethnic affiliation in other areas and concerning access to and supply of goods and services (Part III of the Equal Treatment Act) *
2007	11 female legal experts, of which two part-time (20 and 25 hours)	2 female legal experts, of which one part-time (20 hours)	2 female legal experts, of which one part-time (20 hours)
2008	11 female legal experts	2 female legal experts, of which one part-time (20 hours)	2 female legal experts
2009	11 female legal experts	4 female legal experts, of which two part-time (20 hours)	3 female legal experts, of which one part-time (30 hours)
2010		4 female legal experts, of which two part-time (20 hours)	3 female legal experts, of which one part-time (30 hours)
2014	12 female legal experts, of which 6 part-time (corresponds to 9 FTEs)	5 female legal experts, of which 4 part-time (corresponds to 3 FTEs)	4 female legal experts, of which 3 part-time (corresponds to 3 FTEs)

Source: Equal Treatment Ombudspersons Office 2010/2014

### The Equal Treatment Commission

The Equal Treatment Commission draws up expert opinions and investigates individual cases in order to determine whether acts of discrimination were committed and what grounds. It cannot award damages. If the opposite party is not prepared to accept the expert opinion and to restore a situation without discrimination, claims must be filed with the labour or civil-law courts. In court proceedings for violation of the equal treatment requirements, the court must

deal with the expert opinion or the result of the investigation of the specific case and give reasons when arriving at a deviating decision (§ 61 of the Equal Treatment Act).

Please refer to the Third State Report for details on the Equal Treatment Commission. Certain changes with regard to procedural law are due to the amendment published in Federal Law Gazette I No. 107/2013.

### **The Federal Equal Treatment Commission**

The Federal Equal Treatment Commission is responsible for acts of discrimination in connection with service contracts with federal entities.

Further information on equal treatment and anti-discrimination in the federal administrative system is available in the Federal Equal Treatment Report at <https://www.bmbf.gv.at/frauen/gleichbehandlungskommissionen/bgbk/index.html>

### **III.4.6 Equal treatment legislation of the Federal Province of Vienna**

All federal provinces (*Länder*) have adopted legislation on equal treatment. The equal treatment laws of Vienna are described here by way of example.

Pursuant to the Vienna Anti-Discrimination Act, the Office for Fighting Discrimination has competencies for all persons who feel exposed to discrimination in connection with a matter regulated by regional law or by legislation adopted by the Municipality of Vienna in the fields of social affairs, health, education, access to and supply of goods and services which are available to the general public, including living space as well as access to self-employed gainful activities. Moreover, the anti-discrimination unit is also responsible for all employees of the City of Vienna, in connection with discriminatory acts arising from their service contracts.

The foregoing includes:

- Any discriminatory behaviour by an employee of the City of Vienna in the exercise of his or her duties at work vis-à-vis a private person.
- Any discriminatory behaviour by an employee in connection with the service relation of another civil servant, or when starting up a service relation for a private person with the City of Vienna.

The independent Employees Protection Commissioner is in charge of performing the tasks of this entity. This person is not bound by any instructions in the performance of his/her duties. The unit was set up to support disadvantaged persons when asserting their rights, in connection with the ban on discrimination, as well as to conduct basic research and studies, to publish anonymized reports and to promote awareness-raising. One further possible task is to conduct arbitration procedures concerning suspected discriminatory acts.

Directive 2000/43/EC only covers ethnic origin; Vienna, though, additionally banned discrimination on grounds of religion, ideology, age and sexual orientation in § 2(1) of the



Vienna Anti-Discrimination Act. At the end of December 2012 the third amendment to the Vienna Anti-Discrimination Act (Regional Law Gazette for Vienna No. 88/2012) was proclaimed where – amongst others – the minimum amount of reasonable damages was raised from € 720 to € 1,000.

### III.4.7 Awareness-raising for legislation on equal treatment

The Advisory Committee recommended expanding awareness-raising efforts with regard to discriminatory practices and legal remedies available against them among the population. Particular attention should be paid to persons who are most vulnerable to discrimination. Training initiatives should be redoubled among federal and regional law enforcement bodies and the judiciary. (Margin note 33)

It should be mentioned, by way of introduction, that it is very rare that acts of discrimination affecting national minority members are reported to official entities. Please refer to the Third State Report where a few individual cases are discussed.

Knowledge about equal treatment laws is promoted by various measures. Pursuant to § 60 of the GIBG Act, the Equal Treatment Act must be displayed in a place that is easily accessible to employees, or made available through other – electronic – means of telecommunications.

The activity reports of the Equal Treatment Commission and the Equal Treatment Ombudspersons Office inform about current developments and specific cases. Every two years the responsible federal ministers must submit a report to the National Council on the implementation of the Equal Treatment Act. In particular, this report must contain information about the activities and observations of the Equal Treatment Ombudspersons Office, the proceedings before the Commission as well as all other activities of the Commission. Every second report must be supplemented by contributions from associations representing the interests of employers and employees. These very comprehensive reports are published on the website of the Federal Ministry for Education and Women's Affairs ([https://www.bmbf.gv.at/frauen/gleichbehandlung/gbb\\_privat.html](https://www.bmbf.gv.at/frauen/gleichbehandlung/gbb_privat.html)) and comprise of numerous case studies.

The decisions of the Equal Treatment Commission are published on the Federal Law Information System.

The website of the Equal Treatment Ombudspersons Office is a very gratifying source of information. It publishes reports, investigations and recommendations of the Equal Treatment Ombudspersons Office. Moreover, the relevant decisions of the European Court of Human Rights as well as of Austrian civil-law courts are shown there. (<http://www.gleichbehandlungsanwaltschaft.at/site/7936/default.aspx>). The information material of the Equal Treatment Ombudspersons Office can be found at <http://www.gleichbehandlungsanwaltschaft.at/site/7667/default.aspx>

The Equal Treatment Ombudspersons Office publishes information material and organises workshops and presentations for the persons concerned as well as disseminators and draws

up position papers and recommendations. “*Schauen Sie hin, nicht weg! Was tun gegen Diskriminierung?*” (Don’t look the other side! What can be done against discrimination?), a brochure, should be mentioned, which is available for disseminators. It describes the legal possibilities and the services offered by the Equal Treatment Ombudspersons Service in the event of discrimination. Another folder is “*Nein zu Diskriminierung! Die Gleichbehandlungs-anwaltschaft berät und unterstützt vertraulich und kostenfrei*”(No to discrimination! Get confidential and gratuitous advice from the Equal Treatment Ombudspersons Office). This last-mentioned folder was also published in versions drawn up in English as well as in easily understandable language. Information about wearing scarves at the workplace was also published in the languages of the largest migrant minorities. The Equal Treatment Ombudspersons Office produced freecards, where pictures describe topics of typical discriminatory situations. A total of 425,000 freecards were displayed throughout Austria in restaurants, pubs and recreational facilities, which were all picked up by persons from the freecard racks. The newsletter of the Equal Treatment Ombudspersons Office is published every two to three months. The “Case of the Month” describes a consulting session, taken from the practical work of the Equal Treatment Ombudspersons Service. This feature is published regularly in the newsletter and on the website. Presentations are given and training sessions are conducted for numerous institutions.

Representatives of the Equal Treatment Ombudspersons Office held a workshop on “Legal Protection against Discrimination” especially for the Roma community at Oberwart on 26 September 2013. The subject of the event was an overview of the legal situation, an outline of the options to defend oneself against discrimination, and what support one can get from the Equal Treatment Ombudspersons Office. Many examples were given to show when it is meaningful to complain. Special attention was paid to the incidents experienced by participants.

The broad public was informed in a poster campaign in spring 2012 (with the support of the European Commission) in Vienna, Linz and Graz, which communicated the message that discrimination in the working environment on grounds of ethnic association, age, religion, handicap and sexual orientation is prohibited. At the same time, the telephone number of the Equal Treatment Ombudspersons Service was published. The six subjects used can be seen in the electronic archives of the Equal Treatment Ombudspersons Office.

<http://www.gleichbehandlungsanwaltschaft.at/DocView.axd?CobId=47488>

Other public institutions such as the chambers of labour also inform about legislation on equal treatment and possibilities to take action against discrimination.  
<http://www.arbeiterkammer.at/beratung/arbeitsrecht/Gleichbehandlung/index.html>

Moreover, several non-governmental organisations also work in the field of fighting discrimination and provide advice to victims of discrimination. Here, one should especially mention the work done by the association “*ZARA – Zivilcourage und Anti-Rassismus*” (ZARA – Civil Courage and Anti-Racism). <http://www.zara.or.at/index.php/ueber-zara>. ZARA published a brochure for apprentices, “Know your Rights”, which focuses on apprentices and persons looking for an apprenticeship and provides information about situations that constitute acts of discrimination. It also shows how one can obtain justice in case of discrimination.

### Awareness-raising measures in Vienna

Vienna has been chosen here as a representative example, also for the other federal provinces. The latter engage in awareness-raising measures in keeping with their anti-discrimination laws. In recent years the Office for Fighting Discrimination increasingly conducted awareness-raising seminars for employees of the City of Vienna such as, for example:

- The continuous professional development event “Respectful Contacts versus Discrimination” (*Respektvoller Umgang miteinander versus Diskriminierung*) – a cooperation by the Office for Fighting Discrimination with the Department – General Educational Management of the Vienna Hospital Association;
- Two continuous professional development events “Mobbing and Discrimination at the Workplace” (*Mobbing und Diskriminierung am Arbeitsplatz*) at the Administration Academy of the City of Vienna (in cooperation with the Mobbing Information Unit of the City of Vienna), where one event is primarily for interested staff members and the other event is geared to senior staff members;
- Individual continuous professional development events for individual municipal departments of the City of Vienna. These continuous professional development lectures and/or seminars are conducted on request and in-house at the municipal departments.

It should be mentioned that the interest shown by service units for events of this kind has grown rapidly in the past two years and that the focus continues to be on stepping up measures that create awareness for the topic of discrimination.

### Awareness-raising measures for the judiciary and the police

Since 2008 the Anti-Discrimination and Equal Treatment Act have expressly become material to be examined at the judge’s examination (§ 16 (4) number 6 of the Judges and Public Prosecutors Service Act, Federal Law Gazette No. 305/1961 in the currently valid version). In consequence, courses to create awareness and to prevent any form of discrimination have become a main issue in the training of future judges and public prosecutors.

The topic of fundamental freedoms and human rights, including legislation on equal treatment, has also become a regular feature of continuous professional development programmes for judges and public prosecutors. In November 2015, for example, the seminar “Focus on Anti-Discrimination Law: Personal Perception and Legal Evaluation” (*Das Antidiskriminierungsrecht im Fokus: Subjektive Wahrnehmung und rechtliche Beurteilung*) will be offered at the Higher Regional Court Graz, in cooperation with representatives of the Equal Treatment Ombudspersons Office:

- ▶ Identifying discriminatory behaviour patterns and processes
- ▶ A glimpse into the practical counselling work of the Equal Treatment Ombudspersons Office

- ▶ Expansion of competencies in the light of current case law in connection with the Equal Treatment and Anti-Discrimination Act
- ▶ Reflecting on personal values

Other continuous professional developments events do not put so much emphasis on the legal aspects; the focus is rather on communicating with persons from different cultures.

The subjects “Proper Behaviour during Customer Services and at Work” (*Korrektes Verhalten im Parteienverkehr und im Dienst*), including “Behaviour in Difficult Situations” (*Verhalten in schwierigen Situationen*) as well as “conflict management” and “service law” constitute central areas of training, which comprise, amongst others, the topic of “anti-discrimination”, in all basic-training tracks for employees of the judiciary (clerical staff, judicial officers, bailiffs).

Prison guards also obtain human-rights training in the course of their basic training. Here, one special focus is on “Using physical violence during operations” (*Anwendung einsatzbezogener Körpergewalt*).

The Federal Ministry of the Interior attaches major significance, both during basic training and continuous professional development of police officers, to communicating knowledge about human rights as well as to combatting prejudices that may lead to racial discrimination. The topic of “discrimination” can be found in almost all subjects taught, where it is dealt with from many different angles. The two-year basic training for police officers does not only aim at communicating (theoretical) specialized knowledge but also at obtaining knowledge about methods and behaviour patterns in order to ensure the practical implementation of the acquired subject matter. Attending the anti-discrimination training (in cooperation with the Anti-Defamation League) is a mandatory basic training feature. In addition, this training is also offered as continuous professional development. The goal is to get all employees to attend this training.

Please refer to Article 6 for detailed information,

### III.4.8 Factual equality

Austria’s national minorities have obtained full socio- economic and educational integration, in spite of the fact that the autochthonous settlement areas in Carinthia and Burgenland are located to a very large part in regions that have weaker economic structures, which creates special challenges. However, this does not equally apply to the Roma minority. Here, in Burgenland, especially the older generation can be expected to have a lower educational and socio-economic standard. Concerning the younger generation in Burgenland it can be said that the comprehensive measures taken by the federal government are bearing fruit. The situation in the towns, and especially in Vienna, is characterized by a large number of migratory Roma who – on average – have a lower educational level and are thus exposed to poorer occupational opportunities and lower income expectations. However, when evaluating the overall situation, one must bear in mind that the well-integrated Roma, in particular, are less prominent in public, particularly on account of the fact that they do not out themselves as being Roma.

## Data collection

The Advisory Committee encouraged efforts to continue the search for alternative possibilities to obtain reliable data material concerning the situation of the national minorities, which should be in full compliance with international standards and in cooperation with the communities concerned. This would be the basis for preparing a comprehensive policy to promote full and factual equality. (Margin note 38)

As there is no minority census in Austria, and as there are also no statistics which reflect ethnic association, it is not possible to present figures for all of Austria, nor in a break-down format. If necessary, school and educational statistics on the use of languages could be resorted to in order to obtain a close-up picture. In the framework of the Roma integration strategy, scientific social studies concerning the Roma population on subjects such as education, employment, health and living circumstances were therefore conducted. Since the present report relates to the Framework Convention, it must be pointed out that these studies deal primarily with non-autochthonous Roma.

## The situation of the Roma

The Advisory Committee repeated its request that comprehensive and long-term programmes should be developed to promote equal opportunities for the Roma population, including those Roma that live outside of Burgenland. The measures should be oriented both to improving access to the education and the labour market and to promoting social acceptance and diminishing prejudices and stereotypes. (Margin note 42)

In this connection, the following can be reported: Since 2012 the “EU Framework for National Strategies to Integrate Roma by 2020” has been the programme outline, which comprises measures for both the autochthonous and the allochthonous Roma.

## Integration strategy for the Roma

In a follow-up to the Council conclusions of 19 May 2011 in connection with the EU Framework for National Strategies to Integrate Roma, approved by the European Council on 23/24 June 2011, EU member states were requested to present to the European Commission the national strategies to integrate the Roma population or integrated political measures for the Roma population, as part of a more general policy of social integration.

On 16 January 2012 Austria presented its national strategy to the European Commission. The responsible federal ministries and regional governments, the advisory council of the Roma minority and civil society, especially Roma associations, joined forces to prepare this document.

In the course of implementing the “EU Framework for the Integration of Roma by 2020”, Austria relies on a combination of general and Roma-specific integration measures. Please refer to the overview table on the integration of Roma of the National Roma Contact Point in the Federal Chancellery (Status: 1 January 2014): <https://www.bka.gv.at/DocView.axd?CobId=53584>. It provides an overview of current and planned measures to integrate Roma in Austria, which are

implemented and/or supported by different actors, in cooperation with the responsible federal, regional and local entities as well as private associations.

The National Contact Point to EU institutions has been set up at the Federal Chancellery. It coordinates measures and supports networking among federal ministries, regional entities, municipalities and civil-society associations as well as experts from science and research.

The Roma Dialogue Platform was set up at the Federal Chancellery in order to institutionalize the dialogue among the parties involved. It meets at regular intervals and held its 13<sup>th</sup> meeting on 25 February 2015. The goals of this dialogue platform are to enshrine Roma-specific concerns on the administrative level as well as to promote cooperation and the exchange of experience. The EU Commission refers to this participatory format as a model for a civil-society dialogue in the context of Roma inclusion. The regular presence of the representatives of authorities responsible for Roma integration offers the possibility of facilitating low-key access to Roma civil society to the relevant administrative entities. When Roma associations and authority representatives discuss Roma-specific issues, projects and ideas for projects can be presented and coordinated. At the same time, better networking is facilitated between Roma associations and other project operators that have successfully implemented various projects.

Austria also uses EU funding for Roma integration measures. In the Operational Programme Employment 2014 to 2020 Austria has earmarked money from the European Social Fund in the framework of the investment priority “Active Inclusion” (IP 2.1) to support Roma-specific measures. A total annual amount of € 1 million has been provided for this Roma priority. The call to submit applications was published on 28 April 2015 under the heading of “Roma Empowerment for the Labour Market”.

Austria is making efforts to expand its information basis concerning Roma living conditions in order to be able to better plan and evaluate the necessary measures. As statistical data on ethnic characteristics are not available, only such studies could be taken into consideration that are based on qualitative social-science methods such as questionnaire-based investigations and interviews. The authorities therefore commissioned three studies on the Roma situation concerning education, employment, health and living conditions; the results were presented and discussed at the meetings of the Roma platform.

The study “Documentation – Information – Integration” (*Dokumentation – Information – Integration*), which specifically deals with the living conditions of Roma and Romnija in Burgenland, was published in September 2014. The authors are Tina Nardai and Mag.<sup>a</sup> Michaela Egger-Steiner, and the study was published by the Adult Education Centre of the Burgenland Roma.

Since November 2014 the National Roma Contact Point at the Federal Chancellery has also been participating in the working group of the Fundamental Rights Agency of the European Union, which was set up to support Member States in the development of effective indicators in connection with Roma integration.

The advisory council for the Roma minority has been set up as a consultation partner for the Federal Government concerning issues related to autochthonous Roma.

### **Promotional funding from the budget for the national minorities granted to Roma associations**

In keeping with statutory objectives, the promotional funding for national minorities financed by the Federal Chancellery is used to “preserve and ensure the existence of the national minorities, their folklore tradition as well as their characteristics and rights” (§ 8 (1) of the National Minorities Act). Compared to other national minorities fewer funds are used for cultural events and activities; yet, more money is used for counselling and education.

National minority associations, amongst others, are entitled to file applications; this ensures acceptance of the low-threshold services offered, on the one hand, and underlines the autonomy of the persons concerned, on the other hand. Promotional activities especially focus on advice concerning the labour market and learning assistance for Roma children.

**Table III-3 Financial support for Roma associations from the Federal Chancellery budget for the national minorities, 2014**

Roma minority	Subsidy acc. to VoGrG *)	Other subsidies	Intercultural project support	Total
(spi:k) – Sprache, Identität, Kultur. (Language, Identity, Culture) Association Documenting the Language and Culture of Regional Minorities		€ 9,000		€ 9,000
Ketani – Association for Sinti and Roma	€ 23,500			€ 23,500
Kulturverein österreichischer Roma (Cultural Association of Austrian Roma) – Documentation and Information Centre	€ 41,500			€ 41,500
Nationalfonds der Republik Österreich für Opfer des Nationalsozialismus (National Fund of the Republic of Austria for Victims of National Socialism)			€ 25,000	€ 25,000
Roma – Verein zur Förderung von Roma (Association to Promote Roma)	€ 44,520			€ 44,520
Romano Centro – Verein für Roma (Association for Roma)	€ 156,280			€ 156,280
Roma-Service (Roma Service)	€ 111,000		€ 4,730	€ 115,730
Souveräner Malteser-Ritter-Orden (Sovereign Order of Maltese Knights) – Sonderbotschafter für Roma (Special Envoy for Roma)			€ 5,000	€ 5,000
Volkshochschule der burgenländischen Roma (Adult-Education Centre for Burgenland Roma)	€ 3,500			€ 3,500
<b>Total</b>	<b>€ 380,300</b>	<b>€ 9,000</b>	<b>€ 34,730</b>	<b>€ 424,030</b>

Source: Federal Chancellery / Department for National Minority Matters

\*) VoGrG = National Minorities Act

In addition to the Federal Chancellery, the Federal Ministry of Education and Women's Affairs, in particular, as well as regional and local entities also grant subsidies to national minority associations.

### Mainstreaming measures

Austria's presumption is that all general improvements in the field of education (for example gratuitous nursery-school attendance, more afternoon-care facilities at schools for pupils or all-day education; introduction of the "New Middle School", apprenticeship training across companies) and in the health and social sector (for example, minimum income, gratuitous



dental braces for children, access to municipal housing) will also lead to an improvement in Roma living conditions.

### III.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 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 states 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 facilitates the promotion of intercultural projects.

Challenges to the preservation of the national minorities arise on account of the changes in society which, for example, often make it necessary to take on an employment outside of the autochthonous settlement areas. Mixed marriages and a high level of media consumption in the majority language make it complicated to pass on the minority language to the next generation. Since, to an overwhelming extent, the autochthonous settlement areas in the federal provinces of Carinthia and Burgenland can be found in regions with weaker economic structures, shrinkage of the population is being recorded. This situation has particularly adverse effect on the national minorities, when the exodus by younger national minority members to industrial and economic centres leads to over-ageing in the autochthonous settlement areas. It is in this context that one must consider the development that schools in rural areas must be closed, due to insufficient numbers of pupils, or that schools must be merged. The infra-structure change also leads, for example, to the closing of post offices and neighbourhood shopping facilities in rural municipalities. Although this also affects the majority population, the trend has an additional impact on national minority members, as this reduces their opportunities to use the national minority languages.

Inversely, the strong inflow of persons not belonging to national minorities – for example to villages in the commuter belt of Vienna or Eisenstadt, the regional capital, where Croatian was spoken originally – constitutes a special challenge to preserving an environment in where the national minority language is spoken.

The opening of borders caused by the fall of the Iron Curtain had a positive effect on the national minority languages, as it went hand in hand with an increase in functionality of the national minority languages as well as an enhanced prestige. The exchanges in the field of education and projects for cross-border cooperation with Hungary, Slovenia, the Czech Republic and Slovakia within the framework of the EU have had a positive influence on the national minorities.

In the cosmopolitan environment of Vienna, it is, as a rule a deliberate choice of persons to preserve their national minority languages and their national minority identity individual person, who will also engage in and target-oriented efforts to pass on the language to their children.

For the aforementioned reasons the preservation of the national minorities requires special support; as early as 1977 the Federal Chancellery began to grant promotional funding to the national minorities. Additional promotional funding for the specific purposes of the national minorities is granted, in particular, by the Federal Ministry of Education and Women's Affairs, regional and the local entities. Of course, the national minorities can also obtain funding from other sources, observing the respective general requirements, such as, for example, subsidies for press and public media, from the labour market, for film productions, the promotion for adult education or research.

### III.5.1 Promotional funding by the Federal Government for the national minorities

In 2014 the Federal Chancellery had the following means at its disposal for promoting the national minorities.

**Table III-4 Promotional funding budget of the Federal Chancellery for the national minorities, 2014**

Promotion of national minorities	Detailed budget 10/01/01	Total
Grants pursuant to the National Minorities Act	account 7670002	€ 3,544,000
Other grants	account 7671003	€ 224,000
Promoting intercultural activities	account 7671004	€ 100,000
<b>Total</b>		<b>€3,868,000</b>

Source: Federal Chancellery / Department for National Minority Matters

According to § 9 (2) of the National Minorities Act “associations, foundations and funds with the objective to preserve and safeguard a national minority, especially its folklore tradition as well as its characteristics and rights (national minorities organisations)” as well as “churches and religious denominations” pursuant to § 9 (3) may receive cash benefits under the title promotional funding for the national minorities. It needs to be mentioned that the national minorities are essentially organized in keeping with the law governing associations.

## **Procedure for obtaining funding from the Federal Chancellery**

At the beginning of every year the Federal Chancellery sends an invitation, complete with information on applications, to the known national minority and church organisations, which have the same status. At the same time, reference is made to the application form which is published on the website of the Federal Chancellery. At the beginning of the 2015 calendar year the Federal Chancellery organised information meetings in Vienna, Klagenfurt and Eisenstadt to explain the modifications in the application form and the General Guidelines for Promotional Funding from the Federal Budget (ARR 2014).

In keeping with § 10 (2) of the National Minorities Act the responsible advisory councils for the national minorities must submit proposals on the use of the earmarked budget funds before 15 March of every year. No proposals for promotional funding need to be obtained from the national minorities' advisory councils for the budget items "other grants" and "promoting intercultural activities".

The Federal Government grants the promotional funding through its private-sector administration, in keeping with the General Guidelines for Promotional Funding from the Federal Budget (ARR 2014), Federal Law Gazette II No. 51/2004, in the currently valid version, on the basis of these recommendations for promotional funding. In accordance with § 11 of the National Minorities Act the recipients of grants are obliged by contract to report on the use of the promotional funding and provide proof of the actual amounts spent. The reports of the recipients of grants must be brought to the attention of the respectively responsible advisory council of a national minority. As a matter of principle, the period for which promotional funding is granted, corresponds to the calendar year. Projects of longer duration can be divided up and an application can be filed for receiving continued promotional funding. There are few changes in the group of recipients of grants. Funding is granted in line with the recommendations of the advisory councils concerning promotional funding, which thus accounts for continuity in the work of the national minorities.

Both the infrastructure of the national minorities' organisations, especially rental and staff costs but also projects such as language courses, summer camps with language courses, lectures in the national minorities' languages, theatre groups, (folklore) music and dance groups, the publication of (bilingual) periodical and non-periodical media in the national minorities' languages are supported from the budget for the promotion of the national minorities.

With the promotional funding for the national minorities the Federal Chancellery aims at achieving the following medium and long-term effects in the supported areas:

The subsidies for the structure of the organisations of the national minorities are intended to support their capacity to act as well as to preserve and improve the infrastructure that is necessary so that they can comply with their tasks. Especially when educating children and young persons, the goals of promoting the national minorities can be achieved with particular effectiveness by means of supporting the respective structures such as childcare facilities and learning-assistance organisations.

The use of the national minority languages in everyday usage becomes more visible when specifically promoting the publication of periodicals. These print media constitute an important

information tool both within a national minority and also vis-à-vis the population at large, provided they are published bilingually. The intention is to strengthen the everyday use of the national minority languages as well as the language competencies of persons belonging to the national minorities. In the long term, promoting media projects (which can be weekly newspapers, other periodicals or newsletters of organisations) can strengthen the functionality of the national minority languages, which is an important characteristic. It helps to create identity, and to consistently preserve the specific vocabulary of the national minorities' languages.

Promoting educational projects serves to teach the language as well as to communicate the specific features of a national minority. This is meant to enhance the use of the national minority language as well as to increase the linguistic and inter-cultural competence. Special significance attaches primarily to transferring the language to the next generation, as language is one expression of the identity of a national minority. The successful preservation of a national minority depends, last but not least, on whether language and culture are passed on to children and young people and whether they accept them. Learning the national minority language needs to be supported at the earliest-possible stage of language learning, focusing promotional activities therefore on projects for small children. Positive effects on networking in the national minority language will also be obtained when the parents become more involved in this process.

Promoting cultural projects serves to preserve and pass on the specific cultural formats of a national minority, its cultural identity and thus the internal cohesion of a national minority. In this connection, it is of particular importance that the specific traditions of a national minority are passed on to the next generation. Cultural activities are also well suited to integrate other sections of the population, which helps to foster better mutual understanding.

Promoting scientific and research projects helps to reinforce the knowledge of and the insights into the specific context of a national minority (e.g. linguistic research, investigations into historical topics, etc.). The intended targeted effects can also create added value for a region, which will not only find expression in a rich cultural attractiveness but also in the solving of conflicts, based on joint explorations of historical events. The result will be a strengthening of the national minority identity; at the same time, regional multiple identities will also have a balancing effect.

Financial support for sports clubs from the budget promoting the national minorities means that sports activities as such receive support; yet, it also means that children and young people are assisted in learning the national minority language when engaging in training activities in the national minority language. In consequence, the next generation is integrated into an environment, which most of the young people regard as an attractive leisure-time activity and which is conducive to acquiring competencies in the national minority language as well as to using the national minority in conversations.

In 2014 the Federal Chancellery granted promotional funding in a total amount of € 3,878,968. The difference to the total promotional budget 2014 is due to a payment for subsidized activities that needs to be attributed to the 2013 promotional programme. However, as the

advisory council for the respective national minority had to be seized again with this project, it was only possible to grant the amount in 2014.

Below is a break-down of the promotional funding according to national minorities:

**Table III-5 Promotional funding by the Federal Chancellery according to national minorities and budget amounts, 2014**

National minority	Grant under the VoGrG *)	Other grants	Promotion of intercultural projects	Total
Croatian	€ 1122,720			€ 1,122,720
Roma	€ 380,300	€ 9,000	€ 34,730	€ 424,030
Slovak	€ 78,925	€ 44,050		€ 122,975
Slovene	€ 1,161,700	€ 54,970	€ 62,000	€ 1,278,670
Czech	€ 382,100	€ 73,380		€ 455,480
Hungarian	€ 429,493	€ 40,000	€ 3,000	€ 472,493
Cross-national minorities		€ 2,600		€ 2,600
<b>Total</b>	<b>€ 3,555,238</b>	<b>€ 224,000</b>	<b>€ 99,730</b>	<b>€ 3,878,968</b>

Source: Federal Chancellery / Department for National Minority Matters

\*) VoGrG = National Minorities Act

The Advisory Committee recommended increasing the funds available for cultural activities of the national minorities, so as to ensure the preservation of their cultural and linguistic identity, including in areas outside of their traditional settlement. The funding should be made available for longer terms and should be paid out timely and unconditionally so that cultural initiatives can be effectively planned and implemented. (Margin note 48)

The Advisory Committee urged to address the situation of persons belonging to national minorities in Vienna to ensure that they can organise activities aimed at the preservation of their distinct cultural and linguistic identity, in addition to the organisation of educational activities. (Margin note 49)

In this context, it is stated that it has not been possible to increase the promotional funding, given the tight budget situation. It is not planned to extend the periods for which promotional funding is granted, as the National Minorities Act is based on annual budgets. However, this does not constitute a barrier to longer-term projects, because both the Federal Chancellery in its actual promoting activities and the advisory councils for the national minorities in their recommendations for promotional funding take account of the fact that existing structures require continuous financial support as well as that launched projects must be carried out to the end. In fact, larger organisations with considerable overhead costs for staff and rent mostly receive their contract for a part of the promotional funding, for which a recommendation for financial support can be expected, during the first quarter of a year – occasionally even before the advisory council issues a recommendation. The granted promotional funding is linked, amongst others, to the obligation to implement the promoted projects according to the funding

contract. In keeping with general provisions on promotional funding, the respective amounts need to be returned, whenever a surplus in income over expenses is obtained. In case of promotional funding for projects all income and expenses relating to the project are decisive, while all income and all expenses of the recipient are decisive in case of basis subsidies.

Please refer to the table below which shows the distribution of the promotional funding among the different federal provinces (*Länder*). The distribution among the individual national minorities and the different federal provinces has remained largely the same. Here, too, the Federal Chancellery is once more following the recommendations of the advisory councils.

**Table III-6 Promotional funding by the Federal Chancellery according to federal provinces (*Länder*), national minorities and budget amounts, 2014**

Federal province	Intercultural project grants	Other subsidies	Grants acc. to the VoGrG *)	Total
<b>Burgenland</b>	<b>€7,730</b>	<b>€2,600</b>	<b>€1, 26,350</b>	<b>€1,336,680</b>
Croatian			€972,220	€972,220
Roma	€4,730		€159,020	€163,750
Hungarian	€3,000		€195,110	€198,110
cross-national minorities		€2,600		€2,600
<b>Carinthia</b>	<b>€62,000</b>	<b>€54,970</b>	<b>€1,093,200</b>	<b>€1,210,170</b>
Slovene	€62,000	€54,970	€1,093,200	€1,210,170
<b>Upper Austria</b>			€26,500	€26,500
Roma			€23,500	€23,500
Hungarian			€3,000	€3,000
<b>Salzburg</b>	<b>€5,000</b>			<b>€5,000</b>
Roma	€5,000			€5,000
<b>Styria</b>		<b>€9,000</b>	<b>€68,000</b>	<b>€77,000</b>
Roma		€9,000		€9,000
Slovene			€64,000	€64,000
Hungarian			€4,000	€4,000
<b>Tyrol</b>			€800	€800
Hungarian			€800	€800
<b>Vienna</b>	<b>€25,000</b>	<b>€157,430</b>	<b>€1,040,388</b>	<b>€1,222,818</b>
Croatian			€150,500	€150,500
Roma	€25,000		€197,780	€222,780
Slovak		€44,050	€78,925	€122,975
Slovene			€4,500	€4,500
Czech		€73,380	€382,100	€455,480
Hungarian		€40,000	€226,583	€266,583
<b>Total</b>	<b>€99,730</b>	<b>€224,000</b>	<b>€3,555,238</b>	<b>€3,878,968</b>

Source: Federal Chancellery / Department for National Minority Matters

\*) VoGrG = National Minorities Act

In addition to the classical promotional funding by the Federal Chancellery, which is enshrined in the National Minorities Act, the Federal Ministry of Education and Women's Affairs, in particular, grants promotional funding for specific education-oriented purposes of the national minorities.

**Table III-7 National minority funding by the BMBF \*), 2014**

National minority	€
Croatian national minority	88,500.00
Slovene national minority	312,120.00
Hungarian national minority	33,500.00
National minority of the Roma	109,300.00
National minorities in general and/or cross-national minorities	68,500.00
<b>Gesamt</b>	<b>611,920.00</b>

Source: Federal Ministry of Education and Women's Affairs

\*) BMBF = Federal Ministry of Education and Women's Affairs

In addition, organisations may receive promotional funding that is not primarily linked to the specific objectives of the national minorities. One should mention here the grants by the Federal Ministry of Labour, Social Affairs and Consumer Protection for Thara, the Roma counselling centre serving labour market policy objectives, which receives subsidies of approximately € 100,000.00 per year.

### III.5.2 Regional support for the national minorities

#### Support to national minorities by the Federal Province of Styria

The Styrian regional government continues to support the association "Article VII Cultural Association for Styria – Pavel House". Pavel House haus at Radkersburg is the centre of cultural events for Slovenes in Styria. The "Article VII Cultural Association for Styria" is the link between the minority and the majority population in the southern region of Styria, and it promotes bilingual as well as intercultural dialogue with its cultural and minority-specific events and publications.

The grant for staff costs and the costs of the library software programme in 2013 made it possible to enter the library resources, which had grown substantially in recent years, into a database.

#### Support granted by the City of Vienna

During the period 2010 to 2013 the Municipal Administration of the City of Vienna supported a wide range of cultural activities by the Czech, Slovak and Hungarian minorities as well as the national minority of the Roma and their organisations and activities such as, for example, Vlastenecka Omladina, the Czech theatre group, Delibab, the Hungarian cultural association in Vienna, Romano Centro – Association for Roma, and the Czechoslovak-Austrian contact forum.



Moreover, the City of Vienna especially grants financial support to projects and investment measures of the national minorities in the educational field (learning assistance for Roma children, support for the expansion of a school building at Komenský School).

### Support to national minorities by the Federal Province of Carinthia

The regional Carinthian government provides promotional funding to numerous Slovene cultural associations. However, subsidies are also granted to projects of other institutions, when serving intercultural understanding, which is a means to build confidence. The National Minority Office set up in the Office of the Carinthian Regional Government, uses initiatives and confidence-building measures in an effort to exert a positive influence on the individual sections which can obtain promotional funding. As a result, a basis of financial support has been created that provides positive assistance to the cultural identity of the national minority. Every year about € 100,000.00 are being spent on financial support for cultural events and for the expenses to organise congresses and events.

### Support to national minorities by the Federal Province of Burgenland

The regional government of Burgenland reported promotional funding for 2014 as it is listed in the table below. It needs to be mentioned that the list does not only refer to regional subsidies but also to municipal grants. In addition, apart from promotional funding for national minority organisations and specific projects of the national minorities, the material and staff expenses by the regional corporations were also included in the amounts, especially the allowance for those civil servants who receive the official-language allowance.

**Table III-8 National minority funding by Burgenland, 2014**

National minority	€
Croatian national minority	420,301.68
Hungarian national minority	55,713.89
Roma	78,550.00
cross-national minorities	43,200.00
<b>Total</b>	<b>597,765.57</b>

### Support to national minorities by the Federal Province of Upper Austria

The regional government of Upper Austria has provided promotional funding on a regular basis to the activities of the association “Association Ketani for Sinti and Roma”, which has been domiciled in Linz since 1998. It granted € 23,000.00 in 2014. The City of Linz also supported the activities of the “Ketani” association with an amount of € 4,500.00 in 2014.

## III.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.

### III.6.1 Situation in Carinthia

The Advisory Committee urged the authorities to engage in further efforts to promote a climate of tolerance in Carinthia and to condemn all attempts, including from within the political spectrum, to instigate hostility against the Slovene minority in Carinthia. (Margin note 56)

The Advisory Committee urged the Carinthian authorities to contribute to improved inter-ethnic relations and trust based on unconditional respect for relevant international and national minority rights guarantees. (Margin note 57)

In this connection it can be reported that the inter-ethnic climate in Carinthia has eased substantially and noticeably, following the consensus reached in 2011 for the new solution concerning topographical signs and inscriptions as well as for Slovene as official language, and following the regional elections in Carinthia on 3 March 2013. The proponents of the so-called "Consensus Group Carinthia", who played a decisive role in preparing the compromise, received various public awards. Last but not least, success could also be achieved by ensuring the long-term existence of "Glasbene šola", the Carinthian music school by integrating it into the Carinthian music schools (see Regional Law Gazette No. 29/2015 of 19 May 2015).

### Dialogue Forum

The "Memorandum on Bilingual Topographical Signs" of 26 April 2011, which was used as a basis for the 2011 Amendment of the National Minorities Act, enshrined, amongst others, the setting up of a "Dialogue Forum", as one further effort to promote a climate of tolerance as well as to improve inter-ethnic relations. The national minority, regional politicians and regional administrative officials are represented on the Dialogue Forum. The goal was to make available, for the future and on an institutionalized basis, the dialogue that had led to a solution for the so-called "topographical signs issue". The National Minority Office at the Office of the Carinthian Regional Government acts as the coordinator of the Dialogue Forum. The latter has been active and convened on several occasions.

The Office of the Carinthian National Minority Office plays an essential role on the administrative level.

### **The Carinthian National Minority Office**

The National Minority Office was set up at the Office of the Carinthian Regional Government in 1990 and empowered with comprehensive service instructions. Its currently five staff members manage the tasks of a department and service unit which deals with the comprehensive range of topics concerning the Slovene national minority in Carinthia. It is also an institution that acts as a mediator between the administrative units and the members of the Slovene minority. It also coordinates the activities of the “Dialogue Forum”.

### **Citizen Services and Translation Service**

The citizen’ service provided by the National Minority Office is characterized by the daily contacts by phone and in person and written submissions. The translation and interpreting service offers written and oral services. Other services offered by the National Minority Office include public access to its own technical library. One further service offered relates to the information and material available on the bilingual website of the National Minority Office ([www.volksgruppenbuero.at](http://www.volksgruppenbuero.at)). Particular attention is drawn to the forms in Slovene language, which can be found there. One further expanded service that is provided is the link between the websites of the three district commissions [Bezirkshauptmannschaften] of Völkermarkt, Klagenfurt-Land (Klagenfurt-Surroundings) and Villach-Land (Villach-Surroundings) and the internet pages of the National Minority Office. This ensures up-to-date references to information sources in connection with topics of interest to the national minority.

### **“European National Minorities Congress”**

There is lively interest in these congresses. Every year about 200 participants from Austria and abroad attend the annual European National Minorities Congress of the Federal Province of Carinthia, organised by the National Minority Office. In the course of recent years the range of topics of the National Minorities Congress has been expanded, and it now also covers issues concerning intercultural discourse, in addition to the issues studied by classical national minorities and ethnicity research. In 2014 this expert conference and/or dialogue event, which has become known far beyond the boundaries of Carinthia, celebrated its twenty-fifth anniversary. Since the first congress in 1990, about 300 national and international experts have honoured this event by participating as speakers.

### **Publications**

The lectures presented at the European National Minorities Congress of the Federal Province of Carinthia are published in a series of books called “KÄRNTEN DOKUMENTATION” (Documenting Carinthia). The numerous inquiries concerning the publications and, in general, the topic of national minorities prove the importance of the National Minority Office as a contact

point for interested persons throughout the federal territory, but also the interest of the majority population in the specific issues of the national minority.

### **“Culture Week” (“Kulturwoche/Kulturni teden”)**

For more than two decades the National Minority Office has organised the annual event “Kulturwoche/Kulturni teden” (Culture Week), together with the two main cultural organisations of Slovenes in Carinthia, i.e. the Christian Cultural Association and the Slovene Cultural Association. The two Slovene umbrella organisations and other associations cooperate to bring the wealth of creative cultural activities of the Slovene minority in Carinthia in the fields of music, literature, dance theatre, choir singing, and fine arts are brought to the attention of the German-speaking population during this one-week event. At the same time, efforts are made to set up local cooperation and to carry out joint projects, for example nursery-school projects, school projects, or school partnerships. Especially by involving the local cultural associations, encounters and dialogue as well as mutual exchanges are promoted and stimulated, leading to new friendships. Over the years series of events have been held in all district towns as well as several Carinthian municipalities (St. Paul im Lavanttal, Millstatt, Straßburg, Gurk, Ossiach, Pörschach, Velden, St. Andrä im Lavanttal).

More than 200 guests attended the opening of the 21<sup>st</sup> Culture Week 2014 at St. Andrä by the Carinthian Governor Peter Kaiser. The programme of the 21<sup>st</sup> Culture Week featured, amongst others, primarily music performances as well as the following events:

- Presentation of an exhibition on “Forced Re-Settlement of Slovene Families from Carinthia in 1942” prepared by historian Brigitte Entner.
- A “Dialogue Camp” with pupils from the new middle schools at St. Andrä and Bleiburg and the primary school in Slovenj Gradec in Slovenia, as a side event at Bleiburg. German-speaking and Slovene-speaking pupils from Carinthia met pupils from Slovenia at the “Dialogue Camp”. This trans-frontier encounter project contributed to promoting tolerance and intercultural dialogue, both on a cross-boundary and domestic (Austrian) level.

### **Promotional funding**

The subsidies granted to numerous Slovene cultural associations are also of substantial importance. However, grants are also awarded to projects by other initiators whenever they serve intercultural understanding and constitute a confidence-building measure. Please refer to Article 5 for more details.

## **III.6.2 Penal provisions against racism and intolerance**

The Advisory Committee recommended redoubling efforts to resolutely combat all forms of racism and xenophobia. In particular, all manifestations of intolerance in the political sphere should be strongly condemned. Measures should be increased to systematically monitor and appropriately sanction all racially motivated violence, as well as measures that raise

awareness for the different manifestations of discrimination and racism among the public at large. (Margin note 63)

In compliance the obligations resulting from Article 4 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD), § 283 of the Austrian Criminal Code (“incitement”) and § 33 number 5 of the Austrian Criminal Code (general aggravating circumstance when committing punishable offences on grounds of racism or xenophobia) were adopted which are the legal basis for combating racially motivated violence. In addition, the so-called Prohibition Act punishes any National-Socialist resurgence activities.

In the context of administrative law one should mention the facts constituting the offences of discrimination on grounds of race (Article III (1) number 3 of the Introductory Legislation to the Administrative Procedures Act), as well as dissemination of National-Socialist ideas, as defined in the Prohibition Act (Article III (1) number 4 of the Introductory Legislation to the Administrative Procedures Act), and the possibility to dissolve unlawful associations and gatherings (Associations and Public Meetings Act).

## Judicial penal provisions

### Incitement

§ 283 Criminal Code (StGB) reads as follows:

§ 283. (1) A person shall be punished to a maximum prison term of two years, who publicly in a manner that is appropriate to jeopardize public order, or who in a manner perceptible for the broad public prompts or incites to violence against a religion or religious denomination or another group defined by criteria of race, colour, language, religion or ideology, nationality, ancestry or national or ethnic origin, sex, handicap, age or sexual orientation, or against a member of such a group explicitly for that person’s association with that group.

(2) Such persons shall also be punished who in a manner perceptible for a broad public incite against one of the groups indicated in paragraph 1 or insult it in a manner degrading human dignity and thus try to make it appear contemptuous. .

Federal Law Gazette I No. 103/2011, which entered into force on 1 January 2012, stepped up the effect of the incitement provision in the Criminal Code, since acts are no longer cogently required to be likely to jeopardize public security; it suffices that they can be perceived by a broad public. The scope of persons protected by the provision was also expanded considerably.

On 7 July 2015 the National Council decided on a further tightening of § 283 Criminal Code. This amendment will become effective on 1 January 2016. It serves to achieve compliance with Austria’s international obligations, on the one hand, and is intended to eliminate deficits, which appeared on account of current events, in the facts constituting an offence under § 283 Criminal Code, on the other hand. The facts are further specified in order to be able to combat hate crimes with consistency. The following essential modifications need to be highlighted:

In connection with the protected groups, the words “existing or outstanding [criteria]” were added to § 283(1) number 1 in order to expressly indicate that a protected group can be defined both positively and negatively. In consequence, any incitement against “foreigners” or “infidels” will henceforth also be covered by § 283 Criminal Code.

A uniform threshold for the concept “public” is now being introduced for all variants of the facts constituting the basic offence (paragraph 1), namely by stating “publicly in a manner that is accessible to many persons”. By classifying an act which is committed in a manner that it is accessible to a broad public (previously the requirement of a public nature in the second option of § 283 (1) Criminal Code, as well as the two variants of facts according to § 283 (1) Criminal Code), the facts are specified (case law and academe define, as a guideline for a “simple” public, a minimum of approximately ten persons; they regard “many persons” to consist of at least 30 persons, and categorize a “broad public” as comprising about 150 persons). Finally, the law now distinguishes between two separate sets of facts, namely “prompting violence”, on the one hand, and “inciting to hatred”, on the other hand, always in connection with one of the groups protected in number 1, or a member of such a group, explicitly for his/her association with that group. The new provisions of § 283 (4) Criminal Code sanctions the dissemination of propaganda for violence and/or hatred.

### Statistics in connection with § 283 of the Criminal Code

The reply to the question raised in Parliament, 4946/J-NR2015, by the Federal Minister of Justice reveals the following cases in which § 283 Criminal Code was applied:

**Table III-9 Criminal proceedings pursuant to § 283 of the Criminal Code**

Criminal proceedings	2013	2014
Number of investigations	240	337
Number of convictions	11	34

It should be mentioned that the number of cases is determined and not the number of persons involved. This means that one “case” may cover several offences. Please refer to the details below on “Data collected by the judiciary”.

### Grounds constituting an aggravating circumstance

The grounds that constitute aggravating circumstances when adjudicating on the punishment, are defined in § 33 of the Criminal Code. Pursuant to § 33() number 5 of the Criminal Code it is an aggravating circumstance if an offender “has acted on racist, xenophobic or other particularly contemptuous motives”. The 2015 Criminal Law Modification Act will also amend this provision, and it will be stated explicitly that the particularly contemptuous motives especially apply when the offence is directed “against one of the groups of persons listed in [in the new version of] § 283 (1) number 1 of the Criminal Code, or a member of such a group, explicitly on account of his/her association with that group”.

## Insult based on racist grounds

§ 115 of the Criminal Code (“insult”) reads as follows:

§ 115 Criminal Code (1) Persons, who publicly or in the presence of several persons insult, ridicule, physically maltreat or threaten to physically maltreat another person, shall be punished by a maximum prison term of three months, or a maximum fine of 180 daily rates, unless they are subject to a more severe punishment pursuant to another legal provision.

(2) An act is committed in the presence of several persons when it is performed in the presence of two or more persons, who are different from the offender and the attacked person and who are in a position to perceive the act.

(3) Persons, who are merely carried away by their indignation over the behaviour of another person and insult, maltreat or threaten to maltreat another person in a manner excusable on account of the circumstances, shall be pardoned, if their indignation is generally understandable, especially also with a view to the time that has passed since the incident.

§ 117 (3) of the Criminal Code stipulates, in deviation from the general rule, i.e. that punishable acts against a person’s honour shall be prosecuted *only upon the request of the insulted persons*, that there shall be an *ex officio* penal prosecution *with the authorization* of the insulted person, amongst others in case of offences committed with racist motives. The relevant provisions read as follows:

§ 117 of the Criminal Code ....

(3) Offenders shall be prosecuted by the Public Prosecution Office for an act sanctioned pursuant to § 115, provided the insulted person has given his/her authorization, if the act against the insulted person is directed against that person on account of his/her association with one of the groups listed in § 283 (1) and consists either in a maltreatment or threat of maltreatment, or in an insult or ridicule degrading human dignity.

(4) In the cases of paragraphs (2) and (3) the insulted person has the right, at any time, to join the charges. If the Public Prosecution Office does not prosecute the punishable offence, or if it withdraws from prosecution, the insulted person himself/herself has the right to file charges.

As of 1 January 2016 the 2015 Criminal Law Modification Act will substitute in § 117 (3) of the Criminal Code the phrase “consisting of an insult or ridicule degrading human dignity” *by the phrase* „consisting of an insult or ridicule that is likely to render the insulted person contemptible in public opinion or to degrade him/her”.

## Administrative penal provisions

In addition to the aforementioned facts constituting a criminal offence, one must also refer to the following administrative penal facts:

Article III Introductory Legislation to the Administrative Procedures Act

(1) Persons, who ...

number 3: discriminate another person on grounds of race, colour, national or ethnic origin, religious belief or a handicap, or prevents him/her from entering a place, or to avail himself/herself of services that are intended for general public use, or

number 4: disseminates National-Socialist ideas pursuant to the Prohibition Act, State Law Gazette No. 14/1945, in the version of the Federal Constitution Act published in Federal Law Gazette No. 25/1947, ....

The facts constituting a punishable act in Article III (1) number 3 of the Introductory Legislation to the Administrative Procedures Act were further defined with more precision in 2012 by the version published in Federal Law Gazette I No. 50/2012, as a result of which it no longer matters whether persons “are unjustifiably placed at a disadvantage *exclusively* on grounds of their race, colour, national or ethnic origin, their religious belief or a handicap” but that they are *also* discriminated against on account of these grounds.

Racist comments shall be regarded as facts constituting an offence pursuant to § 4 of the Prohibition Act if they manifest the attitude of National Socialism, motivated by racist ideology, if persons are rejected especially on account of their alleged “racial inferiority”, or if such thoughts are expressed especially in a form that is similar to the propaganda vocabulary of the “Third Reich”.

Moreover, the penal provisions contained in the Equal Treatment Act are mentioned concerning discriminating advertisements for jobs or living quarters.

### **Data collected by the judiciary**

As far as the collection of data on judicial proceedings (investigations by the public prosecution offices, court proceedings and convictions) in connection with cases of violence motivated by racism and discrimination is concerned, there is one basic problem, namely that the Federal Ministry of Justice does not have a general evaluation of specific data. The criminal statistics of the courts only compile data according to offences, as they are contained in the Criminal Code. It is therefore possible, for example, to specifically collect data on the facts constituting the offence of incitement, § 283 of the Criminal Code, but not concerning general criminal offences (such as assault or property damage) with a racist or xenophobic background because the motives of the offender – unless they are part of the facts constituting the offence – are not collected separately for statistical purposes. However, as concepts such as racist motivation or discrimination are fairly broad, acts of this type cannot be limited to specific offences. It is not possible, at present, to present them in the criminal statistics of the courts and/or in the database “Automating Judicial Proceedings” which is also based on the offences entered into the database.

An improvement has been achieved with the implementation of the project “Electronic Punishment Record” in 2011 and with the new structure of the criminal statistics of the courts by Statistics Austria for the statistics compiled for 2012. The courts now report to the Criminal Records Office which legal provision was applied when ruling on the punishment and was thus decisive for the sanction that was applied as a basis when determining the punishment. In addition, all other committed offences must be indicated that form the basis for the conviction.



This improvement has had a positive effect, especially on the quality of the data available for incitement, as previously only the “leading” offence sanctioned by a longer prison term was indicated when several punishable offences were adjudicated, on account of the fact that the prison term for the offence of incitement amounted to a maximum of two years. It was therefore possible that the number of convictions for offences under § 283 Criminal Code (StGB) was higher than indicated in the criminal statistics of the courts.

However, the criminal statistics of the courts cannot give any indication as to the number of offences committed. If, for example, a person is convicted (in one court decision) for causing five physical injuries, then these five cases will only be counted as one offence for statistical purposes.

In the meantime the sex, age and nationality of offenders and victims are being collected; yet, it is possible to process these data only in relation to specific offences. In view of this difficulty, the Federal Ministry of Justice has set up a working group to improve the basis for the data collected for the criminal statistics of the courts. The objective is to develop general statistics on completed judicial files, which will collect and present information on state reactions to conduct of relevance under criminal law managed in court proceedings. In this context it is also planned to introduce a collection of criminal-law phenomena, separate from offences, as well as of victim characteristics. This will also make it possible to collect statistics on criminological phenomena such as punishable acts motivated by racism or xenophobia. However, the implementation of this objective requires major changes in the way in which proceedings are entered in the electronic files maintained by the public prosecution offices and the courts and can therefore only be implemented on a longer-term basis.

### III.6.3 Awareness-raising and anti-discrimination training

#### **Awareness-raising and anti-discrimination training for the judiciary including the penitentiary system**

##### **Expert monitoring**

During the 2013 reporting year the experts’ department in the Federal Ministry of Justice responsible for individual penal matters increasingly issued instructions in the framework of expert monitoring concerning the launching and pursuit of investigative procedures in connection with racism.

In the course of the annual meetings with the heads of the public prosecution offices and the senior public prosecution offices, too, major attention was given to the topics of racism and xenophobia.

Training events (workshops), sometimes lasting several days, are organised several times per year, especially in connection with the scope of application of the 1947 Prohibition Act, with the heads of political units in public prosecution offices, representatives of senior public prosecution offices and investigators from the Regional Offices for the Protection of the

Constitution as well as from the Federal Office for the Protection of the Constitution and Counterterrorism participating (Linz model).

### **Human-rights training during basic training, for public prosecutors and judges as well as the penitentiary system**

In the judicial sector great care is taken to ensure that tenured and other employees pay attention to and safeguard the fundamental and human rights, especially the rights of national minorities. In consequence, the regulations on the basic training of employees in the justice sector especially focus on training materials concerning, for example, social competencies, safeguarding human dignity, contacts with fellow staff members, conduct in conflict situations, conduct in relations to clients, etc. As a result, subjects such as “Correct conduct in contacts with clients and during office hours”, including “Conflict management” and “Conduct in difficult situations” as well as “Service regulations”, which includes, amongst others, the topic of “anti-discrimination”, are central training issues during all basic training courses for tenured and other employees of the courts and the public prosecution offices.

Moreover, during their basic training, team-assistants (tenured and other employees for clerical duties) have to enroll in the mandatory training module “Intercultural communication as well as basic knowledge of English”.

The additional training required for employees of the justice sector in justice service centres also attaches significant weight to issues such as “Communication and contacts to clients” and “Foreign-language skills”, including “Conducting interviews with non-German-speaking persons”.

Furthermore, in the course of further-training activities tenured and other employees can enroll in various seminars on “Contacts with clients and handling of potentially stressful situations” as well as “Communication”. There, too, the correct and appropriate behaviour towards clients who have limited or no German language skills, for example, receives special attention. The following activities, amongst others, can be mentioned here:

- The seminar “Foreigners are different! Austrians too! – How do you want to address the ‘difference’?” was developed in keeping with needs; it serves the objective of helping employees to overcome their shyness when handling business with clients who belong to a different culture and/or whose mother tongue is not German. Employees are introduced to the joys of diversity. In addition, they are trained to handle ambiguous, strange or provocative situations and taught skills to prevent misunderstandings due to cultural differences;
- Seminars on topics such as communication, conducting negotiations and personnel management for judicial officers (*Rechtspfleger*), district prosecutors as well as senior administrative staff;
- A very successful series of seminar, based on the train-the-trainer seminar concept, where all clerical staff members in the justice sector (about 2,600 persons throughout Austria) were given the opportunity to attend and which is planned to be continued. In particular, it

deals in great detail in special focused modules with the topic of correct conduct vis-à-vis clients and also takes account of different cultural backgrounds.

Since the 2013 Amendment to the Forced Collection Order the very sensitive working environment of bailiffs has been re-structured, setting up an organisational unit at every Higher Regional Court called Planning and Managing Unit for the Execution of Movable Property (FEX Unit), which is responsible for handling the special management tasks in the course of forced collection. A judge of the court presidium, who must be indicated in the court business plan, is in charge of heading the respective FEX Unit. In the framework of an internal regional distribution of competencies, the operational tasks must be entrusted to senior employees or employees of the expert department, who have the necessary technical and personal skills. Not more than 30 bailiffs should be assigned to each of the regional responsible officers. This very transparent structure ensures that any complaint directed against a bailiff, especially, of course, complaints relating to discrimination and/or maltreatment, can be handled quickly and efficiently. The quality of the performance provided, which, of course, involves the proper and correct contact to clients, is to be ensured and promoted by accompanying bailiffs on their rounds, by evaluating complaints addressed to superiors, and by drawing on the conclusions of staff interviews. These measures ensure that any reproaches concerning discrimination and/or maltreatment can be followed up immediately by the responsible FEX Unit, but also by the prosecuting units, whenever reproaches have criminal-law implications.

The justice sector organises basic and further training events on an ongoing basis for judges and public prosecutors which are dedicated to topics related to fundamental and human rights.

As part of their four-year training, all future judges are trained in their core skills but are also offered specific further-training modules on such issues as fundamental and human rights. These are also subjects during the judge's examination (§ 16 (14) number 6 and 8 of the Judges and Public Prosecutors Service Regulations Act).

Since the beginning of 2008 all future judges enroll in the mandatory inter-disciplinary three-day module on fundamental rights "Fundamental Rights Curriculum", which the Expert Group on Fundamental Rights of the Association of Austrian Judges developed. It is organized jointly by the Ludwig Boltzmann Institute for Human Rights Vienna (*Ludwig Boltzmann Institut für Menschenrechte Wien*), the European Training and Research Centre for Human Rights and Democracy Graz (ETC) and the Austrian Institute for Human Rights Salzburg (*Österreichisches Institut für Menschenrechte Salzburg [ÖIM]*) and deals with fundamental rights in everyday court practice, including also decisions of the European Court of Human Rights. In this context, problems are discussed such as racism, xenophobia, anti-Semitism, Islamophobia and homophobia, amongst others. As a complementary feature future judges of all Higher Regional Court districts have the possibility to go on a study tour to the European Court of Human Rights.

Moreover, the "Justice History Curriculum" on topics such as anti-Semitism, racism and National Socialism is offered to trainee judges in order to deal in greater depth with these issues. In autumn 2013 and spring 2014 this course is being held for the third time in cooperation with the Research Centre for Post-War Justice. It includes, amongst others, visits to memorial sites such as "Am Spiegelgrund" or Mauthausen. The Curriculum is intended to

provide basic knowledge about the more recent history of the justice sector during the 19<sup>th</sup> and 20<sup>th</sup> century and to contribute towards sensitizing participants for the political implications of both civil and criminal-law court decisions.

The issues of fundamental and human rights are dealt with in specific special seminars, on the one hand, such as, in particular, on family and criminal law, and on an ongoing basis in special further training events, on the other hand, which address these issues in great depth. The following seminars were held, for example, in 2012, 2013 and 2014:

- ▶ “Equal Treatment Legislation”: This seminar especially focused on communicating the most recent developments in equal treatment laws in connection with the EU and Austria, as well as to inform about the most recent case law in this field, and to create awareness for multiple discriminations. In this connection it was also essential to create awareness for promoting tolerance and combatting racism.
- ▶ “Dynamics of Fundamental Rights Protection – Challenges for National and European Court Decisions”
- ▶ “Fundamental Rights Day”: This event is organised regularly by the Special Working Group on Fundamental Rights of the Association of Austrian Judges.
- ▶ “The Charter of Fundamental Rights of the European Union”

In their day-to-day work judges and public prosecutors, as well as all other staff members of the justice sector are confronted with a multitude of persons of different origin, educational background as well as social and economic positions. A broad range of further-education measures is intended to impart the knowledge to staff members so that they can treat these persons in a fair and unbiased manner. In consequence, numerous further-training events are organised which provide an insight into the rules and traditions of other societies and promote contacts that take account of the different cultural backgrounds. Below are a few examples:

- “Communicating with People of Different Cultures”: Judges are increasingly confronted with people from very different cultures, whose values, behavioural patterns and communication rituals are often not only different from ours but, occasionally, are also perceived as rejecting, degrading, and even insulting. By attending this seminar, their awareness for these differences will be raised. In this context, female judges face particular problems when having to deal with Muslim males and their claim to dominance. The objective of the workshop is to improve the necessary communication processes by reflecting on one’s own cultural and personal values, by clearly defining the different role models as well as by developing strategies that will help maintain the dignity of all persons participating in the communicative event.
- “Foreigners are different! Austrians too! – How do you want to address the ‘difference?’”: The goal of this seminar, which was held for the first time in November 2013 (and is also planned for 2014) is to step up information about conscientious and respectful contacts with other persons of different cultural, religious, social or economic background. This is obviously highly essential for day-to-day court work, especially with a view to an Austrian court institution called “office day” (*Amtstag*).

- “Vienna is different”: This event – organised both in 2013 and 2014 – offers the possibility to experience projects portraying the cultural diversity of Vienna and to engage in a dialogue with other cultures in Vienna.
- “Diversity – Youth Cultures, Off-Centre Groups”: Module 2 of the curriculum for judges and public prosecutors at juvenile courts, which took place in summer 2014, dealt with this topic.
- “Meeting Islam”
- “Understanding People – Asking People Questions”
- “Other Countries, Other Customs – Obvious and Hidden Facts about Other Cultures”.

The seminar organised in 2012 on “Extradition in Criminal Cases and Asylum – An Approach in Conformity with Fundamental Rights” was intended to describe problem areas in connection with decisions on extradition in criminal cases, highlight how divergences to asylum proceedings can be avoided, outline ways to cooperate with the authorities involved, and show how access to relevant (national) information can be obtained.

In the course of their basic and further training judges and public prosecutors are regularly offered events dealing with the topic of human trafficking. For example, as early as 2011 the Federal Ministry of Justice in cooperation with the association “LEFÖ Advice – Education and Advice for Migrants” and the International Organisation for Migration (IOM) organised the seminar “Action against Human Trafficking: International Approaches and Possibilities from a Criminal-Law Perspective”. It dealt both with investigative methods and possibilities and topics such as “victim protection” and “support during legal proceedings” as well as international cooperation. In addition to speakers from the judiciary, the two co-organising institutions (LEFÖ-IBF and OIM) as well as the Federal Office of Investigation, Europol and Eurojust were also represented by speakers.

On 20 June 2013 a follow-up seminar was held on this topic with the title: “Action against Human Trafficking: New Developments with Special Emphasis on Labour Exploitation”; again, the issue was addressed from the perspective of all parties involved.

Finally, in addition to the in-house further-training activities of the judiciary, all judges, public prosecutors and trainee judges can increase their sensitivity for the topic by attending further-training activities by foreign organisers (e.g. ERA, EJTN, and others), in order to also be able to look at the issue from an international perspective and to discuss it from that angle. Here, the following examples can be given:

- ▶ “Fight Against Discrimination” – series of seminars in several parts, organised by the Belgian Institute of Judicial Training
- ▶ “Towards an European Approach to Judicial Training on Trafficking in Human Beings” (Italian and Polish Judicial Academies)
- ▶ “The Place of the Victim” – series of seminars in two parts, organised by the Academy of European Law (ERA)

- ▶ “Combatting Trafficking in Human Beings” (ERA)
- ▶ “EU Law on Equality between Women and Men in Practice” – series of seminars, organised by ERA
- ▶ “Operating Manual for the European Convention on Human Rights”, organised by the French Judicial Academy (ENM)
- ▶ “Direct Application of European Convention of Human Rights by Domestic Courts in Cases Brought Before Them”, organised by the Romanian National Institute of Magistracy (NIM)
- ▶ “The Juridical Condition of Foreigners and Jurisdictional Safeguards of Fundamental Rights between National Law and Supranational Regulations”, organised by the Italian Consiglio Superiore della Magistratura
- ▶ “Fundamental Rights and Private Law”, organised by the Italian Consiglio Superiore della Magistratura

The basic training of prison guards includes eight training units on human rights – fundamental rights, civil rights and liberties, human rights, human dignity, equal treatment and anti-discrimination – by human-rights trainers in the course of the subject “Constitutional Law, Overview of Human Rights, Administrative Law and Political Education”, as well as six training units on human rights in the subject “Use of Physical Violence during Operations”. In these units observance of human rights as an “element” in every type of using physical force is taught. Senior prison guards attend eight training units on human dignity and human rights in the group of subjects called “Law and Criminology”.

In 2010 further training was given to a larger group of prison guards who were then trained as human-rights trainers. Since 2011 one-day human-rights training sessions are held, with the objective of training all prison guards and of putting more focus on this subject (top-down training sessions; 18 training sessions so far, and 18 further sessions are currently being planned).

In its further-training activities the Academy for Prison Services began in 2010 to particularly deal with the universal issue of human rights and thus also with the provisions of the Convention against Torture. A “train-the-trainer” event was developed together with the Federal Ministry of the Interior, which was addressed the challenges and requirements of the penitentiary system. Especially selected teachers (presenters and seminar leaders) from the Academy for Prison Services were alerted to this range of issues, were prepared didactically and then put in charge of communicating (on a mandatory basis) these universal minimum standards to all prison officers in the course of classes that were specifically developed for this purpose.

In this connection one should mention that a pool of trainers was established which is made up of experts from the following organisations, amongst others, who were selected for the aforementioned target group: Amnesty International, Institute of Criminal Law and Criminology, Office of the Advisory Board for Human Rights, Caritas Vienna, the association NEUSTART, the newspaper “Stadtzeitung Falter”, the Austrian Broadcasting Corporation, the association Zara, experts in criminal law and human rights from the Federal Ministry of Justice, as well as representatives of the Federal Ministry of the Interior speaking on interventions in conformity

with human rights. In a next step the selected trainers of the Academy for Prison Services were given technical and particularly rhetoric training in a workshop developed together with the ETC (European Training and Research Centre for Human Rights and Democracy) in order to be able to cope also with difficult conversational situations. This workshop with the appropriate title “Strategies against Common Stereotypes” (*Strategien gegen Stammtischparolen*) served to provide the trainers with arguments. Since 2012 mandatory training sessions are held for prison officers on all levels. These events will also be a regular and mandatory element of the work done by the Academy for Prison Services.

### **Awareness-raising and anti-discrimination training of the police**

The Federal Ministry of the Interior attaches great importance to human-rights education and anti-discrimination training both during basic and further training. The topic of anti-discrimination is dealt with explicitly in a series of seminars held by the Anti-Defamation League (ADL) with the title “A World of Difference”. ADL is a US-American organisation that has collected much experience in the USA and other countries with topics such as anti-discrimination, racism and anti-Semitism and has developed successful training programmes. The Federal Ministry of the Interior has cooperated with ADL since 2001. A three-day seminar with team teaching (one police trainer and one ADL trainer) is held as further-training activity for police officers. The participants are police officers from all branches. The objective is to train *all* staff members. Every year 20 to 30 seminars for 20 participants each are held. Participants are selected by means of a distribution key so that all organisational police units are reached. Since 2004 it is also mandatory to hold these seminars as part of the basic training.

The substance and the methods used during the two-years of basic police training are not only geared to communicating technical expertise but also to the acquisition of knowledge on methods and actions. Course content concerning specific facts and topics are covered in an inter-disciplinary manner. The issues of discrimination on grounds of race, ethnic origin, religion, ideology, etc. are covered in nearly all subjects – always highlighted from different perspectives. Attendance of the anti-discrimination training, which is held together with the Anti-Defamation League, is mandatory. Together with the NGO trainers, the police-force speakers accompany the police students throughout the seminar. An excursion to Mauthausen, the former concentration camp, as well as a re-appraisal of the atrocities of World War II and reflecting on Austria’s history during NS times are fixed curriculum elements. In addition, the police students are also taken on a tour of the Jewish museum in Vienna as well as on a visit to a synagogue. Other excursions, for example to the Roma Culture Centre, are also organized.

The training of senior-level staff puts much emphasis of preparing staff members for their future role as role models. Both the nine-month training to become a medium-level lead officer and the 3-year training to become a senior officer (commissioned officer and highest level) comprise a full range of subjects on human rights and anti-discrimination issues. It may be expected that the meticulous training of these leading staff members, who will always take account of the human-rights dimension, will have a multiplying effect.

## Human-rights education and political education at schools

Since 1978 human-rights education has been integrated formally into school education via the education principle of “political education”. In keeping with this principle, political education and human rights education are basic elements of teaching in all subjects, on all school levels and in all school types. Moreover, the issue of human rights is part of the material taught in the compulsory subject “History and Political Education” taught at all school types as of the eighth grade. Due to a recent change in curriculum, political education, as part of the curriculum for teaching history and social science, needs to be taught as early as of the sixth grade. As of autumn 2015 the new curriculum can be used for teaching on a voluntary basis; it will become mandatory as of the 2016/17 school year.

In the most recent circular letter of 22 June 2015, file number BMBF-33.466/0029-I/6/2015, a new basic document was issued on the teaching principle “Political Education”. It describes the objectives, content and methods to implement this new teaching principle.

The “Centre *polis* – Learning about Politics in School” was commissioned by the Federal Ministry of Education and Women’s Affairs to act as the central Austrian service and counselling institution on political education at school. It supports teachers with its materials, so that they can communicate to pupils a reflected and (self-)reflecting awareness of political issues as well as thinking and acting in line with human rights. Centre *polis* offers workshops and seminars on political education and human-rights education throughout Austria ([www.politik-lernen.at](http://www.politik-lernen.at)). The services are intended for the pedagogical colleges and universities, which are the institutions where teachers receive their basic and further training, as well as for all schools in Austria. Moreover, Centre *polis* also disseminates publications ranging from basic knowledge about human rights to taking an active stand against racism and right-wing extremism, as well as to coping with violent situations and conflicts. Both teachers and the interested public can obtain these materials.

Centre *polis* is also a partner organisation of the European-wide EU project “*Engage – building together European learning material on education for citizenship*” which develops teaching materials for pupils between the ages of eight and twelve. The project will first establish the *status quo* of political education and the needs of pupils and teachers in the participating countries. After evaluating these results, teaching materials will be developed and tested at schools throughout Europe. The results of this test phase are then further processed, and the materials will ultimately be published. The partners meet regularly, which ensures coordination in the development of the materials and facilitates their use throughout Europe. In addition, national groups of experts – consisting of teachers, scientists and representatives of state institutions and interest groups – accompany the project in all its phases with their input and experience.

The Ludwig Boltzmann Institute for Research into Human Rights is the organisation behind Centre *polis*. Further information on Centre *polis* can be found at <http://www.politik-lernen.at/>.

In its circular letters the Federal Ministry of Education and Women’s Affairs repeatedly refers to the importance of political education and lists the materials currently available on this subject. One should mention here the circular letter of 10 September 2012, number 15/2012; file number BMUKK-33.466/0119-I/6a/2012, where the attention of school authorities and



pedagogical colleges was drawn to the Charter on Political Education and Human-Rights Education adopted by the Council of Europe in 2010. The school authorities and school partners were asked to support the implementation of this Charter within their respective competencies.

In its circular letter of 25 March 2015, file number BMBF-33.466/0020-I/6/2015, the Federal Ministry of Education and Women's Affairs informed the regional school authorities about the "Action Days on Political Education" from 23 April to 9 May 2015 and referred to a number of options available for use in classrooms such as events, workshops, films and competitions. The radio station Ö1 of the Austrian Broadcasting Corporation also supports the Action Days on Political Education by designing its broadcasts with relevant material on the subject.

One should also mention the activities of an association called "remember.at" which focuses on National-Socialist history and, in particular, on the Jewish and Roma holocaust. The association publishes teaching materials, for example, it organizes further-training excursions for teachers on teaching about memorial sites, or assigns eye witnesses to visits of school classes. The association "remember.at" is organised under the Federal Ministry of Education and Women's Affairs. For further details please refer to <http://www.erinnern.at/bundeslaender/oesterreich>.

### Human-rights education and political education for adults

Concerning political education for adults, one should mention the programme of the "Austrian Society for Political Education" (ÖGPB). ([www.politischebildung.at](http://www.politischebildung.at)). The Austrian Society for Political Education is a non-profit organisation that was founded in 1977. The goal of the association is to promote political education on the level of adult education. Its members are the Federal Government and the ten associations of the Austrian Adult Education Conference.

These are the tasks of the ÖGPB:

- ▶ to promote political education projects
- ▶ to advise on the design and implementation of projects
- ▶ workshops, trainings und courses for adult-education trainers
- ▶ to provide information and materials on priority issues and didactics

One concrete example for the work of the ÖGPB is the seminar "Training on arguments against common stereotypes" (*Stammtischparolen*). This is a two-day course for adult-education trainers who, in turn, wish to conduct training sessions on arguments against common stereotypes. If they so wish, they become part of the ÖGPB pool of trainers and are assigned to training sessions upon request. The training on arguments against common stereotypes is conducted several times per year.

### Presentation in the media

The Advisory Committee called on Austrian authorities to combat by all available means the use of stereotypes and xenophobic language in all media, including through the application of sanctions, where appropriate, while continuing to respect the freedom of expression. It would

be essential that the media respect their own codes of conduct, which ought to be revised or expanded to the new media (Margin note 67).

It must, first of all, be stated that the penal sanctions against incitement and insults or under the Prohibition Act are, of course, also applied when such offences are committed in the media. § 283 (4) of the Criminal Code, adopted with the 2015 Criminal Code Amendment Act, which will enter into force on 1 January 2016, will also sanction *per se* the dissemination of propaganda for violence or hate speeches.

However, in addition to governmental activities, Austria also relies on voluntary measures such as, in particular, supporting self-control of the media, as it is especially exercised by the Austrian Press Council.

### Press Council and Code of Ethics for Journalists

On 15 February 2010 the “Austrian Press Council” was set up as a new association under the name of “Association for the Self-Control of Austria’s Media – Austrian Press Council”. The association is an institution by which the print media in Austria exercise control over themselves. Its principle is voluntary participation, and it acts as quality assurance for editors and as safeguard for the freedom of the press. The following organisations are members of the Austrian Press Council:

- ▶ the Austrian Newspaper Association ([VÖZ](#)),
- ▶ the Austrian Trade Union Federation, represented by the journalists’ trade union in [LEGISLATIVE PERIODA-DJP](#),
- ▶ the Austrian Journals and Specialized Media Association ([ÖZV](#)),
- ▶ the Austrian Association of Regional Media ([VRM](#)),
- ▶ the Association of Editors-in-Chief and
- ▶ Press Club Concordia ([PCC](#)).

The Press Council is financed from the dues paid by its member associations and grants from press promotional funding (see § 12a of the Press Promotion Act).

The Austrian Press Council has drawn up a code of ethics for the work of journalists. ([http://www.presserat.at/show\\_content.php?hid=2](http://www.presserat.at/show_content.php?hid=2)) It constitutes a link to the Media Act and can be regarded as guidelines for persons working for the media. This code serves as a basis for the decisions taken by the boards of the Austrian Press Council. For example, its item 7.2 stipulates that any discrimination on grounds of age, handicap, sex, or for ethnic, national, religious, sexual, ideological or other reasons is inadmissible.

The umbrella association acts as an administrative body, it appoints the members of the boards; yet, it does not take decisions on complaints or statements. These are the sole responsibility of the boards.

Two types of procedures can be brought before the Press Council boards, i.e. *independent proceedings* and *complaint proceedings*.

Everybody can launch independent proceedings by means of a statement concerning a potential violation of media ethics in any of the print media or an associated website. It is not necessary for that medium to have assumed any commitment vis-à-vis the Press Council. In its decision the board expresses its opinion, namely whether the article complies with the principles of the code of ethics for the Austrian press. In these cases the print medium in question does not have to publish the decision. However, interesting decisions are regularly published on the website in the section on “decisions taken” (“[entschiedene Fälle](#)”).

A complaints procedure requires that the person addressing himself/herself to the Press Council was/is *personally affected* by the report in question. In such cases the person concerned and the print medium must enter into an arbitration agreement ([Schiedsvereinbarung](#)) which includes a waiver on taking legal action. Those media that are members of the Press Council have accepted arbitration on a general basis. It is only in complaints proceedings that publication of the decision taken in the print medium concerned can be enforced.

The Press Council has no competences over radio and television stations, or websites without any link to print media.

### **Advertising Industry Council**

The Austrian Advertising Industry Council ([www.werberat.at](http://www.werberat.at)) should also be mentioned. It uses a code of self-restrictions in trying to protect consumers against any abuse in advertisements. For example, there must not be any indirect or direct discrimination of persons in advertisements; nor must they promote any discrimination.

### **Reporting by the Austrian Broadcasting Corporation**

In complying with its mission, the Austrian Broadcasting Corporation (ORF) must ensure that objectivity and impartiality are safeguarded in reporting, in addition to a diversity of opinions and a well-balanced programme structure, as well as the independence of persons and institutions (see § 1 (3) of the ORF Act).

In connection with the statutory framework it must be pointed out that, as part of the general programme principles, the Austrian Broadcasting Corporation (ORF) must pay attention that human dignity and the fundamental rights of others are observed in the presentation and content of its broadcasts and that they must not incite to hatred on grounds of race, sex, age, handicap, religion or nationality (see § 10 (1) and (2) of the ORF Act). Moreover, the ORF must ensure that it promotes understanding concerning all issues of life in a democratic society.

The principles applying to commercials in ORF programmes also safeguard that the advertisements do not contain any discrimination (§ 14 (1) number 2 of the ORF Act). The same provisions also apply to private television stations and can be found in § 31 of the Audio-Visual Media Services Act.

It should also be mentioned in this connection that one member of the Audience Council of the Austrian Broadcasting Corporation is a representative of the autochthonous minority groups.

The ORF Audience Council has the responsibility of safeguarding the interests of listeners and viewers. It fulfils its tasks primarily by making recommendations on programme design. Moreover, it appoints six members of the Foundation Council.

### **“Integration Prize for Journalists”**

For the fourth time the independent Council of Experts for Integration of the Federal Ministry for Europe, Integration and Foreign Affairs and the Austrian Integration Fund invited nominations of Austrian journalists for the “Integration Prize for Journalists”. In 2015 the prize is awarded in two categories “Print/Online” and “TV/Radio”. Prize winners each receive € 3.000. The prize is awarded to journalists who have contributed especially towards bringing integration debates to a factual level and, at the same time, have helped with their creativity, new ideas and commitment to making integration more successful.

It is not only possible to nominate journalists but also to nominate editors who work for daily and/or weekly print, TV or radio media and/or for the internet. The prize is intended to create more awareness among journalists in mass media that do not primarily focus on migrants or integration issues. Especially those media are targeted that have a broad effect on recipient groups, where balanced reporting on integration issues is of particular significance.

Ten experts in the field of integration and from the media (print, online, TV) evaluate the quality of submitted nominations. The prize is awarded by the Federal Minister of Europe, Integration and Foreign Affairs on 17 September 2015.

### **Reporting on Roma in the media**

In recent years it was observed in connection with poverty migration of Roma – coming especially from EU member states in Eastern Europe – that reporting in some of the media became more undifferentiated and one-sided. The increased appearance of beggars in public places was associated, without any differentiation, with affiliation to the group of Roma, as well as organised crime, child trafficking and prostitution. These media reports create and reinforce antiziganist stereotypes in public perception. In the absence of positive opposite images there is little established knowledge beyond these stereotypes among the majority population. The documentation on “Antiziganist Sentiments in Austria” (<http://www.romano-centro.org/>), conducted by the Romano Centro association, refers to this issue.

However, as a requirement for the successful inclusion of Roma, the broad public must be informed and made aware of the many different living situations of this minority group in Europe and particularly in Austria. The media play a key role in this necessary sensitization of the majority population.

The National Roma Contact Point at the Federal Chancellery therefore took the initiative to launch a working group to draw up recommendations for media reporting about Roma in the media. It is planned to involve representatives from civil-society and the public administration, as well as journalists.

The goal of these measures is:

- ▶ to create awareness among the persons working for the media
- ▶ to obtain more balanced reporting on the relevant topics
- ▶ to achieve more in-depth knowledge about Roma in the majority population
- ▶ to reduce the antiziganist stereotypes

This measure was presented in the course of drawing up the National Action Plan on Human Rights. The representative of the National Roma Contact Point extended an invitation to civil society to nominate persons with expertise/commitment in the field of “media reports about Roma” for this working group.

### III.6.4 Federal Bureau of Anti-Corruption

Any racist conduct by police officers is certainly not tolerated; it is sanctioned by criminal and/or administrative law sanctions, i.e. reported to courts and other criminal prosecution entities.

Amongst other things, the Federal Bureau of Anti-Corruption is responsible for investigating complaints concerning an alleged maltreatment or racist misconduct by the police. It is a unit of the Federal Ministry of the Interior, but outside of the Directorate General for Public Security, in terms of organisation. There is full “transparency concerning instructions”. It has nation-wide competences over the security and criminal police forces, which also includes criminal offences in the human-rights field. The Federal Bureau of Anti-Corruption must immediately report to an public prosecution office any suspected punishable offence.

The Federal Bureau of Anti-Corruption maintains a “Reporting Centre for Corruption and Malpractice”. Federal employees can report any relevant suspected act to the Federal Bureau of Anti-Corruption, directly and without going through the official channels, as well as anonymously.

It should also be mentioned in this context that police officers are subject to strict service and disciplinary regulations and, accordingly, must expect the relevant sanctions when committing an offence on duty, or when violating duty obligations.

### III.6.5 The Ombudspersons Office as a human-rights institution

On 4 December 2012 Austria ratified the Optional Protocol to the Convention against Torture and Other Inhuman, Cruel or Degrading Treatment or Punishment (OP-CAT). The law on the implementation of OP-CAT, published in Federal Law Gazette I No. 1/2012, nominated the Ombudspersons Office as the National Preventive Mechanism against Torture. In the course of expanding the competences of the Ombudspersons Office, the Human Rights Advisory Council, which had been set up with the Federal Ministry of the Interior until 2012, was enlarged and transferred to the Ombudspersons Office.

The Ombudspersons Office is the national human-rights institution in Austria. As of 1 July 2012 its competences were expanded by also entrusting it with the following tasks in the field of preventive human-rights protection: It is now also in charge of preventive control of state-run or

private institutions where there is, or could be a restriction of personal liberty. Being the National Preventive Mechanism against Torture according to OP-CAT, it examines places, together with its six – independent – commissions, where persons are deprived of their liberty and, in the course of these inspections it also checks on the work of the enforcement staff. This responsibility does not only cover prisons and police inspections but also army barracks, for example, psychiatric institutions, senior-citizen residences and nursing homes, crises centres and flat-sharing communities for young people. These inspections relate to a total of approximately 4,000 public and private facilities. In addition, the Ombudspersons Office is authorized to monitor the conduct of units with direct powers to issue orders and apply force (for example, at demonstrations), as well as to perform inspections working alongside with them.

In its new tasks the Ombudspersons Office is supported by the advice of the Human Rights Advisory Council, when – inter alia – setting the inspection priorities, reporting on cases of established abuse, as well as when developing recommendations. It comprises representatives of several federal ministries, offices of regional governments and NGOs.

A new feature of the Ombudspersons Office is its right to report separately to the National Council and the Federal Council about perceptions obtained in the course of its inspection activities.

### III.6.6 Strategies to promote integration and the relations between population groups

The Advisory Committee strongly encouraged the Austrian authorities to ensure that all efforts to promote social cohesion and integration of persons of minority and immigrant background are implemented, monitored and evaluated in close coordination with minority representatives to ensure maximum efficiency. (Margin note 72)

#### **National Action Plan for Integration**

The National Action Plan for Integration, which the Federal Government approved in January 2010, also comprises the steps planned by Austria in the field of combatting racism (National Action Plan against Racism and Xenophobia). The National Action Plan for Integration expressly underlines the importance of combatting inciting, xenophobic and racist developments.

Both the general guidelines on integration policy and the concrete areas of action “Language and Education”, “Rule of Law and Values” as well as “Intercultural Dialogue” list measures against racism and discrimination. Society in its entirety, persons with a migration background (Austrian and foreign citizens) and the autochthonous minorities are the target groups of the National Action Plan for Integration.

The area of action “Language and Education” attaches special attention primarily to the further development of the basic and further training of teachers in the field of “Intercultural competence, multilingualism as well as basic competences for dealing with multilingual and culturally heterogeneous classes”. Creating awareness for anti-racism at Austrian schools is

also given particular attention. During classroom teaching, for example, measures are to be taken in order to counter prejudices, racism, discrimination and xenophobia as well as any intolerance in this connection.

The area of action “Rule of Law and Values” should increasingly use, amongst others, the legal basis against racism, and communicate it better. Victims of racism and discrimination should be informed of their rights and the relevant possibilities for filing complaints and obtaining legal protection. Moreover, intercultural awareness should be further developed in public administration units, especially the police and the judiciary.

In the area of action “Intercultural Dialogue” schools should act as driving forces against racism. The media, too, bear a particular responsibility for intercultural dialogue, the elimination of prejudices and representing minorities.

Since the entry into force of the National Action Plan for Integration 2010, major progress has been achieved in the field of integration, both in terms of structures and content. An Expert Council and an Advisory Board on Integration, where civil society is also represented, have been set up to evaluate and further develop integration measures. The list of items relating to the seven areas of action of the National Action Plan for Integration, which the independent council of experts adopted in 2011, has been implemented to a large extent. The success of the integration process can be measured by using the scientifically developed integration indicators. The 2013 and 2014 integration reports, which are publicly accessible, contain a comprehensive presentation of the measures taken and of the implementation object.

The subject of integration was firmly embedded in the Federal Ministries Act and thus marked as a task of the Federal Government. The State Secretariat for Integration, set up in 2011, was transferred to the renamed “Federal Ministry for Europe, Integration and Foreign Affairs” in March 2014.

### **National Action Plan for Human Rights and sectoral national action plans**

Drawing up a National Action Plan for Human Rights for Austria was a demand by civic society for many years, and was also repeatedly recommended by international human-rights mechanisms. The drafting of a National Action Plan for Human Rights was included in the “Work Programme 2013 to 2018” of the Austrian Federal Government. Work on the action plan is under way and its adoption has been planned for year-end 2015.

With the National Action Plan for Human Rights the already existing national action plans in human-rights fields (handicap, integration, violence against women, human trafficking, women/peace/security, equality of women and men on the labour market) will be put under one common umbrella, and concrete measures will be planned for areas that have not yet been addressed, where implementation will be evaluated.

Specific approaches of the National Action Plan for Human Rights, which is currently being developed, are, for example, anti-racism in sports, improving data quality in criminal statistics as well as harmonizing the statistics of the Federal Ministry of the Interior and the Federal Ministry of Justice, developing a training module on human rights for the basic training in the

Federal Ministry for Europe, Integration and Foreign Affairs, or more human-rights education for the federal army staff members.

The National Action Plan for Human Rights is drawn up by the Board of Human Rights Coordinators of the federal ministries and the federal provinces (*Länder*), with the support of the Ombudspersons Office and in consultation with civil society and academe.

### **Roma integration strategy**

The Roma integration strategy was presented earlier in connection with Article 3.

### **Diversity management in Vienna**

For nearly ten years City of Vienna has pursued the general integrative strategies or measures in the fields of education, employment, living and health care in the course of an equality-oriented diversity policy. With its many diverse measures of awareness-raising, analysis and adaptation of goods and services to a population with ethnic and socio-cultural diversity, amongst others, the diversity management that has been implemented in Vienna's town management is particularly well suited to develop and implement specific promotional activities. Its aims are to launch processes that open up and put on an equal footing human resources, competences and organizational requirements. The diversity management measures are the basis for specific measures which are intended to overcome specific barriers as well as direct and indirect discriminatory acts in connection with access to social goods and services that particularly affect the Roma population, on account of the many centuries of stereotyping, degradation and social marginalization.

The evaluation of the diversity management is published. The third edition of the Vienna Integration and Diversity Monitor was published at the end of 2014.

<https://www.wien.gv.at/menschen/integration/grundlagen/monitoring/>

### **Styrian Co-Existence Charter**

The Styrian Regional Government and the Styrian Regional Parliament adopted the “Co-Existence Charter” in 2011, which commits the Federal Province of Styria “to counter any discrimination with determination and visibly” and “to facilitate equal opportunities”. The Charter is the basis for any action and determines a major part of the work of the integration department, which focuses on awareness-raising measures as well as on supporting activities and projects that promote a diversity-oriented attitude (For details please refer to [www.zusammenleben.steiermark.at](http://www.zusammenleben.steiermark.at)).



### III.6.7 Special measures to promote a spirit of tolerance and intercultural dialogue

#### Poster campaign in Vienna against racism and xenophobia

In spring 2015 a poster campaign against racism and xenophobia was conducted throughout Vienna. A poster with the slogan “It is a belly feeling: Respect is a matter for the head” was shown in and on tramways, billboards and newspapers. The poster showed four heads from the rear wearing different headgear symbolizing different groups of the population: a head with a Kippa, a black person, a woman with a Muslim scarf and a person wearing a traditional Austrian hat. This was the winning poster that won first prize from among 253 submissions in a competition organised by Municipal Department 17 of the City of Vienna (responsible for integration and diversity).

#### Campaign “Together:Austria”

With the motto “TOGETHER:AUSTRIA – Creating Motivation, Overcoming Prejudices” the Minister responsible for integration launched the campaign TOGETHER:AUSTRIA in 2011 in order to put the spotlight on positive examples of successful integration. So-called integration ambassadors, more than 300 well-known persons from sports, science and culture, but also “next-door heroes” disclosed the successful story of their integration in education, employment and society at schools, in clubs, organisations and companies and discussed integration and migration on a par with children, young people and adults.

Since 2012 the magazine “TOGETHER:AUSTRIA” has provided interested readers with figures, data and facts on migration and integration. In addition to exciting life stories and experiences communicated by our integration ambassadors, the magazine also presents innovative and interesting projects on co-existence in Austria. Controversies in this area are also addressed and discussed.

#### Roma minority

The event in Parliament, which by tradition takes place every year on 8 April (International Roma Day), demonstrates the commitment of official Austria to the Roma minority. International Roma Day recalls the first worldwide Roma congress that took place in London in 1971, where “Romani Union” was founded as the international organisation representing this national minority. This year, i.e. in 2015, questions of remembering were at the centre. After an address by Dr. Ostermayer, the federal minister with responsibilities for national minority issues, scientists and Roma representatives discussed the topic “Remembering the Roma/Romnja Communities”.

(<http://volksgruppen.orf.at/roma/stories/2704092/>)

On 4 February 2015, the 20<sup>th</sup> anniversary of the bomb attack (where four young Roma were killed) at Oberwart, a memorial event took place in this village, which was attended by several hundred persons, including Dr. Heinz Fischer, the President of the Federal Republic of Austria, and Hans Niessl, Governor of Burgenland, as well as many other representatives from politics and the religious denominations. Participants joined a torch procession to the memorial site. In

addition to expressing their commitment to human dignity and democracy, politicians and family members of the victims also voiced critical comments. (<http://www.bundespraesident.at/newsdetail/artikel/-dc2ee14e6c/>)

Prior to this event, the exhibition “Drawings against Forgetting” was opened at Open House Oberwart on 4 February 2015, where pictures are shown by the well-known painter Manfred Bockelmann. The drawings show children murdered in concentration camps.

In connection with the 20<sup>th</sup> anniversary of the bomb attack the book “*Das Attentat von Oberwart – Terror, Schock und Wendepunkt*” (Assassination at Oberwart – Terror, Shock and Turning Point) was also presented, i.e. at the Parliament in Vienna on 3 February 2015 and at Open House Oberwart on 20 February 2015.

The City of Vienna sent out a clear sign in favour of the Roma minority by giving Roma designations to several public areas such as Roma Square (*Romaplatz*), Sinti Lane (*Sintiweg*) and Lovara Lane (*Lovaraweg*) – all in the area of Bruckhausen near the Alte Donau arm of the Danube River in the district of Floridsdorf. These names recall the fact that Roma used to settle there. <http://www.romane-thana.at/index.php/romaplatz-1210-wien.html>. The most recent renaming took place in 2014 when the square in front of Altlerchenfelder Church (7<sup>th</sup> district of Vienna) was named Ceija-Stojka Square, after Ceija Stojka, the well-known Roma artist, eye witness and activist who died in 2013.

### **Slovene minority**

On 5 November 2014 Ana Blatnik, President of the Federal Council and a professing Carinthian Slovene, opened a touring exhibition on Parliament premises on the deportation of Carinthian Slovenes during National-Socialist times. Together with the inauguration of the exhibition, there was a podium discussion, including Dr. Marjan Sturm, Chairman of the Central Association of Slovene Organisations in Carinthia, and Dr. Josef Feldner, Chairperson of the Carinthian Homeland Service, as speakers.

All cultural events in which different national minorities, or the national minorities and the majority population participate promote intercultural dialogue. The Carinthian Culture Week / Kulturni teden is a particularly gratifying example in this connection. This series of events was launched in 1993 and serves the objective of presenting cultural activities of the Carinthian Slovenes also outside of the bilingual Slovene settlement area. This confidence-building measure serves to overcome prejudices and has contributed to activating dialogue within Carinthia. The result is an ongoing cultural exchange by the participating groups. The fact that high-ranking politicians – as a rule the Carinthian governor, occasionally also the Federal Minister or the President of the Federal Republic of Austria – always officially open kulturni teden is a clear sign of respect for this national minority as well as of the appreciation for the intercultural dialogue.

### III.7 Article 7

The Parties shall ensure respect for the rights 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.

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

### III.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 ensured for persons belonging to national minorities, as well as for the majority population, in multiple ways by constitutional-law safeguards. As far as religious affiliation is concerned, the national minorities do not substantially differ from the majority population.

It should be underlined, as a positive measure, that the Catholic Church and – also with regard to the Hungarian minority – the Protestant Church have had and have an important role to play in preserving the languages of the national minorities. This derives from holding religious services in the minority languages, on the one hand, and from supporting the cultural activities in the minority languages, on the other hand, for example in church choirs or by making available their parish centres.

Ägidius Zsifkovics, Bishop of Eisenstadt, belongs to the Croatian minority. His predecessor in this office, Bishop Paul Iby, belongs to the Hungarian minority. Their predecessor, i.e. Bishop Stefan László, had one Croatian and one Hungarian parent. On its website the Eisenstadt diocese welcomes visitors in all the four languages spoken in Burgenland (<http://www.martinus.at/>). The Croatian section of the diocese publishes a weekly church newspaper in the Croatian language, “Crikveni Glasnik” (<http://www.martinus.at/adressbuch/abteilung/5.html>). The department for ethnic groups, set up in the diocese, is responsible for Roma pastoral care, and also engages in social work.

Dr. Fabian Mmagu and Mag. Helmut Schüller, who are the Roma pastoral workers, are responsible for the national minority.

The website of the Gurk-Klagenfurt diocese is bilingual, i.e. in German and Slovene. [http://www.kath-kirche-kaernten.at/krska\\_skofija#3](http://www.kath-kirche-kaernten.at/krska_skofija#3). Numerous parishes offer mass in the Slovene language. The diocese publishes “Nedelja“, the church newspaper in Slovene. Sodalitas priests run an educational centre at Tainach, Carinthia, which offers a full range of educational courses for adults, of which some are in the Slovene language

<http://www.sodalitas.at/wir/>. The Higher Learning Institute for Commercial Occupations St. Peter/ Višja šola St. Peter is a private Catholic school where pupils can obtain their education up to the secondary-school leaving examination in Slovene.

In Vienna a Czech section has been set up for the Czech minority within the Vienna archdiocese, with one Czech-language pastoral worker and activities for young people <https://www.erzdioezese-wien.at/pages/inst/14425183>. The pastoral care of the Slovak minority is also ensured by a Slovak-language pastoral worker <http://www.muttergotteskirche.at/content/pfarrleben/0/articles/2010/08/29/a3451/>.

Group pilgrimages have a tradition with several of the national minorities, for example for the Croatian minority <http://www.mariazell.at/2014/08/20/kroatenwallfahrt-nach-mariazell918/> and the Roma minority.

The idea of an organized, large-scale Roma pilgrimage gained momentum when the Roma minority became institutionalized and was legally recognized. Since the mid-nineties the pilgrimage has been organised annually, as a joint activity of Austria's Roma associations. This also supports the wish to become visible as a national minority, and sets a sign against discrimination and racism. By tradition, the Roma pilgrimage to Mariazell takes place on the second Sunday in August. Songs and prayers in the different Romani variants are characteristic of the events inside and in front of the basilica. A Roma-specific cultural programme, including music, takes place after the religious service.

### III.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 opinions and to receive and impart information and ideas in the minority languages, without any 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 take into account the provisions of paragraph 1 that persons belong 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.

### III.9.1 The range of services offered by the Austrian Broadcasting Corporation (ORF)

As already commented in detail in the Second State Report, modifications of the federal law on the Austrian broadcasting corporation (ORF Act) entered into force in 2002, which require the ORF to broadcast a reasonable share of its programmes in the languages of the national minorities.

§ 4 (5a) of the current government bill reads as follows:

“In course of disseminating the programmes pursuant to § 3, commensurate portions shall be produced in the languages of the national minorities for which there is a national minority advisory council. The programmes offered pursuant § 3 (5) item 2 shall also comprise portions in these languages. The scope of the programme portions offered shall be laid down in the respective broadcasting scheme for the year, or the respective scheme of programmes offered for the year after hearing the Audience Council.”

In 2009 the ORF's programmes in the national minority languages were expanded substantially. In its terrestrial and satellite-broadcast radio and television programmes, as well as on the internet, on the video platform ORF-TVthek and teletext, one can find a multi-faceted offer for the six autochthonous national minorities.

The programmes are broadcast in the respective minority language, sometimes also in German or with sub-titles in order to bring national-minority issues closer to the German-speaking majority. Moreover, the ORF organizes activities for the national minorities on an ongoing basis by way of its off-air events.

#### **ORF radio broadcasts**

Since 2009 the editorial office for national minorities of the ORF Regional Studio Burgenland has been the centre of competence for providing media services to *all* national minorities living in the eastern part of Austria. ORF Burgenland therefore broadcasts programmes for the Burgenland Croats in Burgenland, for the Hungarian population in Vienna and Burgenland, for the Czech and Slovak minorities in Vienna, as well as for Roma in Burgenland and Vienna.

Radio Burgenland can be received in Vienna at the VHF frequency 94.7. Since 2009 the radio magazines for the Hungarian minority and the Roma minority also comprise issues of these two minorities in Vienna. The radio programme of the ORF Regional Studio Burgenland comprises the following broadcasts.

**Table III-10 ORF Regional Studio Burgenland (Radio)**

Programme	broadcast	from	to	duration
News in the Croatian language	Mon – Sat	12:40	12:42	00:02
Journal in the Croatian language	Sun – Fri	18:15	18:25	00:10
Journal in the Croatian language	Sat	18:15	18:22	00:07
Misao za smisao (religious programme in Croatian)	Sat	18:22	18:25	00:03
Broadcasts in Croatian:	Mon – Sun	18:25	18:55	00:30
Kulturni tajedan (Croatian cultural programme)	Mon	18:25	18:55	00:30
Plava rasa (Croatian programme for children)	Tues	18:25	18:55	00:30
Širom-barom (Croatian magazine)	Wed	18:25	18:55	00:30
Poslušajte priliku (Croatian Talk)	Thurs	18:25	18:55	00:30
Živo srebro (Croatian programme for young people)	Fri	18:25	18:55	00:30
Časak radosti (Croatian request concert)	Sat, Sun	18:25	18:55	00:30
Hungarian journal	Mon – Sun	18:55	19:00	00:05
Multilingual national minority magazine	Mon	20:04	22:00	01:56
Rub i sredina (Croatian magazine)	Mon	20:04	20:30	00:26
Színes Kultúránk (Hungarian cultural 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	19:30	20:00	00:30

Source: ORF Activity Report for 2014

The ORF Regional Studio Carinthia broadcasts to the Slovene settlement area in Carinthia:

**Table III-11 ORF Regional Studio Carinthia (Radio)**

Programme	broadcast	from	to	duration
Dežela ob dravi / Country on the Drau (Slovene)	Wed	21:03	22:00	00:57
Dobro jutro Koroška / Good morning, Carinthia (Slovene, German)	Sun + holidays	06:04:30	07:00	00:55:30
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)	Mon-Fri	18:08:30	18:33	00:25:30

Source: ORF Activity Report for 2014

**ORF television broadcasts****Table III-12 Television broadcasts in Burgenland**

Programme	TV station	broadcast	from	to	duration	language
Dobar dan, Hrvati	ORF 2 Burgenland	Sun (1 x week)	13:30	14:00	00:30	Burgenland- Croatian
Adj'isten magyarok	ORF 2 Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian
Servus, Szia, Zdravo, Del tuha	ORF 2 Burgenland	Sun 6 x p.a.	13:05	13:30	00:25	German, Hungarian, Burgenland- Croatian, Romani

Source: ORF Activity Report for 2014

**Table III-13 Television broadcasts in Vienna**

Programme	TV station	broadcast	from	to	duration	language
České Ozvěny / Slovenské Ozveny	ORF 2 Vienna	Sun 6 x p.a.	13:05	13:30	00:25	Czech, Slovak
Adj'isten magyarok	ORF 2 Vienna	Sun 6 x p.a.	13:05	13:30	00:25	Hungarian

Source: ORF Activity Report for 2014

**Table III-14 Television broadcasts in Carinthia**

Programme	TV station	broadcast	from	to	duration	language
Dober dan, Koroška	ORF 2 Carinthia	Sun	13:30	14:00	00:30	Slovene
Dober dan, Koroška (re-run)	TV Slovenija	Mon	15:10	15:40	00:30	Slovene
Dober dan, Koroška (re-run)	TV Slovenija	Wed	17:35	18:05	00:30	Slovene

Source: ORF Activity Report for 2014

Since March 2009 the TV magazine “Dober dan, Štajerska”, which runs for 25 minutes, has been broadcast by ORF 2 Styria for the Slovene minority in Styria every Sunday at 13.30 hrs. The programme “Dober dan, Koroška” by the Slovene editing office at the Regional Studio Carinthia is supplemented by relevant information and topics for the Slovene minority in Styria and can now also be received in Styria at the same time.

**Table III-15 Television broadcasts in Styria**

Programme	TV station	broadcast	from	to	duration	language
Dobar dan Štajerska	ORF 2 Styria	So	13:30	14:00	00:30	Slovene

Source: ORF Activity Report for 2014

With the launching of the station ORF III in October 2011 television broadcasts for the national minorities have been expanded as follows:

**Table III-16 Television broadcasts that can be received throughout Austria**

Programme	TV station	broadcast	broadcasting time	duration	language
Dober dan, Koroška, (re-run)	ORF 2	Mon (1 x week)	night programme	00:30	Slovene
Dobar dan, Hrvati (re-run)	ORF 2	Mon (1 x week)	night programme	00:30	Burgenland Croatian
Dobar dan, Hrvati (re-run)	ORF III	Tues (1 x week)	09:30	00:30	Burgenland Croatian
Dober dan, Koroška (re-run)	ORF III	Tues (1 x week)	10:00	00:30	Slovene
Adj 'Isten magyarok, (re-run)	ORF III	Tues (6 x p.a.)	11:00	00:25	Hungarian
České Ozvěny/Slovenske Ozveny (re-run)	ORF III	Tues (6 x p.a.)	11:30	00:25	Czech / Slovak
Servus Szia Zdravo Del tuha, (re-run)	ORF III	Tues (6 x p.a.)	11:00	00:25	Burgenland Croatian, Hungarian, Germany, Romani
Slovenian magazine (supplied by RTV Slovenija with editorial assistance from the ORF)	3sat	Mon (every 14 days)	night programme	00:25	German

Source: ORF Activity Report for 2014

The Advisory Committee recommended taking appropriate measures so that persons belonging to national minorities have wider access to radio and television broadcasts available in their languages, including by expanding the outreach of broadcasts in the regions to be received also in Vienna. (Margin note 78)

In this connection it is stated that the current range of broadcasts available to the Austrian national minorities is essentially a continuation of the service volume that was expanded in 2009. Since the last reporting period improvements can also be indicated since the radio



broadcasting range in Styria was expanded in October 2011, and as the new television station ORF III broadcasts television programmes for the national minorities are broadcast throughout Austria.

## Internet

<http://volksgruppen.orf.at>

Since the year 2000 the ORF has been broadcasting information for and about the national minorities on the internet at volksgruppen.ORF.at. The range of programmes broadcast has been continuously expanded and optimized, and a complete re-launch was carried out in 2013. The online platform offers separate channels for all six recognized national minorities – Burgenland Croats, Hungarians, Roma, Czechs, Slovaks and Slovenes. Up-to-date information, information about events and on programme content are made available in the respective minority language and in German.

All radio broadcasts for the national minorities are available in live-stream and on demand format.

The ORF video platform, TVthek, broadcasts the ORF television magazines “Dobar dan Hrvati”, “Dober dan, Koroška”, “Dober dan, Štajerska”, “Adj’lsten magyarok”, “Servus Szia Zdravo Del tuha” and “České Ozvěny / Slovenské Ozveny” to national minority members throughout Austria and worldwide as live-stream programmes at the respective broadcasting times.

In addition, the TV magazines “Dobar dan Hrvati”, “Dober dan, Koroška” and “Dober dan, Štajerska” are available as video-on-demand after being broadcast on television and *until the next broadcasting date*, and the minority magazines “Adj’lsten magyarok”, “Servus Szia Zdravo Del tuha” and “České Ozvěny / Slovenské Ozveny”, which were broadcast six times per year, are available for 30 days as videos-on-demand.

Since the re-launch in 2013 national minority members also have the possibility to listen to the broadcasts in their minority language when away from home, for example on a smartphone.

<http://burgenland.orf.at>; <http://kaernten.orf.at>; <http://steiermark.orf.at>

The website pages of the ORF Regional Studio also offer access to the broadcasts of the respective national minority. Since 2013 the Slovene editing team of the ORF Regional Studio Carinthia also operates the domain slovinci.ORF.at which is linked to volksgruppen.ORF.at. This makes it easier to access pages in the Slovene language. .

## Teletext

It provides programme information concerning the ORF radio and TV broadcasts of relevance to the national minorities, as well as daily information about events of interest to the national minorities (page 414).

### III.9.2 Private radio station Agora and cooperation between ORF and Agora

The media authority, KommAustria, granted a license to the private radio station “AGORA Arbeitsgemeinschaft offenes Radio – Avtonomno gibanje odprtega radia” (AGORA in short) for the frequencies in the settlement areas of the Slovene minority in Carinthia for a period of ten years (up to June 2021). Radio Agora makes these frequencies available for eight hours of minority-language programmes which are broadcast by the ORF. ORF and AGORA are each responsible for the programme content and the partners (ORF and AGORA) share the broadcasting times as follows:

**Table III-17 ORF - Radio AGORA;  
Programme structure**

Broadcasting time	programme by
06:00 – 10:00 hrs.	ORF
10:00 – 12:00 hrs.	AGORA
12:00 – 13:00 hrs.	ORF
13:00 – 15:00 hrs.	AGORA
15:00 – 18:00 hrs.	ORF
18:00 – 06:00 hrs.	AGORA

Source: Radio Agora

Between 6 a.m. and 6 p.m. moderators use the Slovene language. In addition to programmes focusing on issues from Carinthia and many programmes about Styria and Slovenia, there are also programme sections of interest especially to the the Slovene population in Styria. The ORF Regional Studio shares in producing some of the programmes relating to Styria.

The AGORA programmes between 6 p.m. and 6 a.m. are multilingual in order to provide migrant population groups also an opportunity to produce programmes in their own languages. Programmes in Spanish, English, Bosnian-Croatian-Serbian, German and Slovene of varying length can regularly be found during these broadcasting times. Within the option of “Free Access” volunteers can produce programme sections. .

#### Slovene-language radio broadcasts for Styria

On 21 May 2012, AGORA obtained the license for the Soboth/Sobot broadcasting region, and on 9 October 2013 for the Leutschach/Lučane broadcasting region, which are both situated in Styria. AGORA applied for a license in order to be able to broadcast to the Bad Radkersburg/Gornja Radgona region, which is largest settlement area of the Slovene minority, and it obtained this license in September 2014 (with October 2014 as the effective date). Broadcasting operations for the last-mentioned area are under preparation and are planned to begin in summer/autumn 2015.

This means that the settlement area of the Slovene population in southern Styria is fully covered with terrestrial broadcasts in the Slovene language.

### III.9.3 Audio-visual media services

Austria's broadcasting laws were amended in detail, especially as a consequence of transposing the Directive on audio-visual media services in 2010, as well as in the course implementing the legal requirements for subsidies to the legal structure applicable to public broadcasting services.

No licensing procedures are required for audio-visual media services (e.g. web streaming), except for terrestrial and satellite radio broadcasting. The only requirement is to report the launching of operations to the regulatory authority (KommAustria).

### III.9.4 Promotional funding for private radio stations

An amount of € 10 million was made available as financial support in 2010, for example, in order to promote private radio stations, especially local and regional stations, as well as to support the production and transmission of diverse and high-quality programmes that particularly contribute towards promoting Austrian culture, cultural diversity, Austrian and European awareness, as well as to informing and educating the population. One of the criteria for receiving this funding is that the languages of the national minorities recognised in Austria are given a place in the respective programmes. The results for the different years can be seen at <https://www.rtr.at/de/foe/EntscheidungenNKRF>.

In 2015 Radio Agora received € 136,060 from these funds, in keeping with § 29 of the relevant law (KommAustria Act).

### III.9.5 National minority representative on the Audience Council of the Austrian Broadcasting Corporation

In his letter of 25 March 2014 the responsible Federal Minister appointed Ing Karl Hanzl as member of the Audience Council in order to represent national minorities, which is in keeping with § 28 (11) in conjunction with (4) of the ORF Act. Karl Hanzl had been a member of the Audience Council during two earlier mandates and contributed actively on behalf of the issues concerning the six national minorities in this function. His position as chairman of the advisory council of the Czech minority also made it possible for him to inform his own as well as the five other national minorities and/or to bundle their requests and to submit them to the ORF Audience Council.

### III.9.6 Print media

#### Promotional funding for the print media of the national minorities

There are several weekly newspapers of the national minorities. The criteria for obtaining promotional funding are less demanding for the newspapers published by the national minorities (see § 2 (2) of the 2004 Press Promotion Act). Certain requirements such as minimum circulation figures, minimum number of full-time employed journalists or a threshold for the sales price, which other newspapers have to satisfy, do not apply to the newspapers that are published in in a minority language.

The following newspapers received financial support for publication:

**Table III-18 Financial support for the newspapers of the national minorities, 2014**

Weekly newspaper	published by	language	financial support in 2014
GLASNIK – Crikvene novine Zeljezanske biskupije	Eisenstadt diocese, Croatian Section of the Pastoral Office St. Rochusstraße 21 7000 Eisenstadt	Croatian	6,780.00
Hrvatske Novine	Croatian Press Association Hotterweg 54 7000 Eisenstadt	Croatian	10,036.40
Nedelja – Slovene Church Newspaper of the Gurk Diocese	Pastoral Office of the Bishop Viktringer Ring 26 9020 Klagenfurt	Slovene	14,936.90
NOVICE	Slomedia – Slowenisches Medienzentrum GmbH 8.-Mai-Straße 47/3 9020 Klagenfurt	Slovene	27,041.00

Source: Communications Authority Austria (KommAustria)

#### Promotional funding by the Federal Chancellery for the national minority media

The Croatian weekly newspapers “Hrvatske novine” and “Glasnik” as well as the Czech newspaper “Vídenské svobodné listy”, which is published every second week, receive promotional funding from the budget of the Federal Chancellery to support the national minorities. In addition, the associations focus on producing newspapers that are published four to six times per year, as well as information newsletters, yearbooks and similar publications. The following table gives an overview of the current amounts paid from the budget of the Federal Chancellery for the specific print media of national minorities:

**Table III-19 Financial support for the print media of the national minorities, 2014**

Association	print medium	funding in 2014 in €
<b>National minority of the Roma</b>		

<b>Association</b>	<b>print medium</b>	<b>funding in 2014 in €</b>
Cultural Association of Austrian Roma – Documentation and Information Centre	Romano Kipo	17,380.00
Romano Centro – Association for Roma	Romano Centro	4,800.00
Roma – Association to Promote Roma	Romani patrin	3,170.00
Roma Service	dROMa	11,300.00
Roma-Service in cooperation with the adult-education college for the Burgenland-Croatian population	Mri Nevi Mini Multi	3,900.00
Adult-education college for Burgenland Roma	Roma cajtung association newsletter	3,100.00
<b>Slovak minority</b>		
Austrian-Slovak Cultural Association	Pohlady	15,200.00
<b>Czech minority</b>		
Minority Council of the Czech and Slovak Minorities in Austria	Vídenské svobodné listy published every second week	20,000.00
Culture Club of Czechs and Slovaks in Austria	Kulturní Klub	10,000.00
<b>Hungarian minority</b>		
"EUROPA" Club	association yearbook	3,500.00
ECONOMIC INTEREST GROUP OF HUNGARIANS IN AUSTRIA	association yearbook	3,410.00
Central Association of Hungarian associations and organisations in Austria	Bécsi Napló	18,050.00
Hungarian Protestant Community A.B. in Austria	Másokért Együtt	4,500.00
Association of Transylvanian Hungarians in Austria	Erdélyi Szemmel (Transylvanian Review)	2,100.00
Club of Hungarian Students and University Graduates in Graz	Gráci Magyar Újság newsletter	1,500.00
Peter Bornemisza Gesellschaft	Bécsi Posta	3,000.00
Umbrella Organisation of Independent Hungarian Associations in Austria	Új Magyar Kronika	1,800.00
Hungarian Workers' Association in Vienna	association newsletter	900.00
Association of Hungarian Students and University Graduates in Innsbruck	RIKKANCS	500.00
Hungarian Cultural Association for Central Burgenland	Burgenlandi Hírek	1,000.00
Burgenland-Hungarian Cultural Association	Őrvidéki hírek	5,400.00
	Őrség association newsletter	3,500.00
<b>Croatian minority</b>		
Croatian Press Association	Hrvatske Novine weekly newspaper	141,000.00

Association	print medium	funding in 2014 in €
Cultural Association Pannonian Institute	Pannonian Yearbook	30,000.00
	Panonski LIST	1,000.00
Club of Croatian University Graduates	Novi Glas	7,100.00
Croatian Cultural Association in Burgenland	Glasilo	13,000.00
Adult-Education College of the Burgenland-Croatian Population	Moj novi Mini Multi magazine for children/teaching material	28,000.00
Eisenstadt Diocese – Croatian Section in the Pastoral Office	Glasnik weekly newspaper	100,000.00
Working Group of Croatian Municipal Politicians in Burgenland	Moje selo information bulletin	2,500.00
<b>Slovene minority</b>		
Association of Slovenes in Carinthia	Skupnost	20,000.00
School Bulletin Mladi rod	Mladi rod school bulletin	6,000.00
SODALITAS Catholic Education Centre	programme newsletter DIALOG	20,000.00
Artclel VII Cultural Association for Styria – Pavel House	Signal	11,400.00
Slovene Cultural Association Jepa – Basko jezero	Jepa association newsletter	2,400.00
Slovene Sports Association	sports yearbook	4,400.00
Association of Slovene Writers in Austria	Rastje literary journal	2,600.00
Austrian National Minorities in SPÖ	“Zusammenleben – Sožitje”	500.00

Source: Federal Chancellery, Department for National Minority Matters

Concerning “Moj novi MiniMulti”, which is listed in the above table, it should be mentioned that the amount also includes “Moj novi MiniMulti *Digital*”.

The Advisory Committee recommended increasing the available support for the national minority print media, among others by creating access to separate funding opportunities, in order to ensure an adequate presence of national minority languages in the print media. (Margin note 79)

It is mentioned in this connection that for budgetary reasons it was not possible to increase the financial support for the national minority media.

## III.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.

The Advisory Committee recommended ensuring without further delay the coherent and transparent implementation of the Constitutional Court ruling of 4 October 2000, and providing clarity among the staff of administrative authorities in Carinthia and Burgenland on their responsibility to strictly accommodate requests for the official use of national minority languages. Thresholds in percentages should only be applied with due flexibility in order to avoid arbitrary differentiation in the implementation of linguistic rights. (Margin note 86)

First of all, reference is made to the statements in Item II.2.

### III.10.1 Use as official language

#### Judiciary

The Federal Ministry of Justice only has at its disposal the annual reports of the Higher Regional Court District of Graz concerning the mixed-language local courts at Bleiburg, Eisenkappel and Ferlach and their implementation of the provisions of the National Minorities Act and the Ordinance on Official Languages.

The Federal Ministry of Justice does not have a report for 2013. The report relates to the use of the Slovene language; no reports are submitted on the use of the Burgenland-Croatian and Hungarian languages.

For the 2012 reporting period the Regional Court (Landesgericht) Klagenfurt did not report any court case according to the National Minorities Act. This is in line with the status of earlier years. 2002 was the last time that a single court case (penal case concerning the media) was conducted in the Slovene language.

The following figures were reported for the aforementioned local courts (the figures in brackets refer to the comparable figures for 2011):

**Table III-20 Court cases before local courts according to the National Minorities Act**

Local court	U	C	E	A	P	Tz	Nc, others	Total
Bleiburg	- (-)	<b>8</b> (9)	<b>7</b> (-)	- (-)	<b>3</b> (7)	- (-)	<b>1</b> (1)	<b>19</b> (17)
Eisenkappel	<b>1</b> (4)	<b>7</b> (8)	<b>11</b> (6)	<b>2</b> (-)	<b>12</b> (16)	- (-)	<b>3</b> (-)	<b>36</b> (34)
Ferlach	<b>4</b> (1)	<b>2</b> (2)	- (1)	- (-)	- (-)	- (1)	<b>1</b> (-)	<b>7</b> (5)
<b>Total</b>	<b>5</b> <b>(5)</b>	<b>17</b> <b>(19)</b>	<b>18</b> <b>(7)</b>	<b>2</b> <b>(-)</b>	<b>15</b> <b>(23)</b>	- <b>(1)</b>	<b>5</b> <b>(1)</b>	<b>62</b> <b>(56)</b>

Legend: U: penal cases before the local court; C: civil-law litigation; E: forced collection proceedings; A: inheritance cases; P: custody cases; Tz: recording dates in land register cases; NC: general civil-law cases

Source: Federal Ministry of Justice

In the altogether 62 cases in the district of the Higher Regional Court Graz, hearings and examinations were held – partly in their full length – in the Slovene language, and/or in several cases charges and submissions were filed in the Slovene language and decisions were drafted in the Slovene language. Moreover, legal advice was given in the Slovene language at the Local Court Eisenkappel and the Local Court Ferlach – especially on the official court days (*Amtstage*).

In 2012 no application was filed for a fee according to § 22 (4) of the National Minorities Act (by way of comparison: 2011: no application; 2010: no application; 2009: Eisenkappel – 1; Ferlach – 1; 2008: Ferlach – 1; 2007: no application; 2006: Ferlach – 1; 2005: no application; 2004: Eisenkappel – 2; Ferlach – 1; 2003: Eisenkappel – 1; 2002: Eisenkappel – 2; 2001: Eisenkappel 1).

A comparison to the figures reported for the previous year indicate a rise for cases before the Local Court Bleiburg (+2 cases), before the Local Court Eisenkappel (+ 2 cases) as well as before the Local Court Ferlach (+2 cases). The total number of court cases rose slightly over the figures for 2011 **(+6)**.

This was thus the development during the past 13 years: Total number of court cases in 2000: **158**; 2001: **83**; 2002: **69**; 2003: **89**; 2004: **100**; 2005: **99**; 2006: **87**; 2007: **81**; 2008: **68**; 2009: **67**; 2010: **52**; 2011: **56**; 2012: **62**.

### Administrative authorities

It has been ensured for the district commissions, which for people in the majority of cases are the first point of contact when approaching provincial authorities with their concerns, that all



requests by clients to use the language of the national minority as official language can be satisfied.

The district commission [Bezirkshauptmannschaft] of Völkermarkt reported that six civil servants in various departments have Slovene language skills and are capable of handling such cases. With this group of persons all cases can be handled in the language of the national minority (client contacts and written interventions). The district commission [Bezirkshauptmannschaft] of Klagenfurt reported that there is close cooperation with the National Minority Office in cases of interventions in the Slovene language, which also due to the fact that the Office is located nearby.

The district commission of Völkermarkt reported concrete figures on cases where the minority language was used as official language. There were altogether 94 written and oral interventions in 2013. The district commission of Klagenfurt could not give any exact figures, but it is assumed that there were 30 (written and oral) inquiries in 2013.

Neither heads of authorities, nor their inspectors or responsible staff departments are aware of any complaints by persons belonging to the Slovene minority concerning the use of the minority language as official language.

The Federal Province of Burgenland reports that there has not been a single case to date where the use of a minority language as official language was obstructed, or where such use was not possible. The figures available for the past years document that the use of the individual minority languages as official languages continues to be relatively stable. Of course, there are differences when looking at the various municipalities. It must also be underlined that special importance attaches to the use of the minority language as official language, especially in oral proceedings. In some municipalities up to 80% of all (oral) inquiries) and client contacts (by telephone or personal contacts) are conducted in the minority language. In addition, several municipalities also publish their information brochures in the minority language.

The Federal Ministry of Defence and Sports reported that the minority languages can be used before the authorities/agencies dealing with recruitments. During the reporting period (as of 2011) this services was *not* used:

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

Nevertheless, in-house measures were taken to ensure that a sufficient number of employees is available and has the respective language skills. At the Military Command for Carinthia, for example, a Slovene-speaking sergeant has been employed. His specific language skills were taken into account when assigning him to his position.

### III.10.2 Targeted recruitment of staff and language training for civil servants

The Advisory Committee recommended ensuring through targeted recruitment as well as enhanced language training that all courts, administrative authorities and other bodies before which national minority languages are admitted as official language, employ some staff with sufficient proficiency in the national minority language in order to encourage persons belonging to national minorities to make actual use of their right. (Margin note 87)

The judiciary endeavours to deploy a growing number of staff with the required language skills at the courts where national minority languages are admitted as official languages. In the district of the Regional Court [Landesgericht] Klagenfurt, for example, which includes those district courts [Bezirksgerichte] where Slovene is admitted as an official language (specifically the district courts of Bleiburg, Eisenkappel and Ferlach); language courses in Slovene are offered continuously which are attended by about thirty judges, civil servants and staff members.

In addition, in the course of a recently launched project “Slovene as official language” it is planned to consider proficiency in the Slovene language as a substantial factor when recruiting court staff for the aforementioned courts. In the future, job announcements will already indicate that candidates with a sound knowledge of the Slovene language will be given recruiting preference.

At present, four court staff members receive a (monthly) remuneration in keeping with § 23 of the National Minorities Act.

The Federal Province of Carinthia reports that whenever possible this qualification, i.e. bilingualism, is being taken into account when hiring staff members. In-house announcements at the job exchange highlight the fact that proficiency in the Slovene language is expressly requested and that these skills will play a major role, in case there are several candidates. The Carinthian Public Services Academy offers courses in the Slovene language (for beginners and advanced students). Attendance is voluntary and encouraged by senior civil servants.

The Public Services College and/or the Burgenland Academy continuously offer courses (for beginners and advanced students) in Croatian and Hungarian for the civil servants of the regional and municipal authorities.

Two staff members of the Military Command for Burgenland received language training in Croatian, and one person attended a language course for Hungarian.

#### **Side note: Project concerning online forms in the Slovene language**

At the Dialogue Forum, where the regional government was also represented by Deputy Governor Beate Prettner, a pilot project was also presented concerning online forms in Slovene. The project has been tested at Ludmannsdorf since 1 January 2015. A total of 75 forms are already available on the website of this municipality, both in German and Slovene.

## III.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 the 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 in 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.

### III.11.1 Topographical signs

The Advisory Committee recommended urgently adopting legislative guarantees for bilingual place-name signs in accordance with Article 7 of the State Treaty of Vienna, the Constitutional Court decision of 13 December 2001, and Article 11 (3) of the Framework Convention. (Margin note 93)

Reference is made to the comments made in Item II.2.

The Advisory Committee recommended considering favourably the requests of minority representatives to display their languages on other topographical signs and inscriptions (beyond bilingual place-name signs) in accordance with Article 11 (3) of the Framework Convention. (Margin note 94)

It is part of the autonomy of municipalities to decide on possibly putting up additional bilingual topographical signs and inscriptions. In this connection the Constitutional Committee agreed on the following statement when discussing the amendment to the 2011 National Minorities Act in Parliament: "In view of the autonomy of municipalities, the Committee assumes that, as in the past, it will continue to be legally admissible to put up additional bilingual place-name signs as well as signs or inscriptions of a topographical nature if a respective decision is taken by the municipal council."

### III.11.2 Correct rendition of names in the minority languages

The Advisory Committee recommended resolving comprehensively any problems related to diacritic signs in national minority languages on computer keyboards in the administration and the judiciary and ensuring that all persons belonging to the national minorities obtain identity

and administrative documents that correctly spell their names and surnames according to the rules of their minority languages. (Margin note 96)

In keeping with statutory provisions names in civil-status documents must be taken over literally and with all signs. This statutory provision is supplemented by § 11 (5) of the 2014 Ordinance on the Implementation of the Civil-Status Documents Act that signs with UTF 8 conformity must be used. This is a technical standard which facilitates presenting all letters and diacritic signs from non-German languages in the registers. Since the introduction of a Central Civil-Status Register and the Central Nationality Register as of 1 November 2014 this standard has been implemented adequately and uniformly. The Central Population Register, the Central Weapons Register and the Identity Documents Register support the notation of names of members of certain national minorities. There is still need for adaptation concerning the Central Register of Associations, where work is currently under way.

The notation of diacritic signs and thus the correct rendition of names in the languages of the national minorities have already been implemented for the land registers. Concerning the company register, the technical requirements for the integration of diacritic signs have been met in the meantime. The adaptation should be finished by 2015 at the latest.

## III.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.
1. 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.
2. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

### III.12.1 Intercultural education and dissemination of knowledge concerning the national minorities

Starting from the premise that personal contacts and knowledge about other people are best suited to prevent prejudices and to improve the relationship between the national minorities, there are several initiatives that will be listed below (without claiming that this is a complete list).

#### Exhibition Romane Thana in Vienna

From 12 February to 17 May 2015 the Vienna Museum showed the exhibition “Romane Thana – Places of the Roma and Sinti”. (<http://www.wienmuseum.at/de/aktuelle->

[ausstellungen/ansicht/romane-thanaorte-der-roma.html](#)). On 11 February 2015 the exhibition was inaugurated by Town Councillor Sandra Frauenberger, with the general public and the Roma community taking an active interest. Mag. Andrea Härle (from the association Romano Centro) and Dr. Cornelia Kogoj (from the association Initiative Minorities) were the exhibition curators, who were supported by the Vienna Museum and the Burgenland Regional Museum. Numerous posters on public billboards, especially also at underground stations, successfully popularized the exhibition.

The Federal Ministry of Education and Women's Affairs, Department for Political Education, issued a decree on 21 January 2015 to all regional school inspector as well as the Regional School Board for Vienna to draw their attention to this exhibition and to recommend introducing the topic and to discuss the past history of Roma and Sinti in the framework of the subject "political education". Numerous minority and mainstream media reported about the exhibition. Ultimately, a total of more than 20,000 visitors took the opportunity to obtain information about the Roma and their history in Vienna. One should particularly mention that members of the Roma community themselves stepped out into the public in order to present the opposite to the common stereotypes. With its inclusive and highly participative approach the exhibition also contributed substantially towards empowering especially younger representatives of the Roma community. A comprehensive programme of lectures, discussion rounds, concerts and a presentation of handicrafts accompanied the exhibition. The guided tours by Rom Willi Horvath to the Lovara sites at Vienna/Floridsdorf were particularly popular. A detailed exhibition catalogue rounded off the exhibition features.

Moreover, parallel to the exhibition issue number 93/winter 2014 of the journal STIMME (Voices) was published. In a guest editorial Cornelia Kogoj, co-curator of "Romane Thana" discussed the common forms of representing minorities in exhibitions at museums. Andrea Härle, who had the idea for the exhibition and also acted as co-curator, described how the exhibition took on shape and how the narrative concept was developed: concrete places used as anchors to tell the history and present situation of Roma and Romnja in Austria. As in the previous exhibition "Gastarbajteri – 40 Jahre Arbeitsmigration" (Migrant workers – 40 Years of Labour Migration) at the Vienna Museum (2004), persons from the community designed part of the exhibition themes and acted as authors of their story-telling stations.

### **International Roma Youth Conference**

One should mention the First International Youth Conference on the Topic of Antiziganism as one further project at the interface of (internal) empowerment and (external) intercultural dialogue. It was organized by the Romano Centro association between 10 and 16 November 2014. The goal of the conference was to give young Roma activists an opportunity to network, to exchange ideas and to draw public attention to their concerns. In numerous workshops, lectures and inputs the 70 participants from 12 countries learnt important methods to fight Antiziganism. They organized a flash mob and subsequently a press conference with the goal of breaking up Roma stereotypes and to draw attention to Antiziganism which is on the rise in Europe. Further activities in the course of the conference were a public event at the Brunnenpassage cultural centre in the 16<sup>th</sup> district of Vienna, which was attended by more than 200 guests, attendance of the annual memorial event at Lackenbach and a memorial service

at the Jewish cemetery. These activities also received major media attention <http://diepresse.com/home/panorama/welt/4594445/Junge-Roma-werden-gegen-Diskriminierung-aktiv>

### **Picture campaign “I am against the word gipsy”**

Initiatives which the national minority itself launches are particularly valuable. An excellent example is the picture campaign “I am against the word gipsy” (“We are against the word gipsy”) by the well-known Austrian jazz guitarist Harri Stojka, who is a Lovara. In 2012 a great number of people, both Roma and members of the majority population, had their picture taken holding a large poster “I am against the word gipsy” in order to protest against racial discrimination and especially the verbal degradation of Roma persons by calling them “gypsies” – an expression that is considered to be abusive language. These pictures were presented in public and attracted a high level of attention.

### **“Amari Historija” – documentation by witnesses of the time by the Roma Service**

The “Amari Historija” project of the Roma Service association, which included witnesses of the time, was presented on 24 November 2011. The life stories of 20 men and women provide touching insights into the history of Burgenland. The oldest interviewees were born in 1925 and 1928. “Amari Historija / Our History” is the successor project to “Mri Historija / My History” which consisted of the biographies of Burgenland Roma in the tradition of “oral history”. The outcome is available in the form of a DVD and a book.

### **Exhibition “Tracing the Past“**

On 10 April 2015 the photo exhibition, organised by the KARIKA association and the Roma Service association, on the history of the Roma during NS times was inaugurated at the Higher Pedagogical Teaching Institute at Oberwart.

### **Roma Film Festival**

From 17 February to 12 May 2015 the “Opre Roma Film Festival” took place in Vienna. In this connection the artistic director Saša Barbul wrote the following: “The Opre Roma Film Festival takes you through the so-called Roma decade 2005 to 2015 and shows events of that time from many different viewpoints and personal perspectives. The objective of the festival is to bring people closer to each other and to sharpen their view for conditions of social in-justice.” A number of international films with German and English sub-titles were shown. One of them was the Austrian film “Ceija Stojka – Portrait of a Romni” by Karin Berger. This film shows by way of example, the story of the Austrian Romni Ceija Stojka, who lost almost her entire family at Auschwitz and was arrested herself in a concentration camp.

### **Further films by and about national minorities**

- ▶ „Die Österreichischen Roma“, documentary, Ö 2014, 25 min; director: Kerstin Paulik,
- ▶ “Dui Rroma“, documentary, 2011, 45 min; Jovanka Gaspar

- ▶ FAQ (Frequently Asked Questions – A Documentary about Carinthia / Film o Koroški); 2004; 85 min; Michael Moore, Alexander Binder
- ▶ “Der Graben/Grapa”, 2014, 77 min; documentary, Birgit Sommer (about the Slovene minority)
- ▶ “Die Wiener Tschechen“, documentary, 2011, director: Kerstin Paulik, Helmut Potutschnig
- ▶ "Abschied von Sidonie" (about a Roma girl), filmed in 1990 by Karin Brandauer, based on the book by Erich Hackl
- ▶ “Das Dorf an der Grenze“, 1982, trilogy, Fritz Lehner (Slovene minority)
- ▶ Vrnitev / The Return, SLO 1976, director: Anton Tomašič, script: Janko Messner, 59 Min. (Slovene minority)
- ▶ “Schatten der Scham / Sence sramote” (about Jews, Roma, Slovenes) , 2013, 90 min, director: Sabina Zwitter-Grilc

### **“People on the move” (“*Ziehende Völker*“) – Guidelines for municipalities**

In 2013 the “Regional Management Mostviertel” issued guidelines which are intended to assist municipalities in relations with traveling Roma and Sinti.

### **Roma cuisine “I kojnha le Romendar”**

In the course of a Roma language course of the Roma Service association, a project was begun in February 2009 concerning Roma cuisine. The participants were introduced to Roma cuisine and learnt how to cook a few traditional recipes. The recipes were published on the website of the Roma Service association. The old cooking instructions had been collected over many years, were supplemented by several new recipes, published as a cookery book complete with DVD and presented at a tasting party at Open House Oberwart.

### **Plaques commemorating Roma in Burgenland**

Upon an initiative of the Roma Service association plaques commemorating Roma, who were Holocaust victims, were put up in several municipalities in Burgenland (Kleinbachselten, Kleinpetersdorf, Neudörfel and Mattersburg). The main intention was to create sites for the Roma in Burgenland where they can commemorate their murdered relatives. Moreover, the plaques also remind the majority population about this chapter in history.

### **Touring exhibition about the history of the Slovene population in Carinthia**

On the occasion of the 70th anniversary of the forced resettlement of Slovene families from Carinthia an exhibition was organized by Mag.<sup>a</sup> Brigitte Entner (Slovene Scientific Institute / slovenski znanstveni inštitut in Klagenfurt) and Dr. Wilhelm Wadl (Carinthian Regional Archives) as curators, under the title of “Forced Resettlement of Slovene Families from Carinthia in 1942 – Pregon koroških Slovencev”. It was presented at the Carinthian Regional Archives in June 2012 and shown in many places since that date – especially in places in the bilingual Slovene settlement region, in South Tyrol, Graz and Vienna. The presentation was a

highlight of the 21<sup>st</sup> Carinthian Culture Week / Kulturni teden in May 2014 at St. Andrä im Lavanttal and at the Parliament in Vienna in November 2014.

### **Schlaining Conversations in Burgenland**

The “Schlaining Conversations”, founded in 1982, deal with topics relating to the frontier region between Austrian and historical Hungary, with one focus being the Burgenland region. The conference, which is held every year, is attended by scientists from Austria, Hungary, the former Yugoslavia and Slovakia, who present the results of their research work for general discussion. The 34<sup>th</sup> Schlaining Conversations, which took place from 15 to 18 September 2014, were dedicated to the subject of “Roma and Sinti up to 1938”.

### **Scientific symposium “Graz and the Slovene Population”**

The Federal Province of Styria funded two scientific symposia which were held at the Karl-Franz University, Institute for Slavic Studies: “Graz and the Slovene Population I” from 20 to 21 May 2010 and “Graz and the Slovene Population II” from 27 February to 1 March 2014. At the latter symposium the lecture on the “Current Situation of Slovenes in Styria” met with particular interest.

## **III.12.2 Textbooks and curricula**

The Advisory Committee recommended redoubling efforts to develop intercultural content in textbooks and curricula and, in particular, ensuring that history teaching contains adequate coverage of Austria’s history as a multi-ethnic state, including the positive contributions made by national minorities as well as the challenging periods during the war years. (Margin note 101)

The Advisory Committee further recommended making additional efforts to ensure adequate availability of textbooks for the teaching in and of minority languages and culture, including as regards Romani, and Roma history and culture. (Margin note 102)

Textbooks and curricula in Austria also take account of the history and culture of persons belonging to the national minorities.

Austria’s primary schools, namely not only those within the scope of application of the minority school laws, comprise intercultural education as a general educational goal. The curriculum for primary schools says that “... the aspects of intercultural learning, taking special account of the cultural wealth of the respective national minority, will especially have to be implemented in those federal provinces where persons belonging to a national minority and/or Austrian and foreign children are being taught together.” The following educational objective has also been laid down: “In this connection, intercultural learning is to contribute to a better understanding and/or better mutual appreciation, to identifying common features and to overcoming prejudices. One must ensure cross-linkages to the



didactic principle of social learning and the educational principle of political education, including peace education.”

“Intercultural learning”, as well as “political education” or “media education” are so-called educational principles that apply to all schools and classroom subjects. This means that in connection with these principles specific topics relating to the national minorities can be included in all classroom subjects. In this context, teachers have been granted substantial discretion, also concerning the use of additional materials. For example, under the heading of “media education” teachers can deal with media reports about Roma beggars in their classrooms, or the issue of topographical signs can be discussed in political education classes. One further example for the fact that topics that are specific of the national minorities need not be limited to history classes is the narrative by Erich Hackl “*Abschied von Sidonie*” (about the Roma girl Sidonie Adlersburg), for which a didactic version was published for use in “German as a foreign language” classes. It is possible to take classes on excursions to NS concentration camps, to invite witnesses of the time or representatives of national minorities to classes and use the respective films or materials that are published by the *polis* centre ([www.politik-lernen.at](http://www.politik-lernen.at)). In July 2013, for example, a new version of the *polis* brochure “Roma in Austria” was published. One should also mention the factsheets of the Council of Europe on Roma history. Special mention should also be made of the material made available by the “erinnern.at” association, which specializes in teaching materials for commemorative teaching (Holocaust).

The range of textbooks and teaching materials available in the languages of the national minorities is continuously updated and expanded. The associations of the national minorities and publishing houses associated with national minorities have an important role to play in this context because the authorities in Austria are not responsible for publishing textbooks. The competent authorities (Federal Ministry of Education and Women’s Affairs) are merely responsible for approving the use of submitted teaching materials. In Austria pupils and/or their parents do not have to pay for textbooks. For every pupil a certain amount of money is available (depending on the grade and the school type) which can be used when selecting textbooks from the list of teaching materials. Pupils obtaining bilingual education receive additional books in the minority language. Please refer to the annex which contains an excerpt from the list of textbooks in the minority languages.

It is popular to use children magazines such as “Moj novi minimulti” (Croatian) and “Mladi rod” (Slovene) in bilingual teaching. Their publication is supported with funding from the budget for the national minorities.

Concerning teaching materials in Romani languages, reference is made to the project “QUALIROM – *Quality Education in Romani for Europe*”. In the course of the project teaching materials were developed and tested for some of the Roma groups living in Austria. Moreover, training modules for future teachers of Romani were developed.

For the Roma population in Burgenland the Romani project is of special significance, where linguists from the University of Graz and members of the Roma minority jointly developed materials (dictionaries, grammar books; the textbook “*Amen Roman Siklojas*” and the textbook “*Amaro vakeripe Roman hi – Our language is Romani*” are of particular importance). The Roma Service association and religion and drawing teachers cooperated to develop a bible for

children in Romani. Twice a year an issue of “Mini multi”, a magazine for children, is published in Romani, which can also be used as teaching material in classrooms. It is significant that Austria has encouraged the codification of the Roma languages on a long-term basis, which created the premises for developing teaching materials. However, it should be noted that it was not possible to have any Roma teaching at public schools in Burgenland in recent years, due to a lack of interest. In Vienna several mother-tongue teachers teach Roma children, however only partly in Romani (mainly in Serbian). For these reasons there is currently hardly any demand for teaching materials in Romani.

Concerning the teaching of the language and culture of the Czech, Slovak and Hungarian minorities in Vienna, one should mention the project “CentroLING” initiated by the Municipal School Council for Vienna. In the course of this project language courses are facilitated as well as direct language encounters in the neighbouring regions of the Czech Republic, Slovakia and Hungary. A multitude of school partnerships, excursions and different project activities are geared to building up institutional and private networks, which will result in a change of attitude vis-à-vis the people of the neighbouring countries and counteract fears of contact.

### III.12.3 Teacher training and evaluation of teaching practice

The Advisory Committee recommended increasing further opportunities to receive adequate training to teach bilingually and in minority languages, and extending the legal requirements for such training to nursery schools. The quality of education in minority languages should be monitored regularly and effectively, in close consultation with minority representatives. (Margin note 106)

In recent years several changes concerning teacher training in Austria entered into force. After the so-called Teacher Training NEW had been discussed by experts for several years, the National Council adopted the federal law on 12 June 2013 which amended the 2005 Colleges Act, the 2002 Universities Act and the Colleges Quality-Assurance Act (federal umbrella law introducing a new training curriculum for pedagogues). This created the legal basis for the core concept of the educational policy “NEW Teacher Training”. As of the 2015/16 study year the law introduces the following new features:

In the future persons wishing to become teachers must first pass an admission test, irrespective of the school type, and then follow a four-year bachelor course and a 12-month to 18-month master course and work as a trainee for one year. The cooperation between pedagogical colleges and universities will be reinforced so that it will be possible to attend individual courses at pedagogical colleges and others at universities.

What is of interest to the national minorities is the fact that, when drawing up the new curricula, language learning has been ranked as a basic competence for *all* students. This is why students (and also those who will not be teaching any languages) will have to deal with their own language biography and their identity in the context of cultural diversity, amongst others, in the course of their training. They should also get to know different concepts and models for fostering linguistic and multilingual competencies, for the purpose of consistent linguistic education, and acquire a basic knowledge of language diagnostics. (See “Basic Competences,

Language Training for All Educators: Identifying Potentials – Promoting Developments”, Austrian Language Competence Centre)

### **Carinthia**

The Pedagogical College Carinthia continues to train Slovene teachers for primary education. The training for (general) secondary-school teachers is offered jointly with the Alpen-Adria-Universität Klagenfurt. The growing number of students is hopefully an indication that the shortage of teachers for bilingual teaching will soon be overcome completely.

The Pedagogical College Carinthia conducts parallel research activities on an ongoing basis concerning the new curricula for the training of bilingual teachers and/or team teachers. The relevant reports are published under the title “Advice on Curricula”. <http://www.ph-kaernten.ac.at/forschung/forschungsberichte/>

In addition, a research study deals with an evaluation of the project “Drei Hände – Tri roke – Tre mani” (Threehands) for multilingual nursery-school pedagogics. The relevant report was published in May 2012.

### **Burgenland**

Multilingualism and intercultural education constitute special priorities at the Pedagogical College Burgenland. At present, special study courses are being conducted for Croatian and Hungarian where teachers are trained for bilingual classroom teaching as well as for teaching the Croatian and Hungarian languages. In this context, one priority is to integrate the study courses into the new teacher training scheme, while another priority is to develop curricula for additional advanced language teaching for the minority languages/multilingualism. A great many courses in methodology and didactics are offered in the field of further training. There is great interest in these courses.

It should be mentioned that there is currently a lack both of students and teachers from the Hungarian minority in Burgenland so that, repeatedly, teaching staff from Hungary had to be hired for working at schools in Burgenland. In the meantime, teachers from the Burgenland-Croatian minority have also become scarce, as a result of which teachers for German and English had to help out. The situation is currently improving slowly. So far, no interest has been registered from the Roma minority.

One should highlight the productive cooperation of the Pedagogical College Burgenland with pedagogical colleges in Hungary and Croatia. The Regional School Council for Burgenland also forwards requests by persons belonging to the national minorities in Burgenland with regard to teacher training to the Pedagogical College Burgenland via the College Council of the Pedagogical College Burgenland.

In addition, a language workshop has been set up at the Pedagogical College Burgenland, which is of great value for research and development concerning the language of the national minority. For example, the teachers develop teaching materials, to be used when teaching the

minority languages. The responsible school inspectors monitor this process, and associations of the national minorities support it by copying the materials.

### **Teacher training study courses at universities**

Except for Romani, future teachers can study all national minority languages at Austria's universities.

### **Minority language school departments at the regional school councils**

With regard to monitoring the quality of bilingual teaching in interaction with representatives of the national minorities, it can be reported that both in Burgenland and Carinthia the regional school councils have set up separate departments for the national minority schools. They are responsible, amongst others, for quality assurance tasks.

### **Nursery-school pedagogics**

The five-year training to become a nursery-school teacher continues to be provided on secondary level II (BAKIP – Federal Educational Institute for Nursery-School Pedagogics) and ends with a school-leaving and diploma examination. Moreover, it is also possible to obtain the diploma as nursery-school teacher by attending a four or six-semester study course. An admission test must be taken in any event.

Nursery-school teachers are considered to have qualified for bilingual care at nursery schools when they chose the language of the national minority as one of the subjects at their school-leaving examination. The BAKIP at Klagenfurt offers Slovene as an optional subject. The BAKIP at Oberwart offers Croatian and Hungarian as optional subjects.

## **III.12.4 Equal access to education**

The Advisory Committee recommended further expanding of efforts to promote equal opportunities for Roma children in education and seeking, in close consultation with Roma representatives, comprehensive approaches to the remaining challenges. (Margin note 109)

Austria attaches major attention to integrating all children into the school system in the best possible manner. It is recognized that a good education is the basis for integration into society 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.

### **Learning assistance for Roma children in Burgenland**

As far as the autochthonous minority of the Roma in Austria is concerned, these efforts have been successful. In the 1980's many Roma children were still found at special schools, and also in the mid-1990's the number of children from Roma families in special schools was higher

than the overall average. In the meantime it has been possible to lower their share to a comparable proportion in relation to the overall average. The learning assistance of the ROMA association (Association for the Advancement of Roma, with headquarters at Oberwart) and the activities of the Roma Service association – which uses its ROMBus to go to and look after Roma in their scattered settlements – were and are of decisive importance for this development.

Challenges continue to prevail, as far as the non-autochthonous Roma are concerned, who mostly came from former Yugoslavia in recent decades and increasingly from the new EU Member States in recent years. Austria is therefore making major efforts, for example by teaching “German as a second language” and by way of mother-tongue teaching in order to improve the educational opportunities of children with a migration background. In addition, the following measures were taken, which are described in detail below:

### **Learning assistance for Roma children in Vienna**

There are various institutions in Vienna that support Roma children attending school by giving them learning assistance. Children and young people are given guidance on how to better understand what they are taught as well as how to learn working and learning techniques.

The Romano Centro association was the first (in 1995) to provide learning assistance; its learning assistance project is also subsidized from the budget of the Federal Chancellery for promoting the national minorities. The learning assistants look up Roma children at home and consequently provide their learning assistance in a family environment. This also reinforces the contacts to, and the exchange of information with the parents, with the goal, last but not least, to create a positive attitude towards schools and education.

The learning assistance project which the adult-education centres in Vienna carry out in cooperation with Roma associations, and which is financed by the Federal Province of Vienna has a different approach, in that it offers learning assistance to groups that meet once or twice per week at different locations in Vienna. Cooperation with the Roma community is a top priority in this context. The Roma associations Romani Bah, Thernipe Vienna – Roma Association for Language, Education and Culture, and the cultural association "Vida Pavlovic" participate in this project. A parents-teacher meeting takes place once per semester, where information is provided on relevant topics such as, for example, the Austrian school system, the content and importance of the need to provide special pedagogic support, or about communication with the school.

Moreover, since autumn 2014 the City of Vienna offers coaching lessons, free of charge, at primary schools in Vienna, and in February 2015 this service was extended to the new middle schools and the upper-level general secondary schools, in close cooperation with the adult-education centres. As a matter of principle, all pupils can use this service. The underlying thought is that socio-economically disadvantaged groups (where parents often cannot help their children with the home-work and/or cannot afford private coaching lessons) particularly benefit from this service. Tutoring courses are held at all 220 public primary schools; at present, a total of 2,463 classes with more than 15,000 pupils participate in this scheme. As the ethnic origin of the pupils is not recorded, it cannot be indicated how many Roma children use

this possibility. For the age group 10 to 14 years, the learning assistance is organized in cooperation with the adult-education centres of Vienna. There are courses which the adult-education centres hold directly at schools, on the one hand, and then there are so-called learning stations at 17 locations of adult-education centres, on the other hand. While it is necessary to sign up for the learning courses, the learning stations can be visited during opening hours without prior registration. The learning stations were set up especially for quick and focused support. If it turns out during a visit to a learning station that the pupil needs more intensive learning support, efforts are made to find him or her a regular learning assistance course at one of the schools.

### **Roma school mediators**

Since September 2000 the Romano Centro association has employed school mediators (they were called Roma school assistants up to the 2011/12 school year) who work at selected schools in Vienna, which are attended by many Roma children. So far, the project has been funded primarily from the budget of the Federal Ministry of Education and Women's Affairs as well as from the integration promotion budget of the Federal Ministry of Europe, Integration and Foreign Affairs. The Roma school mediators' task is to mediate between teachers, pupils and parents. They motivate and accompany the children during classes and support them in learning. They help the teachers to understand the cultural background and the life situation of the children as well as the parents to adopt a positive approach towards so that they can support their children. As they themselves belong to the Roma minority and have mother-tongue language skills (in Romani, Serbian, Romanian) the school mediators help the children to find their own identity and are available to the parents as persons of trust who understand the cultural background. In addition, the school mediators help to involve the children in additional learning options and meaningful leisure-time activities. They contribute towards enhancing the awareness of parents for education, providing them with knowledge about the Austrian school system and coaching possibilities, and they contribute towards removing the prejudices of Roma concerning schools. One further, very important aspect is to reduce the absence rates of pupils, as the work done by the school mediators helps to identify the reasons for absenteeism and to counteract it at an early stage.

At present, four Roma school mediators work at eight schools in six districts of Vienna and look after approximately 250 children.

### **Compulsory nursery-school year and early promotion of language skills**

In 2009 an important step was taken in Austria in the direction of fair opportunities for all children to obtain an education, irrespective of their socio-economic background. With the agreement pursuant to Article 15a of the Federal Constitution Act on the introduction of half-day gratuitous and mandatory early promotion in childcare establishments, a mandatory year of nursery-school attendance and the early promotion of language skills of children was introduced for the year before school entry. In the meantime the agreement and the associated federal grants to the regions (*Länder*) have been extended several times (Federal Law Gazette I No. 80/2011, Federal Law Gazette I No. 196/2013).

These are the objectives of the agreement:

- ▶ In the year before entering school, children are required to attend suitable childcare establishments for a minimum period of 16 to 20 hours on at least four days per week in order to offer all children, irrespective of their socio-economic background, the best-possible education possibilities and opportunities to then begin working life.
- ▶ Half-day attendance of a nursery school in the amount of 20 hours per week in suitable childcare establishments during the year before school entry is to be free of charge, so as not to impose any financial burden on families.

The educational tasks during this compulsory nursery-school year include, amongst others, support to children to obtain sufficient maturity for school attendance and to provide early promotion for the language skills of children. Both tasks are important measures to obtain fair access to education and fair education opportunities for all children, irrespective of their origin and their socio-economic family situation. The goal to create a nationwide pre-school education plan marks one further important step towards introducing quality standards in pre-school childcare.

Since autumn 2009 attendance of a nursery school in Vienna has been free of charge for all age groups, which goes beyond the aforementioned agreement.

### III.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.

The Advisory Committee recommended substantially increasing the allocations for private education initiatives in national minority languages in Vienna and in other areas of Austria where persons belonging to national minorities reside in numbers outside of their traditional settlement areas, so as to ensure that they have access to minority language teaching in addition to the organisation of cultural activities. (Margin note 113)

#### III.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, they are 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 500 pupils attend these schools.

The Komenský School Association also provides consistent education in the Czech and Slovak languages from nursery-school to school-leaving examination. For 10 years the school-leaving examination has been held every year. In the meantime six teachers have 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 Czech Mission of the Vienna Diocese concerning activities with and for young people, or Vlastenecka omladina, the drama group, 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, which is a kind of “living subsidy”. 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 subsidized by the Federal Ministry of Education and Women’s Affairs, Vienna and the Federal Chancellery (in 2010 the refurbishment of the school building at 1030 Vienna, Schützengasse 31, was funded by the Federal Ministry of Education and Women’s Affairs and the Federal Province of Vienna with an amount of one million euros each).

Slovak-language teaching at the private schools of the Komenský School Association is also offered under the slogan “From Nursery-School to School-Leaving Examination”, which means that it is possible to obtain a consistent education in the Slovak language.

### III.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 Pedagogues in Austria

Moreover, there are language courses for Croatian, which the Burgenland-Croatian Cultural Association organises in Vienna, and courses for the Slovak language, which are offered by the Slovak School Association SOVA.

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 area of Vienna and Burgenland (e.g. the so-called “Hungarian Weekend School” in Linz).



## III.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.

### III.14.1 Bilingual nursery schools

It is mentioned again, by way of introduction, that the introduction of a compulsory nursery-school year and the early support to children to obtain language skills one year before school entry also mark an important step for the early promotion of children belonging to the national minorities, in terms of languages and pedagogics. Austria is aware of the fact that special importance attaches to pre-school education in general, on account of the changes in living conditions, but also because a large number of the children that enter the bilingual school system do not have the minority language proficiency that would correspond to their age.

#### Bilingual nursery schools in Vienna

Please refer to Article 13 for more detailed information.

#### Bilingual nursery schools in Carinthia

The Advisory Committee recommended to the Carinthian authorities adopting adequate legislation on bilingual nursery schools and ensuring that at least one year of bilingual pre-school education becomes publicly available as part of the process of introducing one compulsory nursery-school year in Austria. (Margin note 118)

It is reported, in this context, that the legal situation has not changed in this respect. However, with the network of private bilingual nursery schools and with the help of bilingual groups in municipal nursery schools, set up on a voluntary basis, it has been ensured in the meantime that the bilingual area is supplied with bilingual nursery schools to a large extent.

As was mentioned in earlier reports, the Carinthian Nursery-School Fund Act, Regional Law Gazette No. 74/2001, went into force on 1 October 2001. The objective of this legislation is to promote private bilingual or multilingual nursery schools in the settlement areas of the Slovene minority in Carinthia. The Carinthian Nursery School Fund Act and the associated financial support by the Federal Province of Carinthia created an incentive to set up bilingual

nursery schools, on the one hand, and it also ensures a high quality of bilingual care for the children, on the other hand, on account of the clear guidelines stipulated in the law. One further advantage of the private bilingual nursery schools in Carinthia is the fact that municipal boundaries do not have to be observed when enrolling a child at a nursery school, so that a Slovene-speaking child may also use the options available in one of the neighbouring municipalities. Moreover, a regular scientific follow-up and evaluation is given to the language and teaching activities. In this connection, it is justified to say that the bilingual teaching of small children is on a high level, and it is not by coincidence that there is great general demand for these nursery schools.

The Nursery School Act provides additional funding to bilingual nursery-school groups, beyond the regular regional contribution to nursery schools, amounting to about €43,000, as a result of which a bilingual group can expect to receive about €74,000 per year as regional subsidy. The following bilingual Slovene-language nursery schools have been set up in Carinthia:

**Table III-21 Bilingual private nursery schools in Carinthia, 2014**

Private nursery schools receiving financial support	Location/Municipality	Number of groups
“Jaz in ti”	Ferlach	2 groups
Convent of the School Sisters at St. Peter	St. Jakob im Rosental	2 groups
“Mavrica”	Eberndorf	1 group
“Naš otrok”	Klagenfurt	2 groups
“Ringa raja”	Ledenitzen/Finkenstein	1 group
“Kekec”	Völkermarkt	1 group
“Sonce”	Klagenfurt	2 groups
“Minka”	Schiefling	1 group
“Pika”	St. Primus/St.Kanzian	1 group
“Crea Vita”	Hallelegg/Klagenfurt	1 group

Source: Office of the Carinthian Regional Government

It can also be reported that, sporadically, there are also cross-border activities, which is also evidence that open-mindedness is increasing and that there is an improvement in the intercultural climate. Especially in the nursery schools of Arnoldstein and Nötsch there are intensive projects in the form of exchange days, parties, events and much more with the neighbouring regions in Italy and Slovenia.

In recent years bilingual groups at municipal nursery schools were subsidized from the so-called “referendum donation” (see Federal law granting a federal subsidy and other promotional funding on the occasion of the 90<sup>th</sup> anniversary of the referendum, Federal Law Gazette I No. 48/2011).

**Table III-22 Financial support from the “referendum donation” for bilingual groups in municipal nursery schools, 2015**

Subsidized municipal nursery schools	subsidy in €
Bleiburg	23,660
Eisenkappel-Vellach	31,560
Feistritz im Rosental	23,660
Feistritz ob Bleiburg	31,560
Ludmannsdorf	23,660
Sittersdorf	15,785
<b>Total</b>	<b>149,885</b>

Source: Federal Chancellery

In 2015 the Federal Chancellery funded the nursery school establishments listed in the table below from the budget for the promotion of the national minorities. The list also includes a facility for toddlers (crèche) and after-school care groups.

**Table III-23 Funding from the budget of the Federal Chancellery for the promotion of the national minorities for bilingual nursery-school establishments, 2014**

Subsidized establishment	Funding acc. to the National Minorities Act in €	Other grants in €	Total in €
Municipal nursery school at Globasnitz		23,700	23,700
Municipal nursery school at Völkermarkt		15,770	15,770
ABCČ – Središče za obšolsko oskrbo/Care Centre parallel to the Schools – after-school care centre	23,000		23,000
Bilingual nursery school at Ferlach / Dvojezicni otroški vrtec Borovlje “Jaz in ti” – after-school care centre	9,000		9,000
Children's Group Dwarves – Otroška skupina Palčki – toddler group	7,000		7,000
Mohorjeva družba v Celovcu / Hermagoras Association in Klagenfurt – after-school care centre	21,000		21,000
Parish nursery school at St.Leonhard bei Siebenbrunn / Št.Lenart pri Sedmih studencih	10,000		10,000
<b>Total</b>			<b>109,470</b>

Source: Federal Chancellery / Department for National Minority Matters

## **Bilingual nursery schools in Burgenland**

The Burgenland Child Education and Childcare Act, Regional Law Gazette No. 7/2009, has been in force since 1 January 2009. According to § 7 (9) of the aforementioned law, childcare establishments in bilingual municipalities in Burgenland must engage in activities in the language of the national minority during a minimum of 12 hours per week and group. The bilingual municipalities covered by this provision are listed by name. Moreover, the Croatian and/or the Hungarian minority language can also be used in non-autochthonous areas in Burgenland, in addition to the German language, in childcare establishments, if a minimum of 25% of the parents in such a municipality so demand.

Burgenland provides an assistant nursery-school teacher each for the Croatian and Hungarian minority whenever the nursery-school teacher at the municipal nursery school is only monolingual/German. The Federal Province bears the cost for the first two years; as of the third year the nursery-school operator must refund all expenses for the assistant nursery-school teacher to the Federal Province.

Concerning the development of bilingual nursery schools since 2010 it needs to be reported that no substantial statutory changes have occurred on a regional level. In this connection, it is pointed out, though, that the current legislative level, which ensures bilingual education at public childcare facilities, is quite high.

During nursery-school-year 2013/2014, 1,233 children received bilingual care in 36 childcare establishments (of which 7 were crèches).

During every study year the Pedagogic College offers a minimum of one further-training activity that is conducted in two languages and/or in one of the minority languages. In addition, the Pedagogical College Burgenland also organizes a series of further-training events on the subject of “Bilingualism and Multilingualism, Interculturality, Benefit-Conscious Pedagogics and Promotion on Language Skills in General”.

The bilingual nursery-school teachers are trained at the Federal Training Institute for Nursery- School Teachers at Oberwart, where they must take the school-leaving examination in either Croatian or Hungarian.

### **III.14.2 The minority schools system**

#### **Minority schools in Carinthia**

The positive trend concerning enrolment for Slovene instruction in Carinthia has continued in recent years. Within the geographical scope of application of the Minorities School Act for Carinthia there were 69 (69) primary schools during the 2013/14 school-year, of which 7 (7) were operated as school branches (*Exposituren*). Due to the decreasing pupil numbers in recent years it was not possible to maintain autonomous schools at all school locations (school branches: Mieger, Radsberg, St. Georgen, Rinkenbergr, Ebriach, Schwabegg, Untermittlerdorf; schools closed at: Görtschach/F., Leppen, Loibach, St. Philippen).

At 67 (67) locations within the geographical scope of application of the Minorities School Act, of which 7 (7) were school branches, pupils signed up for bilingual education. Outside the geographical scope of application of the Minorities School Act there were 2 (2) primary schools with bilingual teaching pursuant to the Minorities School Act. At 2 (2) locations, of which 0 (1) was a school branch, no pupils signed up for bilingual education. During the 2013/14 school year there were 92 (89) bilingual classes, 133 (135) integrated classes and 104 (109) monolingual classes within the scope of application of the Minorities School Act. The figures in brackets always refer to the 2012/13 school year. .

In the so-called bilingual classes all pupils signed up for bilingual classes. For all subjects a teacher with the additional qualification of bilingual teaching is assigned to teach the pupils.

In the so-called integrated classes there are children who signed up for bilingual classes, together with children that did not sign up for bilingual classes. For all subjects a teacher with the additional qualification of bilingual teaching is assigned to teach the pupils. In addition, a team teacher is assigned to these classes for 10 to 14 hours per week. While the bilingual teachers works with the children who signed up for bilingual classes, the team teacher looks after the group that did not sign up for bilingual teaching and uses the German language.

In the so-called monolingual classes there were no pupils who signed up for bilingual classes. The table below refers to the primary schools within the scope of application of the Minorities School Act.

**Table III-24 Enrolment for bilingual classes,  
instruction in Slovene (primary schools), a comparison since 1959/60**

School year	Total number of primary school pupils	of which bilingual	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

Source: Regional School Council for Carinthia

During the 2013/14 school year 2,183 children attended bilingual classes at primary schools (including 9 pre-school pupils and 64 children that attended the Slovene course as an optional

exercise). During the 2014/15 school year 2,240 children attended bilingual classes at primary schools.

These statistics clearly document that there is the wish to have types of multilingual teaching and education that include the minority language. Children with a very diverse language background take part in the bilingual classes; many do not have any previous knowledge of the minority language. The statutory special regulation on class composition is a factor that has a positive effect on the relative increase in the number of pupils signing up for bilingual instruction. This applies particularly to the provision that the number of pupils in one class must not exceed 20 pupils for grades 1 to 4 (§ 16 of the Minorities School Act for Carinthia).

**Table III-25 Slovene language skills among the pupils enrolled for the first grade since 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
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

Source: Regional School Council for Carinthia

The different proficiency levels are a major challenge for teaching. Instruction must be adjusted to every pupil in order to address pupils at the level that they have reached. The pedagogical colleges attach great importance in their teacher training on imparting didactic methods for teaching heterogeneous pupil groups in order to prepare the teachers in the best possible manner for these situations.

As a matter of principle the bilingual teaching follows the applicable curricula. Practical curriculum implementation allows for several variants when teaching bilingual classes. Some schools have chosen the form where pupils can remain in one or the other language for a certain time (change of teaching language on a daily or weekly basis). Scientific studies and experience collected by school supervisors indicate that these models have a positive effect on acquiring proficiency in the minority language.

Further measures of quality assurance were the development of language portfolios for the primary level and secondary level 1 (amongst others) of the Slovene language as well as developing competence descriptions for Slovene for the fourth and eighth grade.

The Advisory Committee recommended considering all possible options to increase the available opportunities for bilingual education beyond primary school. (Margin note 123)

In this context, the following is stated: On 30 May 2012 the curriculum of the New Middle School (NMS) was published in the Federal Law Gazette as article 1 of the “NMS Implementation Package” (Federal Law Gazette II No. 185/2012). Part of this regulatory package (Annex 5) is the “Curriculum for the sections where Slovene is the language of instruction, which are set up at New Middle Schools with German as the language of instruction (in keeping with § 12 letter C of the Minorities School Act for Carinthia)”. The reform makes it possible to use Slovene, the minority language, as a working language in other selected subjects.

One essential point – in order to make instruction in Slovene also attractive at secondary schools – is the option to take the school-leaving examination in that language. In the course of converting the Austrian school system to the partly standardized school-leaving and diploma examination, care was also taken that the school-leaving examination can be taken in the Slovene language in this standardized format. The Federal Institute for Education Research (BIFIE) prepares the standardized questions in Slovene – whenever the minority language is used as the language of instruction at secondary schools – for the (written) examination and the compensation examination, which are part of the partly centralized school-leaving and diploma examination. At schools with Slovene as the language of instruction the new format of the school-leaving and diploma examination will be used as at the end of the 2015 school year (at the Federal Grammar School [*Bundesgymnasium* / *BG*] and Federal Upper-Level Secondary School [*Bundesrealgymnasium* / *BRG*] and 2016 (at the bilingual Federal Commercial College in Klagenfurt and at the Private Higher Learning Institute for Commercial Occupations at St. Peter near St. Jakob i.R.).

The tables below indicate, though, that it was not possible to expand instruction in Slovene, or bilingual instruction on the secondary level. This is due to the scarce resources for optional subjects and selected compulsory subjects and to the competition from other more attractive educational options. To some extent, staff resources are the reason why the number of pupils signed up for the secondary level does not keep pace with the pupils registered for bilingual elementary education. The Federal Grammar School/Upper-Level Secondary School for Slovenes, the bilingual Commercial College – both in Klagenfurt – and the School for Commercial Occupations of the School Sisters Order at St. Peter at St. Jakob im Rosental are therefore of central importance for instruction in Slovene. In these schools Slovene is not only taught as a subject but other subjects are also taught in two languages.

**Table III-26 Slovene teaching at New Middle Schools in Carinthia, 2013/14 School Year**

School	Compulsory subject	Optional subject	total
Arnoldstein	13	0	13
Bleiburg	40	0	40
Eberndorf	21	4	25
Bad Eisenkappel	16	13	29
Ferlach	25	8	33
Finkenstein	8	3	11
Kühnsdorf	3	5	8
St. Jakob im Rosental	3	32	35
Griffen	0	0	0
Nötsch	4	7	11
Velden	42	6	48
Völkermarkt	10	5	15
Hermagor	0	6	6
New Middle School 6 Klagenfurt	16	7	23
New Middle School 13 Klagenfurt – Viktring	23	0	23
New Middle School 3 Villach	0	2	2
Sub-total for the range covered by the Minorities School Act	224	98	322
New Middle School 1 St. Veit		37	37
New Middle School Pedagogical College		9	9
<b>Total for Carinthia</b>		<b>144</b>	<b>368</b>

Source: Regional School Council for Carinthia



**Table III-27 Slovene teaching at general and upper-level secondary schools in Carinthia, 2013/14 school year**

School	Selected compulsory or alternative compulsory subject	Optional subject
<b>General upper-level secondary schools</b>		
Europagymnasium Klagenfurt	0	11
BG/BRG Mössingerstr. Klagenfurt	0	10
ORG Klagenfurt	0	0
BORG Klagenfurt	0	0
BG/BRG Viktring	0	22
BG/BRG St. Martin Villach	0	8
BG/BRG Villach Perau	0	11
BG/BRG Alpen-Adria Völkermarkt	72	35
BG Tanzenberg	0	10
Stiftsgymnasium St. Paul	0	16
BG/BRG Lerchenfeldstraße	0	5
<b>Total for general upper-level secondary schools</b>	<b>72</b>	<b>128</b>
<b>Vocational upper-level secondary schools</b>		
BHAK International Klagenfurt	37	0
BHAK Völkermarkt	64	10
CHS		10
WIMO Klagenfurt		1
HTL Mössingerstraße Klagenfurt		9
FS f. Sozialberufe II Klagenfurt	151	76
BAKIP Klagenfurt		72
KTS Villach		1
Private FS St. Andrä		
HBLA Klagenfurt		4
<b>Total for vocational upper-level secondary school</b>	<b>252</b>	<b>183</b>
<b>Total for both types of upper-level secondary schools</b>	<b>324</b>	<b>311</b>
<b>General and vocational upper-level secondary schools with Slovene and German as language of instruction</b>		
BG/BRG für Slowenen Klagenfurt	531	
ZBHAK Klagenfurt	182	
HLA St. Peter	110	
1-year technical college for commercial occupations St. Peter	8	

School	Selected compulsory or alternative compulsory subject	Optional subject
<b>Total for general and vocational upper-level secondary schools</b>	<b>831</b>	
<b>Total for Carinthia</b>		<b>1466</b>

Source: Regional School Council for Carinthia

**Table III-28 Slovene teaching at middle and upper-level secondary schools in Carinthia with German as language of instruction – Comparison for 2009 to 2014**

School year	General upper-level secondary schools		Vocational middle and upper-level secondary schools	
	Number of schools	Number of enrolments	Number of schools	Number of enrolments
2009/2010	12	235	10	490
2010/2011	11	220	9	501
2011/2012	9	186	9	432
2012/2013	9	170	9	313
2013/2014	9	200	9	435

Source: Regional School Council for Carinthia

A break-down according to age groups and/or grades and school types shows the following picture for Slovene teaching and bilingual instruction in Carinthia:

**Table III-29 Slovene teaching and bilingual instruction in Carinthia, primary level (2014/15 school year)**

Primary schools	1 <sup>st</sup> grade	2 <sup>nd</sup> grade	3 <sup>rd</sup> grade	4 <sup>th</sup> grade	Total
Primary schools in the geographical scope of application of the Minorities School Act.	573	512	488	479	<b>2052</b>
Primary schools in Klagenfurt	53	53	44	38	<b>188</b>
<b>Primary schools – Total for Carinthia</b>					<b>2240</b>

Source: Regional School Council for Carinthia

**Table III-30 Slovene teaching and bilingual instruction in Carinthia, secondary level I (2014/15 school year)**

School	5 <sup>th</sup> grade	6 <sup>th</sup> grade	7 <sup>th</sup> grade	8 <sup>th</sup> grade	Total
Slovene Grammar School	96	96	94	74	360
New Middle Schools	71	54	64	69	278
General upper-level secondary schools	62	34	33	28	158
<b>Total</b>	<b>229</b>	<b>184</b>	<b>191</b>	<b>171</b>	<b>796</b>

Source: Regional School Council for Carinthia

**Table III-31 Slovene teaching and bilingual instruction in Carinthia, secondary level II (2014/15) school year**

School	9 <sup>th</sup> grade	10 <sup>th</sup> grade	11 <sup>th</sup> grade	12 <sup>th</sup> grade	13 <sup>th</sup> grade	Total
Slovene Grammar School	56	53	54	48	0	211
Bilingual commercial college	55	60	29	26	29	199
Higher Teaching Institute for Commercial Occupations	36	26	21	26	13	122
1-year technical college for commercial occupations	12	0	0	0	0	12
General upper-level secondary schools	13	8	10	10	1	45
Vocational upper-level secondary schools	183	154	96	57	30	520
<b>Total</b>	<b>355</b>	<b>301</b>	<b>210</b>	<b>167</b>	<b>73</b>	<b>1109</b>

**Table III-32 Summary (2014/15 school year)  
Pupils with Slovene instruction/bilingual instruction**

Educational level	Number of pupils
Primary level	2240
Secondary level I	796
Secondary level II	1109
<b>Total number</b>	<b>4145</b>

Source: Regional School Council for Carinthia

For further information please refer to the annual report of the Regional School Council for Carinthia, Department for Minorities Schools, which is available both in German and Slovene, as well as on the website

<http://www.2sprachigebildung.at/>

### The minority school system in Burgenland

Almost all children attend the bilingual classes (Croatian/German or Hungarian/German) of the bilingual schools located in the autochthonous settlement areas in Burgenland. Outside the settlement areas, too, interest in learning Croatian or Hungarian is growing. In connection with the Hungarian language, interest rose rapidly after Hungary's EU accession.

In both cases lessons in the compulsory schools are given in all grades as optional exercises, optional subjects, compulsory subjects or bilingual instruction. Generally speaking, it can be said that German-speaking parents, too, increasingly avail themselves of the possibility to have their children attend classes in the languages of the national minorities.

**Table III-33 Primary schools in Burgenland, 2014/15 school year**

Language	Bilingual instruction or compulsory subject	Option exercise or optional subject	Total number of pupils
Croatian	1300	92	1392
Hungarian	546	1056	1602
Romani	0	0	0

Source: Regional School Council for Burgenland / Federal Chancellery

Table III-34 New Middle Schools in Burgenland, 2014/15 school year

School	bilingual	Compulsory subject or alternative compulsory subject	Optional exercise or optional subject	Total number of pupils
<b>Croatian</b>				
Oberpullendorf		38		38
Stegersbach		8		8
Rechnitz	10	19		29
St. Michael	52	19		71
Priv. NMS Eisenstadt Theresianum		6	10	16
Siegenderhof		7	11	18
Eisenstadt Rosental		19	8	27
Neufeld			6	6
Purbach			8	8
Großwarasdorf	48			48
Großpetersdorf	42			42
<b>Total for Croatian</b>	<b>152</b>	<b>116</b>	<b>43</b>	<b>311</b>
<b>Hungarian</b>				
Andau		38	43	81
Eberau Josefinum		50	25	75
Eisenstadt Theresianum			8	8
Frauenkirchen			5	5
Horitschon			12	12
Markt Allhau		18	26	44
Neusiedl/See r.k.			23	23
Oberpullendorf		15	8	23
Oberwart		42		42
Pamhagen		21		21
Rechnitz		45		45
Rudersdorf			8	8
Schattendorf			6	6
Steinberg/Dörfl			32	32
Zurndorf		26	5	31
<b>Total for Hungarian</b>		<b>255</b>	<b>201</b>	<b>456</b>

Source: Regional School Council for Burgenland / Federal Chancellery

**Table III-35 Croatian teaching at middle and upper-level secondary schools in Burgenland, 2014/15 school year**

School	Compul- sory subject	Selected compulsory subject	Optional subject	Optional exercise
<b>General upper-level secondary schools</b>				
Gymnasium der Diözese Eisenstadt			12	
Oberstufenrealgymnasium Theresianum Eisenstadt			6	
Bundesgymnasium Mattersburg			18	
Bundesgymnasium Oberwart				19
Bundesgymnasium Eisenstadt	58			
Bundesgymnasium Oberpullendorf	70			
BG/BRG/BORG Eisenstadt		35		
ORG Theresianum Eisenstadt		11		
<b>Total for general upper-level secondary schools</b>	<b>128</b>	<b>46</b>	<b>36</b>	<b>19</b>
<b>Vocational upper-level secondary schools</b>				
BHAK/BHAS Eisenstadt			32	
BHAK/BHAS Mattersburg			6	
BHAK/BHAS Oberpullendorf			11	
HLW + FW Theresianum			17	
BHAK/BHAS Stegersbach		60		
Bildungsanstalt für Kindergartenpädagogik Oberwart			29	
<b>Total for vocational upper-level secondary schools</b>		<b>60</b>	<b>95</b>	
<b>Total for general and vocational upper-level secondary schools</b>	<b>128</b>	<b>106</b>	<b>131</b>	<b>19</b>
<b>General and vocational upper-level secondary schools with Croatian and German as language of instruction</b>				
bilingual BG Oberwart	110			
<b>Total for general and vocation upper-level secondary schools</b>	<b>110</b>			
<b>Total for Burgenland</b>	<b>494</b>			

Source: Regional School Council for Burgenland / Federal Chancellery

**Table III-36 Hungarian teaching at middle and upper-level secondary schools in Burgenland, 2014/15 school year**

School	Compulsory subject	Selected compulsory subject	Optional subject	Optional exercise
<b>General upper-level secondary school</b>				
Bundesgymnasium Mattersburg			8	
Bundesgymnasium Oberwart				9
Bundesgymnasium Oberpullendorf	36			
<b>Total for general upper-level secondary schools</b>	<b>36</b>		<b>8</b>	<b>9</b>
<b>Vocational upper-level secondary schools</b>				
BHAK/BHAS Oberwart	63			
BHAK/BHAS Frauenkirchen		64		
BHAK/BHAS Mattersburg		23		
HBLW Oberwart		40		
HLW Pinkafeld		11		
Bildungsanstalt für Kindergartenpädagogik Oberwart			5	
<b>Total for vocational upper-level secondary schools</b>	<b>63</b>	<b>138</b>	<b>5</b>	
<b>Total for general and vocational upper-level secondary schools</b>	<b>99</b>	<b>138</b>	<b>13</b>	<b>9</b>
<b>General and vocational upper-level secondary schools with Hungarian and German as language of instruction</b>				
bilingual BG Oberwart	139			
<b>Total for general and vocational upper-level secondary schools</b>	<b>139</b>			
<b>Total for Burgenland</b>	<b>398</b>			

Source: Regional School Council for Burgenland / Federal Chancellery

**Table III-37 Summary Burgenland 2014/15**  
**Figures in brackets for 2009/10**

School types	Croatian	Hungarian	Romani
General compulsory schools (primary schools and new middle schools)	1,703 (1,670)	2,058 (2.191)	0 (5)
General upper-level secondary schools	339 (332)	192 (258)	0 (0)
Training Institute for Nursery School Pedagogy	29 (28)	5 (6)	0 (0)
Vocational middle and upper-level secondary schools (not including BAKIP)	126 (141)	201 (268)	0 (0)
<b>Total</b>	<b>2,197 (2,171)</b>	<b>2,456 (2,723)</b>	<b>0 (5)</b>

Source: Regional School Council for Burgenland / Federal Chancellery

In connection with the national minority language Romani it is reported that no Romani instruction was given in recent years for lack of enrolled pupils, in spite of the fact that the 1994 Minorities School Act for Burgenland, Federal Law Gazette I No. 641/1994 in its valid version, stipulates that there must be teaching in Romani if a minimum of five pupils so requests. This number may even apply to several school locations. This must also be seen against the background of a small pupil population and the partly low interest of parents (also of the persons belonging to the national minority).

The Advisory Committee recommended to Burgenland authorities ensuring, in close cooperation with the minority representatives, that quality minority language education is offered to promote active language proficiency among pupils, and that adequate learning standards are introduced and regularly monitored. (Margin note 122)

It is reported in this context that both, providing language education and giving bilingual instruction, is being implemented in keeping with applicable legislation and the requirements of the curriculum for the national minorities. On account of the large share of pupils, who have very little or no knowledge of the minority language when entering school, and partly also on account of pupils with migration background, who have little knowledge of the German language, teaching these heterogeneous groups of pupils creates major challenges. Austria has tried to counter these challenges by special measures for the training of teachers. The excellent cooperation between schools and the organisations of the national minorities certainly constitutes a supportive function, as the children obtain further assistance in learning the minority language at cultural activities of the minority associations such as music or dancing lessons, or amateur drama groups. Austria promotes the national minority organisations but also the publication of teaching materials that is specifically designed for the national minorities, and Austria supports services such as after-school care in the afternoons or language camps.

Language portfolios and competence profiles for the 4<sup>th</sup> and 8<sup>th</sup> grade were also developed for Croatian and Hungarian, which are the minority languages spoken in Burgenland, in order to communicate to teachers how these materials should be used.



The Advisory Committee recommended considering all possible options to increase the available opportunities for bilingual education beyond primary school. (Margin note 123)

In this context it is stated that it was not possible to expand bilingual teaching on the secondary-school level.

Please refer to the website of the Regional School Council for Burgenland for more figures in this context. <http://www.lsr-bgld.gv.at/index.php?id=93>

### III.14.3 Language courses in the languages of the national minorities

The Advisory Committee recommended once again increasing the opportunities for persons belonging to national minorities to learn their languages in line with Article 14 of the Framework Convention. (Margin note 128)

#### Vienna

According to information by the Centre for Promoting Language Learning of the School Council of the City of Vienna (<http://www.sfz-wien.at/>), mother-tongue education in the languages of the national minorities was offered at the following public schools during the 2014/15 school year:

**Table III-38 Public schools in Vienna with mother-tongue teaching in the languages of the national minorities**

Language	Location
Romani	Primary school, 1030 Vienna, Dietrichgasse 36
	Primary school, 1150 Vienna, Johnstraße 40
	General special school, 1150 Vienna, Kröllgasse 20
	Primary school, 1160 Vienna, Gaullachergasse 49
	Primary school, 1180 Vienna, Klettenhofergasse 3
	New middle school, 1180 Vienna, Schopenhauerstr. 79
	Primary school, 1200 Vienna, Vorgartenstraße 95-97
Slovak	New middle school, 1070 Vienna, Neustiftgasse 100

It was not possible to obtain figures for the teaching of the languages of the national minorities as living foreign language.

Please refer to Article 13 concerning education at the private Komenský schools in Vienna as well as options for learning languages offered by the organisations of the national minorities.

## **Carinthia**

Outside of the scope of application of the Minorities School Act for Carinthia, Slovene is offered at individual primary schools as optional exercise and at individual secondary and new middle schools as selected compulsory subject or as optional subject. Outside of the scope of application of the Minorities School Act for Carinthia the largest enrolment figures for Slovene as a subject at school (in the form of an optional subject or a selected compulsory subject) can be found at general and vocational upper-level secondary schools.

Similar to the situation within the scope of application of the Minorities School Act, enrolments for Slovene courses on the secondary-school level do not keep pace with enrolments for Slovene courses on the primary-school level. This is due to the scarce resources, which generally account for a smaller range of optional subjects and selected compulsory subjects, partly also to staff reasons.

## **Burgenland**

In Burgenland teaching in the minority languages is also offered outside of the autochthonous settlement area in the form of compulsory subjects, selected compulsory subjects, optional subjects as well as optional and compulsory exercises. On a regular basis the Regional School Council for Burgenland provides information, both in the autochthonous settlement area and in the non-autochthonous settlement area on the courses available in the minority languages (Burgenland-Croatian, Hungarian, and Romani). The school principals organize numerous information meetings for parents, where they also involve the school inspectors of the school districts and the minorities department of the Regional School Council.

Time and again groups of pupils from all types of schools take part in language weeks in Croatia or Hungary or receive the visit of exchange groups from these countries. Several COMENIUS projects are also under way in this context. On the primary-school level there are several cross-border partnership activities and school partnerships. Since the access of Croatia to the EU, administrative hurdles have been noticeably reduced.

Special language courses and holiday stays for children and adults are offered and organised by various associations of the national minorities both in Burgenland and abroad (Croatia, Hungary).

In addition, the Minorities Department of the Regional School Council for Burgenland is currently working on a "Regional Languages Concept", which is intended to offer the opportunity to learn the languages that are native to a region.

## **Slovene in Styria**

The Federal Province of Styria approved resources for teaching staff in the district of Leibnitz for an additional 20 hours during the 2013/14 school year, with the goal of increasing the options available for learning Slovene. In this district Slovene is offered at ten schools, partly as optional exercise and partly as selected compulsory subject. At present, 92 pupils learn Slovene in optional exercises, and 45 pupils in selected compulsory subjects.

The language education offered in the district of South-East Styria is similar. In addition, one primary school in that region offers mother-tongue teaching for pupils whose mother-tongue is Slovene. There are also lively exchanges (e.g. joint events) between Austrian and Slovene compulsory schools (so-called “partner schools”).

In this context it is also mentioned that numerous children and young persons from Slovenia attend nursery schools, compulsory and higher schools especially at Bad Radkersburg. For example, during the 2014/15 school year 50 pupils attended the Slovene classes at the Federal Upper-Level Secondary School at Radkersburg (secondary level 2).

At Bruck/Mur (outside of the autochthonous settlement area) 24 pupils at the HBLA Forstwirtschaft (Higher Vocational Teaching Institute for Forestry) learnt Slovene during the 2014/15 school year. In Graz, which is also outside the autochthonous settlement area, 23 children were taught in Slovene, which is their mother tongue; 15 children attended a Slovene course organized for several schools.

Although the project “*zusammen.lernen – Umgang mit Vielfalt an steirischen Pflichtschulen*” (Learning together – Dealing with diversity at Styria’s compulsory schools) features within a broader context, it also needs to be mentioned here. The objective of the project is to accompany Styrian compulsory schools in strategic terms in the current transition processes in order to achieve a better and more professional approach to today’s and tomorrow’s diversity.

With regard to the suggestion by the Council of Europe to increase language proficiency in the languages of the national minorities also outside of the autochthonous settlement areas, it can be reported that interesting projects are being conducted by the Lower Austrian Centre for Language Competences.

### **Czech, Slovak and Hungarian in Lower Austria**

Since 2006 the Centre for Language Competences at the Lower Austrian Regional Academy, located at Deutsch-Wagram, has been acting as an information exchange point for language service providers and providers of innovative language projects for the Czech and Slovak languages. Service points were set up in the regions in order to carry out the language projects. The goal of the Lower Austrian Language Offensive is to promote the languages of the neighbouring countries, i.e. Czech, Hungarian and Slovak, at nursery schools, schools and in adult education. In the course of the past 10 years more than 39,000 pupils and 15,000 nursery-school attendees have learnt one of the languages of the neighbouring countries (Czech, Slovak or Hungarian). The intensive cooperation between the Regional School Council for Lower Austria, the Pedagogical College for Lower Austria and the Regional Association Industrial Region Project Management in the framework of the “EDUCORB extended” project helps children – already at an age where they go to nursery school – to acquire first skills in the languages of the neighbouring countries. Pupils at primary schools and young people also have the opportunity to expand their language proficiency by means of various teaching materials and language camps organised for them as well as cross-border traineeships.

In addition, study grants are available for students from Lower Austria enrolled in Slavic studies and Hungarian studies (including interpreting and translation). As part of the promotional

programme “Diploma/Doctoral Thesis/Enterprise” grants are paid to students from Lower Austria for final papers relating to specific Lower-Austrian topics, especially papers concerning language issues, which deal with the Lower Austrian Language Offensive.

Specific projects concerning the Hungarian language were submitted to the Regional Development Offensive Industrial Region. Ranging from the U.S.I.S. project to the U.S.P. project, “EDUCORB extended” has now become the central contact point for questions relating to Hungarian in the industrial region.

The two most important school institutions, i.e. the Regional School Council for Lower Austria and the Pedagogical College for Lower Austria (Baden/Hollabrunn), have also become essential partners of the Language Offensive. Together with the Centre for Language Competences and the EDUCORB project, the Pedagogical College develops basic and further training activities. With the Consortium for Neighbouring and Migrant Languages (network of all foreign-language teachers in Lower Austria), the further-training days during the summer months for teachers, as well as by establishing the neighbouring languages as a focus for the coming years, the Pedagogical College is increasingly becoming a service institution for language teachers in Lower Austria.

The goal is to inform pupils and adults with the help of information material and folders about the Lower Austrian Language Offensive, to forward questions and, whenever necessary, act as coordinator between the various entities and institutions.

In addition, a number of teaching materials and language guides have been published. So far, language guides for the tourism industry, the security sector, the health sector, industry, nature and the fire services have been published in the series of language guides of the Centre for Language Competences. These are collections of the most important concepts and phrases on specific topics. Further information can be found at

<http://www.sprachkompetenz.at/kindergarten/allgemeines/>

### III.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.

#### III.15.1 National minorities' advisory councils

The Advisory Committee recommended reviewing comprehensively the current system surrounding the national minorities' advisory councils to ensure that they adequately represent the views and concerns of the minority groups, that they are effectively consulted on all issues that affect them, and have an actual impact on decision-making. (Margin note 135)

First of all it can be reported that, at present, the members of all six national minorities' advisory councils have been appointed. On 8 June 2015 a joint meeting of the national minorities' advisory councils took place in Vienna, where the most urgent requests to politicians were formulated, after a summary of the current situation of the national minorities had been given.

Please refer to the Third State Report for details on the appointment of the members of the national minorities' advisory councils.

As a rule, every advisory council of a national minority convenes twice per year and more often, whenever this is needed. The recommendations for promotional funding by the national minorities' advisory council are taken into account to a large extent, with the Federal Minister for Arts and Culture, Constitution and Media being ultimately responsible for the decisions. The national minorities' advisory councils are also consulted outside of meetings of the advisory councils, especially in connection with the evaluation of draft legislation, where the advisory councils of the minorities concerned receive the documents for commenting. In addition to these formal consultations, there are also informal contacts between members of the advisory councils, other representatives of the national minorities and the authorities, especially the Federal Chancellery and the offices of the regional governments. The departments for the national minorities, set up with the regional school councils, also play an important role in this network. After a failed attempt to amend the appointment procedure for members of the national minorities' advisory councils in 2012, the current government programme does not foresee any changes of the National Minorities Act.

For further information please refer also to Item II.3.

### III.15.2 National minorities and their participation in politics

The Advisory Committee recommended ensuring that any amendments to the National Minorities Act are adopted only after effective and comprehensive consultations with all affected minority groups. (Margin note 134)

Please refer to the comments in Item II.1.

The Advisory Committee recommended considering all appropriate options to facilitate the participation of persons belonging to national minorities in parliamentary procedures, including those residing in Vienna. (Margin note 136)

It needs to be stated in this context that persons belonging to national minorities enjoy all the rights that other citizens have. This relates, in particular, to the active and passive right to vote as well as the right of petition. There are no plans to change election laws with a view to creating a special representation of the national minorities in Parliament, or to decrease the minimum number of votes, which is, last but not least, due the fact that this would not appear to be commensurate with the actual situation of the national minorities in Austria. The social developments in Austria move in the direction of integration and inclusion. It is welcomed that persons belonging to national minorities feature on the lists of the general parties, as this promotes the involvement of the general parties on behalf of the interests of the national

minorities. Particularly prominent names can be mentioned, although the list of examples will not be complete. (For example, Ana Blatnik, who belongs to the Slovene minority, availed herself of the opportunity, during her six-month presidency of the Federal Council, to organize activities of the national minorities in Parliament; or Mag.<sup>a</sup> Terezija Stoisits, a Burgenland-Croatian, who served for many years as member of the National Council and later became an ombudsperson. Mag.<sup>a</sup> Zalka Kuchling, a member of the Slovene minority, is a member of the Carinthian regional parliament.)

Persons belonging to national minorities can also be found in high-ranking executive positions. The Burgenland-Croatians DI Nikolaus Berlakovich and Mag. Norbert Darabos served as ministers. On the local level numerous persons belonging to national minorities are members of municipal councils or were elected mayors. In Carinthia Einheitsliste/Enotna lista is successful on the local level. For example, the mayors of Eisenkappel-Vellach, Franz Josef Smrtnik, and the mayor of Globasnitz, Bernard Sadovnik, belong to this party.

On the regional level in Carinthia there are deliberations to expressly mention the Slovene minority in the regional constitution, together with a constitutional provision on behalf of the national minority. There is also further discussion of the issue whether the Carinthian Dialogue Forum should be enshrined in the Carinthian regional constitution. The Carinthian Dialogue Forum was set up in the framework of the so-called “topographical signs solution” which was reached in 2011 and is intended to make cooperation in Carinthia easier and give it more depth. The Slovene umbrella organisations are represented on the forum, as is Enotna lista /Einheitsliste, which is becoming a regional political party, the factions in the regional parliament, as well as experts of the regional government and the mayors of bilingual municipalities. In a number of meetings this body worked, for example, on a solution for the Carinthian music school Glasbena šola. Further topics that this body is addressing are forms drawn up in the Slovene minority language and the aforementioned constitutional provision in favour of the Slovene minority.

A current example for consulting the representatives of the national minority, who partly also serve as members of the national minority’s advisory council, is the process that was initiated by the Federal Ministry of Education and Women’s Affairs on “Strategy development for the minorities’ school system”, to which members of the national minorities’ advisory councils were also invited. The objective is to set up a new communication structure between the ministry of education, school inspectors, education institutions for the training of teachers and the national minorities, so that current problems and future-oriented developments in the school system for the national minorities can be addressed directly and effectively. In addition, the strategy for the school system of the national minorities is to be aligned to the language policy of the standard school system in order to make use of potential synergies.

The launch conference was held in Vienna on 20 February 2015. On that occasion the representatives of the national minorities expressed the wish to follow up on the report of the working group “Education and Language”, which met at the Federal Chancellery in 2010 (see Item II.1), and to give effective life to the results of this working group. Moreover, the new standardized school-leaving and diploma examination in the languages of the national minorities was identified as the most urgent problem. The ministry of education took account of this fact in a very open and committed manner at the subsequent meeting in Klagenfurt on 11

May 2015 and was represented by a large and high-level delegation. Headed by the responsible department leader, the staff unit for the school system of the national minorities was represented, together with the responsible technical departments. They entered into a lively discussion with representatives of the regional school councils, representatives of the national minorities as well as representatives of the teacher-training institutions. The requests to be directed to the ministry of education were formulated, on the one hand, and it was possible to establish, on the other hand, that it had been possible to implement various requests put forward in 2010/11 such as, for example, developing specific language portfolios for the minority languages and the competence profiles.

The following topics have been put on the agenda for the third meeting which will take place in Eisenstadt:

- ▶ consistent language training
- ▶ transparency and competence orientation
- ▶ networking with parents and NGOs
- ▶ instruction with careful attention to language

The organisational format for continuing the activities is planned to comprise an annual plenary assembly (under the name of forum). In addition, work will be continued in smaller settings.

For the sake of completeness it is mentioned in connection with the process “Strategy development for the minorities’ school system” that it is not the national minorities’ advisory councils *per se* which participate because the host, the ministry of education, focused the composition of the group of participants on experts in education. However, there are personal interconnections and effective information channels between the national minorities’ advisory councils and the group of participants in the strategy development process. Moreover, the national minorities’ advisory councils receive information regularly about the developments in the educational field and can put the relevant topics on the agendas of their meetings, if such a need arises. The advisory council of the Croatian minority, for example, was informed at its meeting on 6 March 2015 by a representative of the staff unit for the school system of the national minorities in the Federal Ministry of Education and Women’s Affairs about recent developments.

### III.15.3 Roma participation in socio-economic life

The Advisory Committee recommended redoubling efforts to develop comprehensive and long-term programmes to promote the effective participation of Roma in socio-economic life. Measures must be appropriately funded and must target also the majority population to ensure that the acceptance and participation of the Roma minority in socio-economic life is effectively promoted. All efforts must be implemented, monitored and regularly evaluated in close consultation with Roma representatives. (Margin note 140)

First of all, please refer to the comments in connection with Article 4 and Article 12.

In response to the recommendation of the Advisory Committee it is stated that Austria has a very dense social network which, whenever needed, is available to Roma just as much as to all other persons. The most recent step to improve the social system was the introduction of a need-oriented minimum income in 2010 (replacing the social welfare benefits that had been organised individually by every federal province [*Länder*]). This system ensures that every person throughout Austria receives a uniform minimum amount of subsistence income. For 2015 the minimum subsistence income amounts to € 827.82 for single persons and single parents, € 620.87 for couples (per person), and € 223.51 for children (per child). The sum includes a basic amount to cover housing requirements for persons of full age. In 2015 it amounts to € 206.96 for single persons and single parents, € 155.22 for couples (per person). Additional benefits may be obtained for housing costs.

A whole range of information services are available, also in other languages, for example information for debtors <http://fsw.at/sprachen/bos-kro-ser.html>, information on housing <http://www.wohnberatung-wien.at/anmeldung/>, information for families <https://www.familienberatung.gv.at/beratungsstellen/information/einrichtung/1150-Wien-Familien-und-PartnerInnenberatung-Schwerpunkt-MigrantInnenberatung/>. They make sure that persons in need of advice receive information and support. Moreover, since 2013 a social worker, who is employed by the Romano Centro association, has been offering specific information to Roma on multiple discrimination, prevention of violence and health aspects. This service is also funded from the budget for the national minorities.

### **Roma and employment**

All of the many labour-market policy measures are open to all persons looking for a job. On account of the current statutory situation it is not admissible to mark data with information on racial or ethnic origin; no concise information can therefore be given on how many Roma participated in the labour-market policy support schemes, such as measures concerning qualifications, finding employment or receiving support. There are also no exact data available on the unemployment rate of Roma, or into what industries they have been integrated and with which qualifications. On the basis of interviews with persons who identify themselves as members of this national minority, as well as persons who work in this field (experts), social-science studies conclude that the employment and income situation of Roma, in connection with a low educational level, are below average. Roma are frequently employed for ancillary activities and/or in atypical forms on an above-average level. As the aforementioned factors result in a higher risk of unemployment, it can be assumed that Roma are affected by unemployment on an above-average level.

It should therefore be noted that Austria invests considerable funds in an active labour-market policy and that numerous measures aim at raising the employability of job-seekers and creating training positions (apprenticeship positions) and jobs. It is due to this successful labour-market policy, amongst others, that the unemployment rate for Austria is relatively low by European comparison. According to Eurostat the unemployment rate in Austria amounted to 6% in June 2015.



<http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=de&pcode=teilm020&plu gin=1>

According to the national definition it was 8.4% in 2014.

[http://www.statistik.at/web\\_de/statistiken/menschen\\_und\\_gesellschaft/arbeitsmarkt/index.html](http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/arbeitsmarkt/index.html)

In 2014 the youth unemployment rate (of the age class 15 to 24) was 10.3%; the number of not gainfully employed young persons (age class 15 to 24), who are not in employment, education and training (NEETs), amounted to 7.7% in 2014.

<http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=de&pcode=tesem150&pl ugin=1>

Austria attaches special importance to keeping young people from dropping out from education and combating youth unemployment. The following instruments, amongst others, are being used in this context:

- ▶ more information about occupations at the so-called “BerufsINfoZentren” (information centres on occupations)
- ▶ coaching young people who are moving from school to working life
- ▶ “*AusbildungsFit*” (Fit for Occupational Training): Courses for particularly disadvantaged young persons, preparing them for embarking on a training or entering the labour market
- ▶ financial support for enterprises that train apprentices
- ▶ the so-called “apprenticeship training at training centres” (*überbetriebliche Lehrlingsausbildung*)

The so-called training guarantee, which was introduced in 2008, is of particular interest to disadvantaged young persons. It means that every young person who does not attend secondary school is offered apprenticeship training. For details please refer to the following paragraph. These measures are mainstreaming measures to which young Roma also have access and, in fact, have special access.

### **Apprenticeship training at training centres**

As was mentioned before repeatedly, there are no figures available that offer a break-down according to ethnic origin. However, it is known that in the group of early school leavers, young persons with a migration background can be found more often than would correspond to the average and that early school leaving leads to a much higher risk that the person concerned will subsequently not enter regular working life.

The persons looking for an apprenticeship position, who are registered with the labour market service and have completed their school education but could not find a suitable apprenticeship position on the primary labour market, in spite of intensive facilitating efforts, or who discontinued their apprenticeship with an enterprise, have the possibility to train as apprentices

at a training centre (*überbetriebliche Lehrausbildung*). It is provided at a training centre. In addition, the apprentices must attend vocational school. It is possible at any moment to transfer to a “normal” apprenticeship in an enterprise. The labour market service bears the costs of the training at the training centre. Furthermore, these young persons receive a training allowance. In legal terms these young people are on equal footing with “normal” apprentices.

### **Specific counseling measures to improve the integration of Roma into the labour market**

For years the labour market service has been set up to work for people from different national minorities and/or different migration backgrounds. It follows a deliberate “diversity management”, which means that the differences among people as well as the diversity of their characteristics are used with creativity. This includes, amongst others, that the labour market service recruits staff members who belong to the different national minorities, or have a migration background, as well as that labour market service staff are offered special training options. However, it has proven to be worth the while to set up special counseling services for Roma, in addition to the general information services; this accounts for easy access.

The Labour Market Service Burgenland has been supporting ROMA (Association for Roma Advancement), which has its office at Oberwart in Burgenland by granting a subsidy to the cost of the counselor. This association is the oldest Roma minority organisation (since 1989), and since 1990 it has been operating as a counseling service. The ROMA association offers the following counseling services:

- ▶ assistance in identifying the problem and joint search for suitable strategies to find a solution (perspectives for life and occupation)
- ▶ enhancing the self-esteem / self-confidence of Roma
- ▶ advice and information in connection with problems to decide on possible occupations
- ▶ informing about occupational and career choices, training options, job profiles, labour market development, etc.
- ▶ information, assistance and establishing contacts to the appropriate institutions in case of labour and social-law problems
- ▶ motivating Roma to attend courses and re-training courses that are meaningful from a labour-market policy perspective, training to become skilled workers
- ▶ support in finding a job and applying for a job (drafting application letters and CV's)
- ▶ preparation for job interviews and, if requested, accompanying applicants to interviews, accompanying them on administrative errands and helping them with the paperwork
- ▶ support and follow-up to Roma at the workplace, at secondary and/or vocational schools, when undergoing re-training
- ▶ assistance to organise childcare places as well as to obtain advancement support
- ▶ information on social-security matters (health, accident, pension and unemployment insurance)
- ▶ cooperation with authorities, agencies and social service institutions

- ▶ continuous public relations work and awareness-raising in order to overcome stereotypes and prejudices (information for the media, schools, universities, youth organisations)

The THARA House is located in Vienna. Since 2005 the THARA initiative of the social-service organisation “Volkshilfe Österreich” has been supporting the problems of Roma on the Austrian labour market by engaging in labour market projects. The current project “Thara: Amaro Than” links up to previous projects and aims at securing for Roma sustainable access to the labour market and/or the services of the labour market service. The project is conducted by “Volkshilfe Österreich” in the tried-and-tested way; special attention is attached to involving the persons concerned. THARA is supported by the Federal Ministry of Labour, Social Affairs and Consumer Protection with about € 100,000 per year. The services offered by THARA can be used by all Roma, equally by men and women, irrespective of their association with one of the Romani communities and/or a Roma association, as well as irrespective of the relevant labour market status, the achieved education level or nationality.

Below are the priorities of the current project:

- ▶ personalized advice on education and career guidance
- ▶ support during job seeking and in preparing job application documents
- ▶ workshops for returners to the labour market
- ▶ awareness-raising workshops for disseminators
- ▶ An official ceremony is planned for September 2015 to commemorate the tenth anniversary of the organisation as well as a publication with the reactions and voices of former participants, staff members and “friends” of THARA.

### **ESF funding for Roma empowerment**

During the new programming period 2014 to 2020 of the European Social Fund there will be an express focus on Roma projects in Austria. In this context, one of the basic premises was the consideration that – in addition to the mainstreaming measures which are open to everybody – specific projects for integration are advisable, on account of the discrimination which Roma have experienced. On 28 November 2014 the European Commission adopted the operational programme “Employment Austria 2014 – 2020” which Austria had submitted. The investment priority “active inclusion” is addressed in Priority 2 “Promoting social inclusion and fighting poverty and any form of discrimination” of the operational programme. In this connection it is stated that active inclusion is targeted by fostering – last but not least – equality of opportunities and promoting the active participation of the persons concerned. In other words: the persons concerned themselves are called upon to participate actively in improving their chances on the labour market. The underlying targets are improving employability and socio-economic integration of marginalized groups of the population such as, for example, Roma. This is to be achieved by assistance and stabilization, by providing advice, education and training, and by anti-discrimination measures. It is also regarded as essential that the Roma associations and the Roma institutions are involved in developing and implementing the measures. Those interventions possible are regarded as target-oriented, which are as

comprehensive as possible and which combine, for example, family counseling, and advice to debtors as well as health aspects and education, qualification and employment.

On 28 April 2015 the Federal Ministry of Labour, Social Affairs and Consumer Protection issued a call for submitting proposals under the title of “Empowerment for Roma on the Labour Market”, <http://www.esf.at/esf/2015/04/28/esf-call-roma/>, for the two instruments which are listed below. A budget of € 3.5 million each – one half each coming from the European Social Fund and the national co-funding – is available during the coming three and a half years:

- ▶ Developing and implementing models for counseling and qualifying measures
- ▶ Developing a one-year curriculum for key persons in the field of empowerment of Roma/Romnja

The projects will have a lifecycle of three and a half years in order to implement the measures with sustainability. A further round of calls for another period of three and a half years is planned.

### **Roma and the housing situation**

Concerning the housing situation it is reported that members of the Roma minority have access to the same support by the federal and regional authorities as all other persons looking for a place to live. In Austria, Roma live essentially in mixed environments with the rest of the population, although a higher share of Roma might be found in several districts (particularly in urban districts where buildings from the late nineteenth century are in poorer conditions). The only specific settlement of the Roma is at Oberwart, Burgenland, and consists of about 60 persons.

In Vienna but also at Oberwart many Roma live in flats that belong to the public sector (municipal housing). By the way, already several years ago access to municipal housing in Vienna was dissociated from nationality. Whenever the housing costs are too high, in relation to the family income, an application for a housing allowance can be filed <http://www.wien.gv.at/amtshelfer/bauen-wohnen/wohnbaufoerderung/unterstuetzung/wohnbeihilfe-antrag.html>

The service “Partner Neighbour” was set up in order to counter conflicts in buildings that constitute municipal housing as well as to offer mediation, if necessary. [http://www.wohnpartner-wien.at/ueber\\_uns/diversitaet/](http://www.wohnpartner-wien.at/ueber_uns/diversitaet/)

## **III.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.

### III.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 level.

Please refer to the comments in the Second State Report.

### III.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 trans-frontier cooperation.

The Advisory Committee recommended continuing and further developing their cross-border cooperation with neighbouring states in areas of relevance to persons belonging to national minorities. (Margin note 144)

#### III.18.1 Cultural treaties with the neighbouring states

Austria has signed the following cultural treaties with Hungary, Croatia, Slovenia, the Czech Republic and Slovakia.

- 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 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

The treaties are available on the Federal Legal Information System (RIS) at <http://www.ris.bka.gv.at/Bund/>. Individual provisions were also discussed in previous State Reports.

Mixed Commissions regularly elaborate the cultural working programmes which contain concrete cooperation projects.

### **Cooperation with the Czech Republic**

In addition to cooperation in the fields of the arts, culture, youth, sports and science, the working programme for cooperation in the fields of culture, education, science, youth and sports for the years 2010 to 2014 also comprised trans-frontier cooperation in the field of education, language learning, school partnerships, support for the Austrian grammar school in Prague and the schools operated by the Komenský School Association in Wien, as well as firmly establishing Czech as a living foreign language in all curricula of general secondary schools. A new working programme is in preparation.

### **Cooperation with Slovenia**

The cultural working programme for the years 2014 to 2016 comprises joint activities in the fields of education, language, basic and further training of teachers, scientific cooperation, and culture, the arts, youth and sports. Particularly important aspects relate to the trans-frontier cooperation in the field of education and joint efforts related to the field of literature and successful translation programmes in both countries. In recent years a total of 70 works by Austrian and Slovene authors were translated into either German or Slovene. It is planned to continue the successful cooperation between Austrian and Slovene publishing houses, the translation projects, author mobility and various forms of presenting modern literature.

Moreover, it can be reported that in 2014 the Joint Committee Carinthia-Slovenia (Gemeinsames Komitee Kärnten-Slowenien/Skupni odbor Slovenija-Koroška [previously "Kontaktkomitee" ]) headed by Karl Erjavec, Slovene Minister of Foreign Affairs, and Dr. Peter Kaiser, the Carinthian Governor, was convened once again after a ten-year break. On 26 May 2015 one further meeting took place.

### **Cooperation with Slovakia**

The working programme in the fields of culture, education and science for the period 2013 to 2018 deals with cooperation projects in the fields of culture, the arts, youth and sports as well as trans-frontier cooperation in the field of education. In the context of supporting the arts and education of the national minorities, it was agreed to exchange information on the implementation of the Framework Convention for the Protection of National Minorities. It was decided to continue the very successful programme “Campaign Austria-Slovakia, Cooperation in Science and Education” until 31 December 2019. The “Campaign”, which celebrated its 20<sup>th</sup> anniversary in 2012, is a model example for successful cooperation in the fields of education and science and the exchange of Austrian and Slovak scientists. This bilateral programme, for which the American Fulbright Programme served as a model, promotes the mobility of students, teachers and researchers and creates a space for educational and scientific cooperation projects between universities and research institutes of the academies of sciences in Austria and Slovakia.

### **Cooperation with Croatia**

The current cooperation programme in the fields of culture and education for the period 2013 to 2015 focuses on mother-tongue teaching (teaching in the Croatian language in Austria) and trans-frontier language teaching (German/Croatian as a foreign language, scholarships) and shows a vast bandwidth of joint activities in the fields of culture, the arts, education, youth and sports.

### **Cooperation with Hungary**

The working programme in the fields of culture and science for the years 2011 to 2014 comprises, amongst others, the extension of scientific and educational cooperation in the framework of the “Campaign Austria-Hungary”, the exchange of lecturers, cooperation in the field of adult education and teacher training, promoting bilingual schools (Budapest, Burgenland), firmly establishing Hungarian and German in all curricula of general upper-level secondary schools. On 1 December 2014 a new working programme was adopted for the years 2015 to 2017.

## **III.18.2 Trans-frontier cooperation**

Trans-frontier activities of relevance to the national minorities are promoted in many ways. On the one hand, the organisations of the national minorities receive promotional funding for projects which they organise such as, for example scheduling language holiday camps abroad (kin-state) or inviting foreign artists to events of the organisations in Austria. On the other hand, there are broad-based offers such as, for example, programmes for school partnerships and student exchanges. Persons belonging to the national minorities derive special benefit from participating in these events.

One should mention here the EU funding pools for ETC funds with the programmes “Slovakia-Austria”, “Austria-Hungary” and “Austria-Slovenia” which helped to co-finance several specific projects for the national minorities such as, for example, the project CROSKAT, where, amongst others, the minority association Croatian Cultural and Documentation Centre participated. The Slovene science institute in Klagenfurt conducted the library project MINDOC-EU with Slovene partners.

The Europa Office of the Vienna Municipal School Council conducts projects in the framework of the European Regional Fund on an ongoing basis, in which the Czech Republic, Hungary as well as Slovakia participate. These projects foster understanding and communication between pupils and teachers in the neighbouring countries. At present, the following projects are conducted:

- ▶ EdTrans – Transition from School to Work (with the Czech Republic and Slovakia)
- ▶ IB-KSP CZ and IB-KSP SK – Intercultural education for children, pupils and teachers (with the Czech Republic and Slovakia)
- ▶ i.e.SMART – Training Network for Innovation and Entrepreneurship (with, amongst others, the Slovak and the Czech Republic)
- ▶ The foreign language model CentroLING supports the enhanced learning of Slovak, Czech and Hungarian as a first, second or foreign language with the support of native speakers as teachers.

The following associations and projects were subsidized and constitute further examples of trans-frontier activities of relevance to the national minorities:

- ▶ Croatian cultural association NAPREDAK – scholarships for the “Summer Academy”
- ▶ Croatian cultural association “ANNO ‘93” – international activities
- ▶ Cultural association of Austrian Roma – national and international activities
- ▶ Akademie Graz – European Roma art project TRIN ALAVA in Strasbourg (the exhibition opened in May 2014)
- ▶ “Slobodija Odysseia, mon amour!” Roma project during the Culture Capital Marseille year
- ▶ 2012: Exhibition as side event of the minority forum on the topic of Roma minority in Austria and Slovenia in Geneva, Palais des Nations, on the occasion of the 20-year anniversary of the UN Declaration on Protection for Minorities
- ▶ 2010: Roma Days Ghent (“Celebration of Colours”): Adrian Gaspar Trio – the musical tradition of the Roma culture was at the centre of this evening concert at the intercultural Zentrum de Centrale, which was organized jointly by the Platform Culture – Central Europe and the City of Ghent. The Austrian pianist Adrian Gaspar played with his jazz band “Adrian Gaspar Trio”.
- ▶ Since 2012 two alternative civilian service persons are sent on a foreign mission for 6 to 12 months to the “Congress of Local and Regional Authorities of the Council of Europe” which deal with human and minority rights and, in particular, with the integration of Roma.



### III.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 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.

## IV Comments by the National Minorities' Advisory Councils and National Minorities' Organisations

### IV.1 Comments by the Advisory Council of the Slovene Minority

By way of introduction, it is pointed out that 4<sup>th</sup> State Report of the Republic of Austria in accordance with Article 25 (2) of the Framework Convention for the Protection of National Minorities is very comprehensive and deals with all essential areas of the Slovene minority.

Of course, there are diverging comments, which are more or less critical on one or the other occasion, concerning the draft of the report by the Republic of Austria.

There is consensus within the Slovene minority in Carinthia on the following points:

1. The State Report lists the amounts paid as funding to the national minority. It should be pointed out that the funding for the national minorities has not been adjusted to the index since 1995, as a result of which there has actually been a reduction in the promotional funding to national minorities by 40%, when accounting for inflation. Numerous institutions of the national minority are threatened in their existence, for example also the only non-church weekly newspaper in the Slovene language. A large part of the institutions of the Slovene minority in Carinthia could not survive without the support granted by the Republic of Slovenia. However, although a substantial increase of the funding for the national minorities has been requested for years, there has not been such a development.
2. Contrary to the presentation in the State Report, the larger organisations with major fixed costs for staff and rent, often do not receive the agreement on part of the promotional funding early in the year; in fact, in individual cases it is sent only during the last quarter of the year. This applies even all the more so to smaller recipients of promotional funding, which affects the potential for planning individual projects and causes liquidity bottlenecks at the structures concerned.

3. Among the print media, the Slovene weekly newspaper, which is the only non-church weekly, is seriously jeopardised in its existence. Austrian press promotion funding only amounts to approximately €28,000.00, which does not help by far to make ends meet. A drastic increase of the press promotional funding for the national minorities' media is urgently needed. If this should require an amendment of the Press Promotion Act, then this should be done without delay.
4. Concerning nursery-school teaching it should be mentioned that there is still no possibility to train as a bilingual nursery-school teacher and that no such diplomas can be obtained. This is a major obstacle to expanding the system of bilingual nursery schools, as there are *de facto* no quality standards.
5. The State Report refers to the fact that a compulsory nursery-school year has been introduced. From the perspective of Article 7 Number 2 of the State Treaty of Vienna the consequence is that this nursery-school year must now be regarded as part of the "elementary school system". It should therefore be possible throughout the scope of application of the bilingual school system to enrol children in bilingual nursery schools. In reality, though, this possibility does not exist throughout the bilingual area, although ten bilingual and multilingual nursery schools have now begun to operate in the bilingual area, as a result of the Nursery-School Fund Act.
6. The report refers to the positive developments such as, for example, the improvement in climate, the rise in enrolments for bilingual instruction, the possibility to use the special diacritic signs of the Slovene language, etc. which the Advisory Council also underlines and emphasizes. Concerning the use of diacritic signs it would certainly be necessary to send all persons affected the relevant information as well as to offer them the possibility to have corrections made, free of charge and without complicated submissions.
7. The report refers to the fact that it is admissible, as part of municipal autonomy, to put up additional bilingual signs and inscriptions of a topographical nature if the municipal council takes the relevant decisions. In this context, it is commented that in the municipality of Sittersdorf/Žitara the new place-name sign for Sielach/Sele was only put up in one language, i.e. German, although the majority of the households concerned had wished for a bilingual sign.
8. It is not possible to understand why the Austrian Federal Government refuses to grant organisations representing the national minorities the right

to initiate legal proceedings in order to safeguard national minority rights. In the field of topography, media supply, school and educational organisations, etc. the legal protection afforded merely to individual persons is not sufficient or even impossible in certain sub-areas.

9. Austria's society in its entirety faces major challenges in connection with globalization and the concomitant acculturation of our society. Linguistic and cultural diversity are no longer the exception but is increasingly becoming the rule. In consequence, the challenges are growing in the field of education, especially with regard to education during early childhood, interculturality and also teaching in the national minorities' languages outside of the autochthonous settlement area, as well as participation of civil society in social life, mobility of the population, etc., and they also affect the national minorities.
10. Intensive discussions should be held concerning these challenges, and efforts should be made to modernize the National Minorities Act.

#### State Report concerning the Framework Convention for the Protection of the National Minorities

##### **Comments by the Article VII Cultural Association for Styria – Pavel House**

- Although the State Report states that the settlement density of the national minority is too low in order to justify the use of the minority language as an official language, putting up bilingual topographical signposts or setting up a minority school system, as in Carinthia or Burgenland, the Article VII Cultural Association for Styria – Pavel House would like to underline that – if so desired – bilingual topography is certainly justified and that the educational needs of the national minorities traditionally living in Styria should increasingly be satisfied.
- Ad national minorities' promotional funding – Styria: The Federal Province of Styria continues to grant financial support to the Article VII Cultural Association for Styria – Pavel House; yet, it lowered the financial support to promote the cultural programme by €30,000 for the period 2016 to 2018. The massive cut was only explained by general saving measures. The Article VII Cultural Association – Pavel House supports the other national minorities in demanding that the budget for promotional funding for the Austrian national minorities must be raised substantially.

- Ad religious worship: In Graz, Sunday mass in Slovene can only be attended at the *Schatzkammerkapelle* (Treasury Chapel) of the Order of Minors in the Mariahilf Parish.
- Ad media supply: Since 2009 media supply, i.e. radio and television broadcasts in the Slovene language in Styria, has improved. However, the Association would welcome if sub-titles were attached to the television programme *Dober dan, Koroška/Štajerska*.
- Ad instruction in Slovene: Although the Federal Province of Styria launched the initiative “learning.together – Coping with diversity at compulsory schools in Styria”, initiatives are missing which contribute towards promoting the use of Slovene in nursery-schools and primary schools/new middle schools and encourage offering Slovene from grade 1 to grade 4. Consistent instruction in Slovene from nursery school to completing the new middle school is still not available.

## IV.2 Comments by the Advisory Council for the Croatian Minority

The Advisory Council for the Croatian Minority did not send any comments.

## IV.3 Comments by the Advisory Council for the Hungarian Minority

The Advisory Council for the Hungarian Minority supports the comments of the National Minority Centre (see below).

## IV.4 Comments by the Advisory Council for the Czech Minority

The Czech minority in Austria is a typical urban minority with the corresponding typical problems. In its comments the Advisory Council refers primarily to the biggest problem of the Czech minority, i.e. the school system. The comments are guided by the Issues for Immediate Action, which the State Report addresses in Chapter II.

### **ad II.1 First recommended immediate action – Amendment of the National Minorities Act to safeguard consistent and comprehensive protection of the national minorities' rights in Austria**

There was a very comprehensive project to amend the National Minorities Act. As required in the recommendation, representatives of the national minorities were involved in the project. After the three working groups had finished their reports, the representatives of the national minorities were informed that the Federal Chancellery, which is responsible for national minorities' issues and thus also the National Minorities Act did not have competences for the subject matter of two of the three working groups. Contrary to the announcements made at the

inquiry on 3 December 2009, which is mentioned in the State Report, and the conference to set up the working groups on 14 April 2010, the Federal Chancellery categorically refused to implement the findings and recommendations on the essential issues of education, language, regional and economic policy – thus at the end of intensive work for more than two years. Among others, this included the recommendation of the working group “Education and Language”: *“The basis for the endeavoured further development of the Austrian educational system is the central demand and/or recommendation of the working group to teach the national language and the language of the national minority from nursery school up to the completion of secondary level II, including training of the instructors and/or to offer it in educational institutions.”*

In view of the statement concerning the competences of the Federal Chancellery it can be doubted whether there was ever any will to implement any relevant improvements of substance. The competences did not change during the period between the setting up of the working groups and the aforementioned statement. From the perspective of the Czech minority efforts to amend of the National Minorities Act have failed.

No changes or, better, improvements took place concerning substance. The attempt to obscure this deficiency by changing the formalities pertaining to the national minorities' advisory councils can certainly not be regarded as satisfactory for the national minority. Major provisions on substance continue to be missing.

It does not make sense to list the subject matter that had been envisaged, as it was not implemented. The statement that ultimately no consensus could be reached needs to be refined by stating that there was broad consensus among the representatives of all national minorities concerning the necessary changes in the law on the national minorities, so that it was only the agreement between the representatives of the national minorities and the public authority that could not be reached.

Due to the failure of achieving an amendment, the school system for the national minorities continues to be the most important open issue, from the viewpoint of the Czech minority. As was already commented in connection with the State Reports in 2005 and 2010, there is inequality concerning the school system between the national minorities in Vienna and the national minorities in Burgenland and Carinthia, on the one hand, and the majority population, on the other hand. In the opinion of the Czech minority this inequality in treatment constitutes an act of discrimination. As opposed to the majority population, the members of the national minorities in Vienna must pay for education in their minority language, if they are in a position to get it at all. This is in conflict with the Austrian Federal Constitution which stipulates as follows in Article 8 (2): *“The Republic (federal, regional and local entities) is committed to its grown linguistic and cultural diversity which finds expression in the autochthonous national minorities. The language and culture, the existence and preservation of these national minorities must be respected, safeguarded and promoted.”* This is a constitutional provision with a targeted objective which cannot be implemented by citizens.

As a result, for decades the Austrian State has been spared the school maintenance costs for pupils in compulsory schools who, on account of their legitimate wish to be taught in the minority language, have to resort to the private schools of the Komenský School Association.

As was already commented in Third State Report in 2010, it has to be stated once again that there have been no changes concerning the school system for national minorities in Vienna, compared to comments made in 2005 and 2010.

### **ad II.2 Second recommended immediate action – Linguistic rights and implementation of the respective decisions of the Constitutional Court**

As was mentioned earlier, the Czech minority is an urban minority. Issues of topography and using the minority language as an official language are hardly of any relevance, given the statutory situation in a large town like Vienna. Please refer to the comments by the national minorities in Burgenland and Carinthi.

### **ad II.3 Third recommended immediate action – National minorities' advisory councils**

An attempt to change the mode for appointing the members of the national minorities' advisory councils is of lesser significance, as long as the national minorities' advisory councils are not generally upgraded in their significance. It may be that the national minorities have considerable influence on representation in the national minorities' advisory councils, as it is reported in the State Report. In practice, the national minorities' advisory councils have hardly any political influence. The recommendations of the advisory council for the Czech minority are almost all taken by unanimous vote. There is ongoing coordination among all national minorities' advisory councils via their chairpersons and/or deputy chairpersons concerning the topics that are of concern to all national minorities, in order to give them more weight. The coordination body, which had been planned in the course of amending the National Minorities Act, is, in fact, already working on an informal basis. However, the issues (concerning the school system for the Czech minority) that were thus coordinated and repeatedly submitted to government members, members of the National and Federal Council and even the President of the Federal Republic were not successful.

After many years of in-depth and diverse efforts concerning the school system for the national minorities in Vienna, and on account of the fact that, as was said above, we even approached the highest dignitary with this issue, we are forced to state that the right to school education is not the same for all Austrian citizens. In contrast to the majority population or the national minorities in Carinthia and Burgenland (Article 7 of the State Treaty of Vienna), members of the Czech minority in Vienna can only enjoy the respective school education when they have the means to afford it.

## **IV.5 Comments by the Advisory Council for the Slovak Minority**

(With references in excerpted form to the comments drafted by the Austrian National Minorities Centre in October 2015, which we thus endorse.)

In spite of measures to support the autochthonous national minorities, their existence is threatened. Protection of the national minorities under constitutional law has not been fully implemented and urgently needs to be expanded to the Hungarian

minority in Burgenland, the Croatian, Hungarian, Czech and **Slovak minority in Vienna** as well as the Roma in Burgenland and Vienna. The authorities need to adopt a more determined approach in order to help these communities to preserve their identity, especially in the area of education, the media and participation in public life.

There is an urgent need for the **reform of Austria's legislation for the national minorities**, which the government promised, as well as for a revision of the fundamental rights catalogue, including an affirmative inclusion of the national minorities' rights in the Federal Constitution. Protection of the national minorities should be included in the Federal Constitution by means of a central article on the protection of minorities, as developed in the proposals of the expert group of the Austrian National Minorities Centre. As a result, the different levels of protection of the national minorities would be harmonized and further developed, oriented by the standard defined in Article 7 of the State Treaty of Vienna which currently only applies to the persons belonging to the Croatian and Slovene minorities.

**Education offered** in the national minorities' languages must be promoted in a targeted manner, especially the programmes to enhance language competences at pre-school and school level; the private school system of the national minorities (Komenský School Association and others) must be promoted increasingly and sustainably. What is proposed is a uniform federal law on education for language communities in Austria which comprises both the public training and educational services and the financing of private training and educational services in the minorities' languages. The objective should be to guarantee the legal title to bilingual education/training from nursery-school up to the school-leaving examination for all national minorities in Austria. As a result of international agreements, Austria is obliged to make it possible for its national minorities to obtain a school education in their mother tongue and to promote it, which correlates with Article 14 of the Framework Convention for the Protection of National Minorities as well as with Article 7 of the European Charter for Regional or Minority Languages. No school laws for the minorities have been enacted for Vienna and thus for the Croatian, Roma, Slovak, Czech and Hungarian populations, who live as national minorities in Vienna.

The Press Act must be amended according to the concrete proposals of the national minorities' organisations in order to specifically promote **media products** in the languages of the national minorities. What is needed is a visible expansion of the television programmes offered in the national minorities' languages (at least on the ORF III channel) to daily broadcasts, especially for children and young people. In particular, preserving the regional diversity of newspapers and magazines in the national minorities' languages must be supported financially. The internet sites of the national minorities and the radio broadcasts in the national minorities' languages on the public-law ORF radio stations in the settlement areas of the autochthonous national minorities must receive targeted financial support.

The **budget for the promotional funding of the national minorities** must be visibly increased in order to account of inflation and to specifically promote the national minorities' languages. It must subsequently also be adjusted to the needs and requirements, as defined in the new article on the protection of the national



minorities in the Federal Constitution, which will have to be codified. Since 1995 the budget for promoting the national minorities in financial terms has amounted to € 3.8 million and not be changed, while the consumer price index VPI went up by 45.5% during that time. On account of actual needs and Article 7 (1) Letter c of the European Charter on Minority and Regional Languages, the organisations representing the Austrian national minorities agree on the demand that as of 2016 this budget line must be increased substantially and subsequently be adjusted for inflation, if necessary annually, and/or adjusted to actual requirements and needs.

## IV.6 Comments by the Advisory Council of the Roma Minority

No comments were received.

## IV.7 Comments by the Organisations of the National Minorities

IV.7.1 Comments by **Hrvatsko kulturno društvo u Gradišću**- Kroatischer Kulturverein im Burgenland (Croatian Cultural Association in Burgenland); **Narodni svet koroških slovencev - Rat der Kärntner Slowenen** (Council of Slovenes in Carinthia); **Advisory Council for the Hungarian Minority**; also supported by the **Advisory Council for the Slovak Minority**; (text of the National Minorities' Centre)

### Introduction

The Framework Agreement for the Protection of National Minorities (hereinafter: the Convention), Federal Law Gazette III 1998/130 is the first legally binding multilateral agreement which is dedicated exclusively to the protection of national minorities in general; it entered into force in Austria on 1 July 1998.

The Convention was adopted by the National Council as a state treaty with a law-amending and/or law-complementing character for Austria according to Article 50 (1) and (2) of the Federal Constitution Act, with the proviso of an implementing act. As a matter of principle, it does not immediately have any domestic legal effect ("special transformation"). Together with the proviso of an implementing act it is also stated "authentically" that the Convention cannot be applied directly. This means therefore that its provisions cannot be implemented by the administrative authorities and courts and that, amongst others, the persons belonging to the national minorities cannot derive any personal rights from the provisions of the Convention on the domestic level. (Of course, not every applicable provision under a state treaty does immediately grant a personal right.)

The Convention must be "implemented" by "implementing acts" (these need not necessarily be laws; they can also be ordinances, provided that an authorization for ordinances has been issued). However, no implementing acts need to be adopted whenever the domestic legal situation already complies with the obligations under international law.

Since Austria stated upon ratification of the Convention that its understanding of the concept "national minorities" only covers those groups of Austrian nationals with a non-German mother tongue and own ethnicity, who live only in parts of the federal territory which they regard as their domicile, and who fall within the scope of application of the National Minorities Act, Federal Law Gazette 1976/196, it is assumed by the Austrian National Minorities' Centre that the Convention needs to be applied to the Croatian, the Slovak, the Slovene, the Czech and the Hungarian minorities as well as the national minority of Roma. **With the proviso on implementation, the Republic of Austria excluded the Polish and perhaps also other national minorities who may also have settled in Austria over several generations but continue not to be recognized as national minorities.**

According to Article 25 of the Convention every Party must transmit to the Secretary General of the Council of Europe within one year after the entry into force of the Convention, and thereafter on a periodical basis and whenever the Committee of Ministers so requests, full information on the legislative and other measures taken to give effect to the principles set out in the Convention. It must be stated that Austria submitted its state reports always with great delays, namely the First State Report in November 2000, the Second State Report in December 2006, the Third State Report in August 2010, as well as the Fourth State Report in October 2015, and that it did so always without involving or consulting the organisations of the national minorities which are independent of the state and the government.

The responsible department in the Federal Chancellery merely submitted a draft of the state report to the members of the so-called national minorities' advisory councils, who are appointed by the government, and asked them for their comments within a period of ten days.

## Summary

**In spite of measures that exist to support the autochthonous national minorities, their existence is threatened. The protection of the national minorities under constitutional law has not been fully implemented and urgently requires extension to include the Hungarina minority in Burgenland, the Croatian, Hungarian, Czech and Slovak minorities in Vienna as well as the Roma in Burgenland and Vienna. A much more resolute approach on the part of the authorities is needed in order to help these communities to safeguard their identity, especially in the fields of education, the media and concerning their participation in public life. This applies, in particular, to the Slovene minority in Styria, the Croatian, Hungarian, Czech and Slovak minorities in Vienna as well as the Roma in Burgenland and Vienna.**

**There is an urgent need for the reform of the legislation concerning the national minorities, as promised by the government, as well as for a revision of the Fundamental Rights Catalogue, together with enshrining the rights of the national minorities in the Federal Constitution. The protection of the national minorities should become part of a central article on minorities in the Federal Constitution, with proposals developed by the National Minorities' Centre together with a group of experts, and**

**the different levels of protection of the national minorities should thus harmonized and further developed, guided by the standard of Article 7 of the State Treaty of Vienna, which currently only applies to the members of the Croatian and Slovene minorities.**

**In particular, the provisions on the protection of the national minorities, as contained in Article 7 of the State Treaty of Vienna of 1955, need to be fully implemented.**

**The regulations concerning the use of minority languages as official languages and on topography in Carinthia and Burgenland (National Minorities Act 1976 in the currently valid version, Annex 1 and Annex 2) needs to be amended in keeping with the decisions of the Constitutional Court.**

**The educational and media options offered in the languages of the national minorities need to be promoted in a target-oriented manner, especially the programmes that enhance language competence at the pre-school and school age. The system of private schools for the national minorities (Komenský School Association and others) shall receive more financial support. It is proposed to adopt a uniform federal law on education for the language communities in Austria which shall cover both public-law educational and training facilities and funding for private educational and training facilities in the minority languages.**

**The budget to promote the national minorities needs to be raised substantially in order to compensate for inflation and to particularly promote the languages of the national minorities. (Since 1995 the budget to promote the national minorities has remained unchanged at an amount of € 3.8 million) Subsequently, it needs to be adapted to the needs and requirements in keeping with the new article on the protection of national minorities in the Federal Constitution, which needs to be codified.**

**The Press Promotion Act (Federal Law Gazette I No. 136/2003) needs to be amended in keeping with the concrete proposals of the national minorities' organisations in order to specifically promote the media products in the languages of the national minorities.**

**It is proposed to create corporate representative organisations of the national minorities, similarly to the example set by other European countries, as well as to delegate matters and tasks relating to the national minorities to such self-governing entities. The 2008 Amendment of the Federal Constitution Act created the basis under constitutional law for corporate organisations of the national minorities in Article 120a.**

## **(Non-)Implementation of the Resolution by the Committee of Ministers [CM/ResCMN(2012)7] of 13 June 2012**

In the resolution of the Committee of Ministers of the Council of Europe concerning implementation of the Framework Convention for the Protection of National Minorities by Austria [CM/ResCMN(2012)7], dated 13 June 2012, Austria is requested – in addition to the conclusions and recommendations issued by the Advisory Committee in Chapters I and II of the Report, to take measures for a further implementation of the Framework Convention. This Chapter will outline to what extent Austria has implemented the recommendations.

### **1<sup>st</sup> recommendation for immediate action by the Council of Ministers:**

**Resolute steps should be taken towards amending the national minority legislation with a view to ensuring consistent and inclusive protection of national minority rights throughout Austria; comprehensive and effective consultation with national minority representatives should be ensured before adopting any amendments to relevant legislation.**

(“Take resolute steps towards amending the national minority legislation with a view to ensuring consistent and inclusive protection of national minority rights throughout Austria; ensure comprehensive and effective consultation with national minority representatives before adopting any amendments to relevant legislation”)

**Austria did not follow up on the urgent recommendation** to take resolute steps towards amending the national minority legislation to ensure consistent and comprehensive protection of national minority rights throughout Austria. The level of protection for Austria’s national minorities continues to be totally diverse and does not correspond to the requirements of a modern and effective protection for national minorities.

The main constitutional guarantees protecting national minorities in Austria are based on obligations under international law which Austria entered in the wake of the two World Wars. The sources under international law concerning the protection of national minorities account for the fact that this protection is only rudimentary and not uniform: The provisions of Article 66 to 68 of the State Treaty of St. Germain do relate to all minorities, but hardly contain any provisions going beyond affording legal protection to individual persons against discrimination, which was in line with the system of the League of Nations at that time. Article 7 of the State Treaty of Vienna, which contains more detailed obligations concerning protection and commitments, once again covers only those minorities for which the external protecting powers have succeeded in enshrining those contractual guarantees, i.e. the Croatian and Slovene populations in Burgenland, Carinthia and Styria.

The only constitutional provision that offers autonomous and uniform rules for Austria concerning the protection of ethnic groups is contained in Article 19 of the Constitution Act of 1867 which was taken over in the Constitution of the Republic of Austria. The validity of this sole genuinely national provision on constitutional level is contested; **in the view of the Austrian Federal Government its content was derogated.**

The Constitution Act dates back to 1867 and constitutes a catalogue of fundamental rights of the Austro-Hungarian Monarchy. As the political parties of the First Republic could not reach a consensus, the fundamental rights catalogue "continued to be used" by the Republic of Austria (Article 140 of the Federal Constitution Act) and (in addition to the European Human Rights Convention) continues to be one of the most important sources of law for rights (fundamental rights) guaranteed by constitutional law.

Article 19 of the 1867 Constitution Act stipulates the rights of ethnic minorities ("*Volksstämme*"). In line with the domestic political situation of the monarchy at that time, Czechs, Germans, Slovenes, Croats, Italians, etc. were to be endowed with specific rights. In subsequent interpretations the concept of "*Volksstämme*" was interpreted to refer to "*Volksgruppen*" (national minorities).

In the course of time, more recent provisions for the protection of national minorities were superimposed over the provisions of the Constitution Act of 1867, especially those contained in the State Treaties of St. Germain (1921) and Vienna (1955). Several protective provisions were adapted to changed circumstances; some were put in more concrete terms. Academic discussions then raised the question whether (in consequence) the content of the old provisions of the monarchy had been replaced by more recent provisions. There are several decisions by the Constitutional Court arguing both in favour and against the continued validity of Article 19 of the Constitution Act of 1867. (See Constitutional Court decisions in VfGH Slg 2459/1952, 3509/1959, 4221/1962 und 9224/1981) as well as Ermacora: "*Handbuch*", 1963, pp. 531).

However, in his habilitation treatise (*Sprachenrecht in Österreich* [Language Rights in Austria], Vienna, 1999) a.o. Univ-Prof. Dr. Dieter Kolonovits establishes that – contrary to several doctrines – subsequent constitutional legislation, especially Article 7 of the State Treaty of Vienna, did not derogate Article 19 of the Constitution Act of 1867. According to Kolonovits there are partly overlapping provisions in Article 19 of the Constitution Act of 1867 and Article 7 of the State Treaty of Vienna. However, as these provisions protect minorities, one would have to determine in every individual case which provision is the more beneficial one. In areas where Article 19 of the Constitution Act of 1867 contains more favourable standards for a minority, Article 19 continues to be valid.

The draft for a "constitutional provision with the objective to protect the national minorities" (GZ 601.999/5-V/1/00), which the Federal Chancellery sent out for comments, stipulated in Article 2 of the draft that Article 19 of the Constitution Act of 1867 would be lifted. Massive opposition was expressed in the comments, and this plan was dropped, already in the government bill. (127 d. B. XXI<sup>st</sup> Legislative Period) Article 19 of the Constitution Act of 1867 was not lifted (Federal Law Gazette I No. 68/2000).

Contrary to the demands of the organisations of the national minorities and the recommendations by legal experts, a constitutional provision with the objective to protect the national minorities was enshrined in the Constitution (Article 8 (2) of the

Federal Constitution Act). As a rule constitutional provisions of this type do not grant individual rights but only serve as a neutral yardstick for enacting and enforcing laws. Constitutional provisions serving a targeted objective are not suited for reviewing legislation, as they lack detailed wording. As these provisions require legislative action, they give guidance on future arrangements for specific matters. However, according to today's constitutional situation it is not possible to challenge legislative inactivity.

Moreover, Austria's laws concerning national minorities urgently need to be adapted to contemporary challenges. This was also made clear by the work of the "Austria Convention" (*Österreich-Konvent*) where the "Fundamental Rights Group", in particular, made a number of proposals, which the national minorities concerned also welcomed, as well as the Social-Democratic Party and the Green Party.

As the Federal Government in its Government Programme for the XXIV<sup>th</sup> Legislative Period stated that, in addition to revising the National Minorities Act, a catalogue of fundamental rights should also be included in the Federal Constitution Act enshrining the rights of national minorities, the National Minorities' Centre asked a group of independent experts in February 2009 to elaborate a contemporary draft for amending Austria's laws on national minorities which would also serve a European spirit and intercultural dialogue.

#### Members of the Group of Experts

Dr. Maria Berger, former Federal Minister

Univ. Prof. Dr Heinrich Neisser, former Federal Minister and 2nd President of the National Council

Univ. Prof. Dr. Bernd-Christian Funk

Univ. Prof. Dr. Theo Öhlinger

Univ. Prof. Dr. Dieter Kolonovits

Univ. Prof. Dr. Gerhard Hafner

Univ. Prof. Dr. Anna Gamper

Dr. Günther Rautz

Dr. Caspar Einem, former Federal Minister

Mag. Mirjam Polzer-Srienc and

legal experts of the Austrian national minorities

Dr. Maria Berger and Univ. Prof. Dr Heinrich Neisser co-chaired the group of experts which elaborated drafts for a revision of Austria's laws on national minorities in six working sessions:

*1.) The proposals for an amendment of the Federal Constitution Act relate to the legal position of the national minorities and their members in Austria. The proposed Article 71 of the Federal Constitution Act focuses on the codification and careful further development of the national minorities' rights under constitutional law in the fields of language, education and culture. The different levels of protection afforded to the national minorities will be unified, guided by the level of the standard in Article 7 of the State Treaty of Vienna, which currently only applies to persons belonging to the Croatian and Slovene minorities. However, the proposed text takes account of*

*the actual circumstances which are conditioned by the difference in size of the national minorities.*

*The decisions taken by the Constitutional Court, especially on the provisions of the State Treaty of Vienna concerning the school system, the use of minority languages as official languages and the bilingual topography, shall continue to be of relevance. Their content was taken into account, and (to the extent possible) their language was reflected in the proposed text.*

*The current legal situation is further developed in the direction of addressing not only the rights of individual members of the national minorities that are guaranteed under constitutional law (fundamental rights); the rights of the national minorities are also cast into words. To be more specific: provisions which already in the past related to the protection of a national minority but could not be enforced because national minorities have only been recognised as social but not as legal entities shall be rendered enforceable – the representative associations of the national minorities shall be granted the right to act as legal parties so that they can assert these protective provisions. This further evolution can be based on Article 19 of the Constitution Act of 1867 and the case law established in this connection. Moreover, this development reflects the understanding that it is not enough to protect only the rights of individual persons in order to ensure the existence of a group in its entirety. It would be feasible that rights could be asserted by separate self-governing bodies (according to Article 120a of the Federal Constitution Act), which have not been set up, as yet. The text takes account of a possible future development in this direction.*

*2.) Revising the National Minorities Act shall serve*

*a. to implement Article 7a of the Federal Constitution Act on a comprehensive protection of the national minorities and the persons belonging to them, which has been elaborated and modelled after the proposals made by the Austria Convent, as well as*

*b. to implement the decisions of the Constitutional Court on bilingual topography according to the second sentence of Article 7 Number 3 of the State Treaty of Vienna and the use of minority languages as official languages according to the first sentence of Article 7 Number 3 of the State Treaty of Vienna.*

*c. As in the past, the National Minorities Act shall incorporate, to the extent possible, the obligations to enact legislative measures, as they derive from the State Treaty of St. Germain-en-Laye and the State Treaty of Vienna, into one legislative act. For reasons of practicality, schools were not included and measures relating to schools continue to be listed in the school laws and special laws, especially the school law for the national minority in Carinthia and the school law for the national minority in Burgenland.*

*d. The draft also takes account of the obligations under international law that derive from the Framework Convention for the Protection of National Minorities (the Convention) as well as the commitments under the European Charter for Regional or Minority Languages.*

*The proposed National Minorities Act also regulates the following areas, in particular: national minorities' advisory councils (§ 3 to § 7, and pages 30 and following of the Explanatory Notes), promotional funding for the national minorities (§ 8 to § 11, and pages 32 and following of the Explanatory Notes), topography (§ 12, and pages 33 and following of the Explanatory Notes), minority languages as official languages (§ 13 to § 23, and pages 40 and following of the Explanatory*

*Notes), as well as specific legal protection in connection with claims by the national minorities (§ 24 to § 25, and pages 47 and following of the Explanatory Notes).*

*3.) The objective of the law to set up a fund to promote Austria's national minorities is to support measures and projects that serve to preserve and safeguard the existence of the national minorities, their culture as well as their specific characteristics and rights, and intercultural dialogue.*

The proposals (legislative proposals) elaborated by the group of experts were handed to Mag. Barbara Prammer, President of the National Council, on 28 September 2009 and subsequently to the Federal Government.

In April 2010 a "Reform Conference for a New National Minorities Law" was set up at the Federal Chancellery, which dealt with the following topics in three working groups:

- Working Group: Education and Language;
- Working Group: Regional and Economic Policies;
- Working Group: Legal and Structural Issues.

The Working Group "Education and Language", set up in the ministry of education, worked very seriously, completed its work early in 2011 and adopted its final report. The report offers a number of approaches concerning concrete improvement measures. In addition to urgently reforming the existing bilingual educational options in Carinthia and Burgenland, it particularly foresees the need for a legal basis and the practical implementation of instruction in the languages of the national minorities in Vienna and Styria.

The Working Group "Regional and Economic Policies", set up in the Federal Chancellery, held its last meeting in December 2010, where it was agreed to possibly hold one further, final meeting, and, at least, to send out to working-group members the draft final report "in the next few weeks" for commenting. Neither commitment was kept. The final report, with only a few concrete approaches, was merely brought to the attention of working-group members, without any comments, as late as the end of December 2010.

On the whole, the working Group "Legal and Structural Issues", also set up in the Federal Chancellery, met most often (10 meetings). At the beginning it was announced that all proposals of the national minorities' organisations would be the basis for discussions, as well as that the results of the first two working groups would be entered into a legal framework and would be formulated as legislative measures by this specific working group. This was said to be the reason why Working Group "Legal and Structural Issues" only began to take up its work at the end of 2010. As soon as the "Carinthian Consensus" had been found (see below in connection with the second issue for urgent action recommended by the Committee of Ministers) had been found, it was obviously no longer necessary to pretend that a genuine dialogue was to be conducted, where further problems and issues of importance to the national minorities would be discussed. As of the summer 2011 the proposals by the representatives of the national minorities were hardly taken note of any longer, and



rejected in the result. Although the "Carinthian Consensus" affected all national minorities, on account of its restrictive constitutional provisions, which entered into force in July 2011, the minorities were not involved in it. The "Place-Name Signs Issue in Carinthia" was solved by the constitutional provisions on topography and the use of minority languages as an official language by Federal Law Gazette I 2011/46, which was contrary to the express will of the national minorities concerned. The Constitutional Service of the Federal Chancellery blocked all proposals in the working group which were made in this connection. In consequence, several members of the Working Group "Structural and Legal Issues" resigned in protest, so as not to serve as decoration in a dialogue with a non-existing content.

The content of the draft presented by the Federal Chancellery must have been established before the working groups were set up. After all, the draft essentially corresponded to a draft that had been prepared some time ago. As early as 1996 the Federal Government urged that the national minorities' advisory councils be "reformed" for the sake of easier tractability, and that a "Forum of Advisory Councils" (called "Chairpersons' Conference" at that time) be installed. Ultimately, especially after the widely celebrated "Solution to the Topographical Signs Issue" it became increasingly clear that the civil servants at the Federal Chancellery had one defined task to fulfil, namely to minimise the collective rights of the national minorities, to create national minorities' advisory councils that would be easier to handle, and to pretend and give the impression, particularly to the public at large, that a dialogue with the national minorities was ongoing. The "dialogue" was therefore limited to lectures on issues that could not be implemented on account of constitutional law and on political grounds. Towards the end it was underlined with increasing clarity that it would ultimately only be the Federal Chancellery that would prepare the draft for a new law on the national minorities. The Federal Chancellery was sent out the draft for commenting in March 2012.

#### Political intention

In the course of the XXII<sup>nd</sup> European Congress of National Minorities in Klagenfurt/Celovec on 23 November 2011, Dr. Gerhard Hesse, Director of the Constitutional Department at the Federal Chancellery, presented the basic features and central themes of the reform of Austria's legislation for the national minorities, which had been planned.

It would be the priority goal **"to break down the national minorities to the level of civil society"**, and the national aspect of the definition of national minorities would be eliminated. This approach would substantially defuse the legal relevance in the distinction between national minorities and new minorities. Members of both groups were part of a pluralistic society; the remaining distinction would be the financial support from the budget for promoting the national minorities and consulting bodies for the national minorities (the national minorities' advisory councils).

This would completely reverse the Austrian legal doctrine on the protection of national minorities, turning it into a policy whereby the autochthonous national minorities would be denationalised, and it would also have an impact on Austria's European and foreign policies. (Decision 1610, d.B. XXII<sup>th</sup> Legislative Period)

The content of the draft:

- Whereas the National Minorities Act contains an open definition of the national minorities (who live in parts of the federal territory, which they regard as their domicile, with a non-German mother tongue and their own folklore traditions “), the draft for an amendment gave an exhaustive and final list of the autochthonous national minorities. Polish persons, who fulfil all the characteristics of “autochthony”, would be excluded by way of law.
- A new appointment process for the members of the national minorities' advisory councils, which lacked any democratic approach, would give the Federal Government more freedom when appointing advisory-council members; the legal control by the Administrative Court would be eliminated. The Federal Government would appoint three fourths of the advisory-council members from the proposals made by the organisations that have a right to make proposals under the statutory definition. The Federal Government would be free to appoint one fourth of the members from among expert circles and not, as before, from among representatives of parties and churches (§ 4). The national minorities' advisory councils would essentially have the task of making proposals on the use of the promotional funding for the national minorities (§ 10 (4)). Already in the past, other rights to make proposals and to give an evaluation were neglected in the past, although they were enshrined in the law.
- A new forum of the national minorities' advisory councils would be created, which would consist of the chairpersons and the deputy chairpersons of the national minorities' advisory councils who would be appointed by the Federal Government at its discretion and not have democratic legitimacy, as well as the parties represented on the Main Committee of the National Council, who would have a consultative vote. This forum would essentially have the task of submitting proposals on the distribution among the national minorities of the annually budgeted promotional funding, as well as to make recommendations, to suggest amendments, to prepare expert opinions and to accompany the specific international agreements (§ 7 (2)).
- The provision that promotional funding for the national minorities can also be granted in the form of making staff resources available as well as that municipalities can also grant (§ 9 (1) number 2 and § 8 (3)).
- A recommendation to the territorial and other public-law corporations to set up topographical and other bilingual or multilingual signs and descriptions, beyond the mandatory statutory obligations (§ 12 (5)).
- A recommendation to the territorial and other public-law corporation to also use the languages of the national minorities in generally disclosed public announcements and on websites in the “municipalities with national-minority languages as official languages, beyond the mandatory statutory obligation” (§ 13 (4)).

- The obligations to observe the diacritic signs when using a national-minority language (§ 13(5)).

The only, basically positive suggestion that could be found in the planned amendment was the recommendation addressed to the territorial and other public-law corporations to promote the significance of the national minorities and the use of the national minorities' languages in public life, to set up bilingual and other topographical signposts and descriptions beyond place-names and guideposts, as well as to use the national minorities' languages as official languages beyond the (very restrictive and partly discriminating) statutory requirements in public announcements and on websites. As these were recommendations, these positive suggestions were completely qualified, which made it impossible to comply with the purpose of the laws on the protection of the national minorities.

As a result, the draft for an amendment was limited to pursuing the aforementioned objectives, namely to create a new appointment procedure for the members of the national minorities' advisory councils with a view to making it easier for the Federal Chancellor to handle these bodies, excluding any form of legal check. When bearing in mind that the national minorities' advisory councils have been institutionalised by law as the only voice of the national minorities, this amendment would constitute one further step back in the direction of even less democratic legitimacy and would give the government more potential to control the national minorities, as well as completely exclude any legal check by the Administrative Court.

By setting up the forum of the national minorities' advisory councils, the function as "the voice" of the national minorities would be further restricted to the advisory-council chairpersons and their deputies, who would have been screened twice by the Federal Chancellor and be acceptable to the government. They would have the task, amongst others, of consulting the government during monitoring processes in connection with international agreements for the protection of national minorities and making their recommendations (read: screen off government policy from international observers).

Furthermore, the exhaustive and final listing of the "autochthonous national minorities", the complete absence of regulations for the use of the national minority language as official language and for topographical signs for the Slovene minority in Styria would constitute an obvious violation of international provisions for the protection of minorities.

The central concerns of the national minorities were not at all reflected in the draft amendment:

#### Fundamental rights

- Codification of the constitutional rights of national minorities (fundamental rights) in the fields of language, education and culture. The different levels of protection afforded to the national minorities must be harmonized guided by the standard of Article 7 of the State of Treaty – which currently only applies to members of the Croatian and Slovene minorities, and the collective rights of

- the minority group must be designed to allow their assertion (right to file class actions).
- Implementation of the national minorities' rights under Article 7 of the State Treaty of Vienna for Slovenes in Styria, particularly their integration into the school system for the minority, as well as regulations for use of the minority language as official language and for topographical signs.
  - Extending the autochthonous settlement area of the Croatian minority to Vienna.
  - Independent monitoring in order to periodically evaluate implementation of the national minorities' rights.
  - Education  
Legal title to bilingual instruction/education from nursery-school to school-leaving examination for all Austrian national minorities and implementation of further recommendations from the final report of working group 1 "Education and Language".
  - Topography  
Obligation to put up bilingual topography as well as other inscriptions in mixed-language areas (public buildings, street names, train and bus stations, maps, ...).
  - Bilingual topographical inscriptions at least for all municipalities that satisfy the criteria of the relevant decisions of the Constitutional Court.
  - Minority language as official language  
The national minorities' languages should be admitted as **equal official languages**, without distinguishing between physical persons and legal entities, in any event in all municipalities with villages on their municipal territory that have bilingual topography.
  - Similarly, admitting the national minorities' language as equal official language, at least before all district administrative authorities and district courts when municipalities, where the national minorities' languages are used as official languages, fall within their district.
  - Bilingual forms both in paper and electronic form, bilingual public announcements and websites, also of the authorities; legally valid use of forms and documents in the language of the national minorities, as well as bilingual processing of entries and announcements by authorities using the relevant diacritic signs.
  - Adequate reliefs to use the respective national minorities' language outside of the mixed-language territories.
  - Delegating the use of national minorities' languages as official languages to the district commissions is a discrimination of the persons belonging to national minorities that is not justified by any facts (Amendment in Federal Law Gazette I No. 46/2011).
  - Regulations on the use of national minorities' languages as official languages for other recognised autochthonous national minorities (Roma, Slovaks, and Czechs).
  - Compensation from the Federal Government for all additional costs caused to municipal authorities and other public-law corporations by bilingual administrative acts outside of or/and in addition to the regular funding for the national minorities.
  - Media

- Additional 5<sup>th</sup> radio channel in the languages of the national minorities, as part of public broadcasting (ORF) in the settlement areas of the autochthonous national minorities (§ 3 (1) of the ORF Act).
- Noticeable expansion of the television programmes offered in the languages of the national minorities (at least on ORF 3) to daily broadcasts, especially broadcasts for children and young persons.
- Expanding the special promotional funding to weekly newspapers in the national minorities' languages in order to preserve the regional diversity of daily newspapers pursuant to Chapter III of the Press Promotion Act (threshold funding).
- Raising the threshold funding for daily newspapers with daily editorial coverage in one of the minority languages.
- Targeted promotional funding for the relevant internet sites of the national minorities.
- Promotional funding for the national minorities  
Substantial increase of the promotional funding for the national minorities, together with automated inflation adjustment and truly autonomous management of the funds, complete with democratic controls.

**During the parliamentary evaluation phase the draft of the Federal Chancellery met with massive criticism; the organisations concerned of the national minorities rejected it unanimously. Only three (by regional governments that were not directly affected) of 54 statements were positive.**

Univ Prof. Dr. Andreas Khol, constitutional expert and President of the Austrian National Council from 2002 to 2006, confirmed in a comment in the daily newspaper "der Standard" on 19 April 2012 that the draft of the Federal Chancellery would bring "far-reaching fissures in the existing body of law, which was already unsatisfactory anyway.

This law does not achieve more for the minorities but less: by downgrading the national minorities to associations, by reducing their political status – up to now a consultative body of the Government and Parliament, in the future an advisory council for the Chancellor – and by destroying essential components of the legal protection.

(...) The proposed new law for the national minorities is an attack on the traditional national minorities in Austria and their folklore and traditions. Their contributions, which are so important for Austria and our identity, are not recognised, their legal and political status is curtailed. It would be better if everything stayed the same, rather than this law!"

When looking at with hindsight, the entire campaign staged by the Federal Chancellery proved to be a sham debate in order to obtain the consent of the Slovene population in Carinthia to the "topographical signs solution" and to pretend vis-à-vis the general public that an intensive dialogue was being conducted.

**Recommendations from the perspective of the Austrian national minorities:** The reform of Austria's laws for the national minorities, which the Government promised, continues to be an urgent matter, as is the revision of the catalogue of fundamental rights, coupled with enshrining the rights of the national minorities in the Federal Constitution. After the so-called reform conference had failed, the Austrian National Minorities Centre conducted a citizens' initiative in order to bring this matter to the parliamentary level. The protection of the national minorities is to be included in a central article on the protection of the national minorities, thus harmonizing and carefully developing further the different levels of protection for the national minorities, guided by the standard of Article 7 of the State Treaty of Vienna, which currently only applies to the members of the Croatian and Slovene minorities (proposals by the expert group set up by the Austrian National Minorities' Centre and the Citizens' Initiative for the Protection of National Minorities 29-BI XXV<sup>th</sup> Legislative Period, see Annex). The competent parliamentary committee took note of the citizens' initiative, but did not consider its content.

#### **2<sup>nd</sup> recommendation for immediate action by the Council of Ministers:**

**It must be ensured that the members of the national minorities can enjoy their language rights effectively and consistently throughout Austria in line with Articles 10 and 11 of the Framework Convention and the relevant decisions of the Constitutional Court; it must be ensured that enough flexibility is introduced when thresholds are applied in relevant legislation in order to avoid that arbitrary distinctions are made.**

("Ensure effective and consistent enjoyment throughout Austria of the linguistic rights of persons belonging to national minorities in line with Articles 10 and 11 of the Framework Convention and relevant Constitutional Court decisions; ensure that due flexibility is introduced when applying thresholds in relevant national legislation to avoid arbitrary distinctions being made;")

This recommendation by the Council of Ministers was completely ignored. The amendment to the National Minorities Act (Federal Law Gazette I No. 46/2011) was adopted in contradiction to the findings of the Constitutional Court. A **constitutional provision laid down exhaustively** that bilingual place names shall be put up only in places with a population belonging to a national minority of more than 17.5%; in some cases, an even higher percentage was laid down arbitrarily. The Constitutional Court regarded a 10% share of the population belonging to a national minority as sufficient. The Constitutional Court interpreted Article 7 of the State Treaty in such a way that the 10% requirement would correspond to the objective and purpose of that provision. It thus interpreted Article 7 in such a way that an obligation under international law derives for Austria from this provision, namely to apply the 10% requirement. A requirement of 17.5% thus does not correspond to the obligation under international law, as was established by the Constitutional Court. However, a national law (whether it is a constitutional law or not) cannot change an obligation under international law, as this matter is beyond any one-sided power of disposition. A law on this issue would only be in conformity with international law, if proof can be given that Article 7 must be interpreted in line with this new requirement, which the Constitutional Court did not do. Any other interpretation would thus result in being

contrary to international law, according to the findings of the Constitutional Court, with all the consequences concerning responsibility under international law.

The adopted amendment is thus a serious restriction of the national minorities' rights under Article 7 of the State Treaty of Vienna and must thus be regarded as a one-sided revision of the obligations under international law, as laid down in the State Treaty of Vienna. **By attaching constitutional ranking to core issues of the amendment, legal control over large areas of protection for the national minorities was withdrawn from the Constitutional Court.**

Moreover, the organisations representing Austria's national minorities were not involved in the process to amend the National Minorities Act, with the exception of the Slovene population in Carinthia. Nor were the national minorities' advisory councils heard, which the Federal Government had appointed for this purpose and which would have a statutory right to comment. The organisations representing Austria's national minorities, which are independent of party politics, reject this amendment as being restrictive and contrary to principle of equality.

The change in the National Minorities Act, which was made in 2011, provides in the constitutional provisions, which are contrary to the principle of equality, that designations and inscriptions of a topographical nature must only be put up in Croatian, Slovene or Hungarian, in addition to German and that the Croatian, Slovene and Hungarian languages can be used as additional official languages. With this exclusion, persons belonging to the Slovak, the Czech and the Roma minorities, which are also recognised national minorities in Austria, are discriminated, as they are henceforth deprived of these rights.

"Signs and inscriptions of a topographical nature" are defined exclusively as being place names on signposts which are listed exhaustively in Annex 1 to the National Minorities Act, or road signs in these places which point to other places in Carinthia and Burgenland which are also listed.

According to the Explanations, only signposts and road signs to places must be understood to be designations and inscriptions of a topographical nature but not designations and inscriptions which refer to the type of a service unit, together with local specifications, designations on maps or street names or designations of hiking trails, etc. This contradicts the clear wording of Article 7 of the State Treaty ("Bezeichnungen und Aufschriften topographischer Natur", or even more clearly in the equally authentic versions of the State Treaty in the English, French and Russian languages: "topographical terminology and inscriptions", "la terminologie et les inscriptions topographiques" and "topografičeskaja terminologija i napisi"). It is completely clear that the entire topographical terminology is meant, and not only designations on signposts with place names and notice signs. The view represented in the Explanations also contradicts international practice regarding topographical maps such as the recommendations of the United Nations (1<sup>st</sup> Conference on the Standardization of Geographical Names, Geneva, 4 to 22 September 1967, Recommendation D – Multilingual areas) and also Austrian understanding proper, when only bearing in mind the completely correct Austrian position that is being held in connection with toponymy in South Tyrol.

By the same token, the decision of the Constitutional Court, i.e. that the inhabitants of Eberndorf/Dobrla vas can use Slovene as official language before the local authorities was revised by means of the constitutional provision. The constitutional provisions of the National Minorities Act thus constitute a revision of Article 7 (3) of the State Treaty of Vienna and the Constitutional Court decisions issued in this connection. Styria is excluded from the National Minorities Act by way of the constitutional-law stipulations. There was no contact with the minorities in Burgenland. The National Minorities Act was amended against their express will.

The amendment of the National Minorities Act also violates the principle of equality. Thanks to a decision of the Constitutional Court, the village of Buchbrunn/Bukovje in the municipality of Eberndorf/Dobrla vas was the village with the lowest share of Slovene inhabitants at the 2001 census that was still taken into account at the topographical signs ruling (below 10% in 2001, 11.8% in 1991, but above 10% when calculating the mean value of the two censuses). There is no substantive argument why this village is taken into account, while other villages with a (far) higher share of Slovene population are left out. There is evidence that another 109 villages, which satisfy the criteria of the Constitutional Court, were not considered in the amendment; there may actually more such villages, as the data about villages with less than 31 inhabitants are partly not known. In view of the principle of equality, no reason can be given why all of these villages were not considered, while Buchbrunn/Bukovje was put on the list. The objectivity requirement and the principle of equality are the supporting pillars of Austria's legal regime. For reasons of principle it is inadmissible in a democratic legal system to treat unequal things equal and equal things unequal. This would constitute the beginnings of arbitrary rule.

As in the case of the topography rulings, the unequal yardsticks cannot be objectively explained either which were applied to the rulings on official language. The municipality with the lowest minority share is the municipality of Ebenthal/Žrelec (4.2% at the 2001 census), where Slovene is an official language. It would therefore be in line with the principle of equality to admit the Slovene language as additional official language in all municipalities where the national minority accounts for a higher proportion than is the case in Ebenthal/Žrelec.

Under the old legal regime the language of the national minority was admitted in municipalities where bilingual topographical inscriptions had been put up. This also corresponded to the wording in Article 7 (3) of the State Treaty of Vienna. With the amendment of the National Minorities Act, 164 villages in 24 municipalities in Carinthia were entered into an exhaustive list for bilingual topographical signposts. However, the Slovene language as an official language is restricted to 16 municipalities, which have been entered into an exhaustive list. The wording of Article 7 (3) of the State Treaty cannot be used to give any objective reason.

In view of EU case law (see the Bickel and Franz case) it can be assumed that every EU citizen before the municipal authorities of Eberndorf/Dobrla vas and St. Kanzian/Škocjan would have the right to use the Slovene language. The European Court of Justice also decided in a more recent case on 27 March 2014 that all EU



citizens have the right to file civil-law suits before the courts of the Province of Bolzano in the German language. According to the finding of the European Court of Justice this right applicable in the province of Bolzano cannot be reserved to the German-speaking citizens with Italian nationality but applies generally to all citizens of the EU. As early as 1998, the European Court of Justice had established this right for criminal-law cases.

After a skiing accident in South Tyrol a German woman skier had filed a case against a Czech woman skier, who allegedly had caused the accident. In keeping with applicable Italian law, only Italian citizens can file suits in German in the Province of Bolzano and the lawsuit would have had to be rejected as null and void. However, the Regional Court Bolzano had doubts that this regulation was compatible with the ban on discrimination within the EU and turned to the European Court of Justice. The European Court of Justice rejected the justification given by the Italian State for this (discriminating) regulation: There are no signs that proceedings would be more complicated; nor do additional costs justify the (discriminating) language solution under Italian law.

On the basis of the principle of equality it can be assumed that this ruling also applies to all Austrian citizens, irrespective of their domicile. It is only the inhabitants of Eberndorf/Dobrla vas and St. Kanzian/ Škocjan who do not have the right to use the Slovene language on account of the constitutional provision, if they do not live in the right village within the municipal territory. Since the controversial amendment, Federal Law Gazette I No. 46/1022, the Austrian National Minorities Act limits Slovene as an official language in two municipalities as follows:

*„additionally, municipal authorities and municipal service units of the following municipalities for the inhabitants of the following villages in these municipalities:*

*a) Eberndorf in the political district of Völkermarkt:*

*Gablern, Hof and Mökriach,*

*b) St. Kanzian am Klopeiner See in the political district of Völkermarkt:*

*Grabelsdorf, Horzach I, Horzach II, Lauchenholz, Mökriach, Nageltschach, Obersammelsdorf, St. Primus, St. Veit im Jauntal, Unternarrach and Vesielach“*

These arrangements can hardly be surpassed by any other violation of equality and absurdness. In addition, concerning the municipality of Eberndorf/Dobrla vas, the individual rights which the Constitutional Court had granted were withdrawn again by means of constitutional law.

The Federal Minister in the Federal Chancellery, Dr. Josef Ostermayer, insists in his reply to question 97/AB XXV<sup>th</sup> Legislative Period, given before the decision of the European Court of Justice, that this “arrangement concerning the official language constitutes applicable constitutional law which is also in conformity with international law.”

The new regulation concerning the official language before district commissions and district courts, too, cannot be explained in objective terms. Slovene can be used before 3 district courts and 3 district commissions in Carinthia, Croatian before 6 district courts and 6 district commissions, and Hungarian before 2 district courts and

2 district commissions in Burgenland. This is a problematic issue as several municipalities where the minority language can be used are actually located in other administrative districts and/or court districts.

A round table of legal experts on the subject of: "Fulfilling the legal guarantees of Article 7 of the State Treaty of Vienna for the Slovene and Croatian minorities", organised by the Law Faculties of Vienna and Ljubljana in cooperation with the Umbrella Organisation of Legal Associations of Slovenia – Legal Forum for Minorities and the Austrian National Minorities' Centre, also arrived at these conclusions. The final document with two concrete recommendations (annex), which were addressed to the Austrian National Council, was completely disregarded when adopting the amendment.

### **Recommendations from the perspective of Austria's national minorities:**

It would have to be ensured henceforth that diacritic signs are correctly used and reproduced in webERV, as well as in the land register and company register, and that documents drawn up in a minority language are accepted as legally valid and, if necessary, translated by the court, in order to facilitate the functional use of the national minorities' languages before courts, authorities and offices. All E-Government services shall also be offered on an equal basis in the national minorities' languages. The use of the forms in the national minorities' languages should not be restricted to merely serving as support when completing the German forms, which are regarded as the only legally valid ones.

Requirements concerning domicile for admitting the possibility to use the national minorities' language as official language in the court and/or before the authorities, where use of these languages has been admitted, must be rejected as no longer being in keeping with the times. If it is possible, as a matter of principle, to use the language of a national minority before an authority or court, then this possibility should be available to every person.

It is necessary to appoint judges and administrative staff with the requisite language skills. It should be arranged for all courts, authorities and offices where the minorities' languages can be used, that bilingual forms and blank forms are provided, and that there are also inscriptions on bilingual bulletin boards and direction signs to authorities, together with information on staff with adequate skills.

This would not only contribute towards a rising trend in the statistics prepared on the use of the national minorities' languages but also to an actual improvement in the functionality of the national minorities' languages.

### **3<sup>rd</sup> recommendation for immediate action by the Council of Ministers:**

**The current system for the appointment and composition of the advisory councils for the national minorities must be reviewed in order to ensure that they are representative of the views and concerns of persons belonging to national minorities; the competencies of the advisory councils must be substantially broadened, and it must be ensured that they are**

**actually consulted on all issues that affect them and that they have an impact on the relevant decision-making.**

(“Review the current system for the appointment and composition of the advisory councils for national minorities to ensure that they are representative of the views and concerns of persons belonging to national minorities; substantially broaden the competencies of the councils and ensure that they are effectively consulted on all issues that affect them and have an impact on the relevant decision making.”)

This urgent recommendation of the Council of Ministers was not implemented by Austria. In 2012 the Federal Government intended to instal a new appointment procedure for the national minorities' advisory councils in one further amendment to the National Minorities Act. However, the planned new appointment procedure lacked any democratic approach and would have given the Federal Government even more latitude in appointing the members of the advisory councils. Moreover, the check on legality by the Constitutional Court would have been eliminated. The draft of the Federal Chancellery, sent out for evaluation, provided the following:

- The Federal Government selects three fourths of the advisory-council members from among the proposals made by a large number of organisations which have the right to make proposals, in line with the statutory definitions;
- The Federal Government chooses one fourth of the members at its discretion from expert circles and not – as before – from among the representatives of parties and churches (§ 4).

The national minorities' advisory councils would essentially have the task of making proposals on the use of the annual promotional funding (§ 10 (4)). Other rights concerning proposals and evaluations were already disregarded in the past, although enshrined in the law.

A new feature would have been a forum of the national minorities' advisory councils which would have consisted of the chairpersons and deputy chairpersons of the six national minorities' advisory councils, which the Federal Government would have appointed at its discretion and which would not have had any democratic legitimacy, as well as, in addition, representatives of the parties on the Main Committee of the National Council, with a consultative vote. They would essentially have had the task of making proposals for the distribution of the annual budget for promotional funding among the recognised six national minorities as well as to issue recommendations, suggest amendments of the law and accompany specific international agreement (§ 7 (2)).

The national minorities demand to have effective political participation, as it has been granted to them in Article 15 of the Framework Convention, where the Contracting States are obliged “... *to 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.*” Ethnic representation and participation of the national minorities in the state bodies fall under the facts constituting public affairs.

Reference is also made to Article 8 [sic! → Article 3] of the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992, which guarantees to persons belonging to minorities that “*they may*

*exercise their rights, ..., individually as well as in community with other members of their group, without any discrimination.*" It is not without significance in connection with the line of arguments used in the legal-policy debate for a corporate organisation of the national minorities in Austria that Austria submitted the above UN declaration to the General Assembly.

Political participation is not feasible via the national minorities' advisory councils. They are justly controversial, for reasons of efficiency, lack of democratic representativity, legitimacy or restricted competencies. Joseph Marko quite rightly regards the "national minorities' advisory councils" according to the National Minorities Act as an expression of a "paternalistic attitude".

On the basis of the concept of "cultural diversity", as expressed in the constitutional provision with a targeted objective, i.e. Article 8 (2) of the Federal Constitution Act, in conjunction with the new Article 120a (1) of the Federal Constitution Act (Federal Law Gazette I No. 2/2008), one can derive an obligation by the State to set up a form of group-like autonomy as a type of internal self-governing right that is also recognised under international law. Under the heading "Other Forms of Self-Government", the new Article 120a (1) of the Federal Constitution Act states that persons may be integrated into self-governing bodies by law in order to autonomously exercise public tasks, which are in their exclusive or overwhelmingly common interest and suited to be handled jointly by them. From the constitutional provision with the targeted objective to safeguard the existence of the national minorities, as well as on the basis of the Austrian model of self-government, one can derive a legislative mandate to set up autonomous, public-law bodies representing the national minorities. In this connection, there are also detailed drafts and legal expert opinions which were also submitted by several organisations to the "Reform conference for a new legislation for the national minorities" which convened in 2012. They were dismissed by the Federal Chancellery with the argument that "constitutional-law principles concerning self-government" opposed the organisation of the national minorities in self-governing corporations.

This line of argument is not logically understandable. In "der Standard" of 18 April 2012, Univ. Prof. Dr. Andreas Khol, constitutional expert and President of the National Council up to 2006, evaluated the discussion concerning a new Austrian law for the national minorities as follows: *"It would have been generous and in keeping with the times if these rooted national minorities had been given the legal status that every recognised religious community also acquires, i.e. that of a public-law corporation with internal and external autonomy – in other words: self-government."*

#### **4<sup>th</sup> Other urgent recommendations from the perspective of Austria's national minorities:**

##### **1.) Education offered in the minority languages**

- 1.1. The education system must ensure high-quality education for all national minorities in the respective minority language from nursery-school to the end of secondary level II. Programmes to enhance the language competence at the pre-school and school age as well as quality assurance and school development require special attention.

- Final report of Working Group 1 "Education and Language", set up in the course of the reform conference on legislation for Austria's national minorities, dated August 2011 (see annex)

Summary of the results (quotation):

*"The basis for the endeavoured further development of the Austrian educational system is the central demand and/or recommendation of the Working Group to teach and/or to offer at the educational institutions the official language of the Republic and the national-minority language from nursery-school to the end of secondary level II, as well as for the training of instructors."*

- 1.2.) In the framework of international agreements – Article 14 of the Framework Convention for the Protection of National Minorities and Article 7 of the European Charter for Regional or Minority Languages – Austria accepted the obligation to facilitate for its national minorities school education in the respective mother tongue and to promote it. The minority-school laws for Carinthia and Burgenland meet this obligation, although these laws still merit improvement. For other federal provinces, where there are autochthonous settlements of national minorities (Slovenes in Styria, as well as Croatians, Roma, Slovaks, Czechs and Hungarians in Vienna), no such minority school acts have been enacted.

- Repeated recommendation by the Council of Ministers of the Council of Europe to implement the Framework Convention for the Protection of National Minorities and the European Charter for the Regional or Minority Languages addressed at Austria: "..... to increasingly meet the educational needs of the national minorities domiciled in Vienna and Styria."

Furthermore, reference is made to Article 68 (2) of the State Treaty of St. Germain where a national constitutional provision is required which orders that in towns and districts with a relatively substantial number of Austrian citizens as inhabitants, who belong to a minority according to race, religion or language, it is safeguarded that a reasonable portion of all the public funding in national, local or other budgets that is spent on education, religion or welfare, is used for the benefit of and use by the national minorities. The Constitutional Court has interpreted this requirement as a substantive entitlement (see decision number VfSlg. 8224/1981).

Article 68 (2) of the State Treaty of St. Germain thus constitutes an obligation for educational promotion under constitutional law. However, it cannot be applied directly to administrative authorities and courts but must be further specified by legislation.

### **Possible solutions**

#### **Option: Bilingual private schools**

Title to state funding for private schools run by national minorities in proportion to the costs per pupil at comparable public schools; relevant modification of the law on private schools or the National Minorities Act (An example for this is the Nursery-School Fund Act for Carinthia which has ensured equal funding for already existing private bilingual nursery-schools in Carinthia since 2001).

### **Alternative: Bilingual public schools**

Offering bilingual teaching in parallel classes at public schools “from nursery-schools to the end of secondary level II” in keeping with the curricula for the minority schools in Burgenland and Carinthia.

#### Legal basis:

§ 16 (1) of the School Education Act in conjunction with Article 7 (1) letter f of the European Charter for Regional or Minority Languages and Article 14 of the Framework Convention for the Protection of National Minorities.

- 1.3.) With regard to pre-school education – catchword “compulsory nursery-school year” – the right of the national minorities to obtain elementary education in the relevant mother tongue must be observed.
- 1.4.) The same applies to all-day school types, where day-care at bilingual schools must also be provided in two languages.

## **2.) Services offered in the minority language by the media**

- 2.1.) There is considerable pent-up demand for radio broadcasts in the national-minorities' languages by the national minorities living in Burgenland, but especially the national minorities in Vienna, as compared to the situation in Carinthia and Styria (where there are more broadcasts offered in the national-minorities' languages).

### **Background information**

*Since 2009 the ORF the broadcasts in the mother tongues of the national minorities in Austria have been produced by the ORF Regional Studio Burgenland. The broadcasts are produced and transmitted for Croats, Hungarians and Roma in Burgenland as well as for Hungarians, Czechs and Slovaks in Vienna. Since 2009 the programmes for the national minorities on the radio have been broadcast by Radio Burgenland, which can also be received in Vienna at the VHF frequency 94.7.*

*The programmes for the national minorities broadcast by Radio Burgenland have inconvenient transmission slots during the evening hours where people usually do not listen to the radio anymore. One single broadcast during the daytime would bring a marked improvement.*

*However, § 3 of the ORF Act limits the ORF supply mandate to “three radio programmes that can be received throughout Austria and and nine radio programmes that can be received in the federal provinces.” The legislator would have to lift this statutory restriction and grant the ORF the possibility and/or require the ORF to operate a fifth radio channel in parts of the federal territory where there are resident national minorities.*

*The television broadcasts offered in the national-minorities' languages continue to be absolutely inadequate. For decades, television has been the most important medium. Approximately 97% of Austrian households have television receivers.*

Broadcasting in Austria is a "public task" (Article I (3) of the Federal Constitution Act on safeguarding the independence of broadcasting operations). The Austrian Broadcasting Corporation (ORF) has the privilege to be allowed to collect programming fees. This privilege of being the only programme supplier that can collect programming fees is justified by the costs of complying with the public-law mandate. Accordingly, the ORF must also comply with those provisions that oblige the State to observe the various rights of the national minorities, such as:

- in the ORF television programmes, the broadcasts offered in the national-minorities' languages should be markedly increased, taking account of the expansion of broadcasting times on ORF III;
- the ORF should be required by law to operate a fifth radio channel in the minority languages in parts of the federal territory where there are resident national minorities.

2.2.) There is an urgent need to improve promotional funding for newspapers in the minority languages. The threshold funding granted to preserve the regional diversity of daily newspapers must be expanded to include weekly newspapers in the languages of the national minorities.

### **Background information**

*The 2004 Press Promotion Act, Federal Law Gazette I No. 136/2003, stipulates the following types of promotional funding:*

*1. Promotion for the dissemination of daily and weekly newspapers:*

*Publishers of **daily newspapers** meriting support each receive an equally high amount of approximately € 200,000. However, this amount depends on the amount of funding earmarked in the Federal Finances Act. In the case of weekly newspapers, promotional funding is only granted if distribution includes a maximum of 10,000 sold subscriptions.*

*2. Special funding to preserve the regional diversity of daily newspapers:*

*Regional daily newspapers receive promotional funding. Every daily newspaper meriting support receives a threshold amount of € 500,000. **Weekly newspapers do not** receive this type of funding.*

*3. Measures to promote quality and future publication:*

*Promotional funding is granted to institutions training journalists as well as to press clubs.*

*In the past ten years, a total of € 12 million was spent, on average, on funding for federal press promotion. Of this amount four weekly newspapers in the national-minorities' languages received, an amount of € 60,000, on average, which corresponds to 0.5% of the press promotion budget.*

### **3.) Promotional funding for the national minorities**

The budget of the Federal Chancellery for promotional funding of the national minorities has remained unchanged since 1995. There has not even been adjustment for inflation in these 20 years. By comparison, the Austrian Consumer Price Index VPI went up by 45.5% during that time. The organisations representing Austria's national minorities refer to their actual needs and Article 7 (1) letter c of the European Charter for Regional or Minority Languages and agree on demanding that as of 2016 this budget line must be increased by at least 50%

and must be adjusted for inflation on an annual basis and/or to the actual needs and requirements.

Notwithstanding the promotional funding according to § 8 of the National Minorities Act, a fund with adequate financial means should be set up to promote the special educational and social programmes for the Roma minority in Austria, which the representatives of this national minority should manage independently.

#### IV.7.2 Comments by the Association of Slovene Lawyers in Carinthia

##### **Ad II Item 1:**

The report states that no agreement was reached on the draft sent out for commenting for a new law on the national minorities, and that this amendment was therefore not followed up any further.

This presentation is an inadmissible contraction. Agreement was reached in working groups on extremely important areas such as education and language, or regional and economic policies, and proposals were elaborated that were supported by all sides. On the issue of amending the National Minorities Act there were additional desiderata concerning essential sections of the text proposed by the Government; yet, the improvements proposed in the field of topography and concerning minority languages as official language were not rejected. However, the Government wanted to bring about a reform of the advisory councils for the national minorities at the same time, which would have made it possible for the Federal Government to exert still more influence on the organisations of the national minorities, as this is the case at present. This was rejected. However, the Federal Government linked any willingness for reform to the reform of the advisory councils for the national minorities, which was to be implemented at the same time. It thus inadmissibly linked any progress in the policy concerning national minorities to this issue. It is logically not understandable why improvements in fields such as official language, topography and particularly education policy could not be embarked upon, especially as these areas have nothing to do with the reform of the advisory councils for the national minorities.

If it is stated that one would not want to evade a "unanimous wish of all advisory councils for the national minorities", this is an inadmissible linkage between different problem areas. Why should the educational system for the Czechs in Vienna, for example, only be improved if this is also endorsed by the advisory council of the Roma? Why should the court language in Carinthia for Slovenes in Carinthia only be improved in the sense of adapting the legal situation to that in Burgenland if these measures are also endorsed by the Slovak advisory council?

The conclusion is that the first recommended immediate action – amendment of the National Minorities Act – was not implemented. The amendment of the National Minorities Act of July 2011 did bring more bilingual signposts for place names, but it is not an implementation of the decisions



of the Constitutional Court. As regards the use of the minority languages as official language the result actually led to deterioration, compared to the previous legal situation.

#### **Ad II 2:**

The topography arrangements on constitutional level do not implement the decisions of the Constitutional Court. In its most recent decisions, the Constitutional Court had specified topographical issues by stating that bilingual topographical signs should be put up in places where the mean value of the 1991 and 2001 censuses showed a Slovene population of 10%. What, in fact, was implemented, were only the Constitutional Court decisions on concrete incidents; all other villages were only taken into account if they had a Slovene share of 17.5%, i.e. far more than what the Constitutional Court had demanded. In addition, villages with fewer than 31 inhabitants were disregarded altogether, even though they had a majority Slovene population. Concerning the use of the minority language as official language, the result actually led to deterioration, compared to the previous legal situation. As the adopted arrangements were put on the constitutional level, there is no longer any domestic possibility to challenge these acts. Nevertheless, there is currently a case pending before the Constitutional Court to combat the regulations on official language in the municipality of St. Kanzian/Škocjan, since the regulations are so absurd – in the opinion of the complainants – that the Constitutional Court could actually lift them as constitutional law, as they are contrary to elementary criteria valid under the rule of law. After all, an arrangement was introduced in the municipalities of Eberndorf/Dobrla vas and St. Kanzian/Škocjan, which states that only the inhabitants of certain villages have the right to use Slovene as an official language, which is an inadmissible discrimination on ethnic grounds and also ought to be in contradiction to the European Human Rights Convention. Concerning the court language, specifying the three existing small bilingual courts was perpetuated, thus depriving an essential part of the national minority of the possibility, to conduct proceedings in the Slovene language. The ruling is not systematic but cannot be challenged as it is on constitutional level. The arrangements also differ from the arrangements for Burgenland, where the entire bilingual area is comprised.

There are no plans to issue provisions on implementation which would make it possible for the territorial corporations to allow for more rights of the national minorities. Indeed, contrary to all promises, so far there has not been more implementation on a voluntary basis, only the minimum required under constitutional law has been implemented.

#### **Ad II 3:**

The required revision of the composition of the advisory councils for the national minorities did not take place; the appointment procedure continues to be incomprehensible and to lack transparency. Numerous proposals for giving democratic legitimacy to the representatives of the national minorities have been consistently ignored by the Federal Government.

### **Ad III 1:**

Article 1 stipulates that the protection of the national minorities constitutes an area of international cooperation. It must be pointed out in this context that the essential provision under Austrian law for the protection of national minorities is a provision under international law, namely Article 7 of the State Treaty of Vienna. The Constitutional Court has issued a number of decisions which interpret this provision, especially Article 7 Number 3 of the State Treaty, concerning the use of minority languages as official language and bilingual topographical signs. The 2011 amendment of the National Minorities Act established new regulations for this area which were put on constitutional level. The Constitutional Court has already pointed out that, as result, there is hardly anymore room on the domestic level to apply Article 7 Number 3 of the State Treaty of Vienna, although the 2011 Amendment of the National Minorities Act falls behind the targets set by the Constitutional Court. The Republic of Austria thus, in fact, restricted the possibility for members of the national minorities to apply a provision under international law for the protection of national minorities, as a result of which only the signatory states of the State Treaty of Vienna can invoke Article 7 Number 3 of the State Treaty of Vienna.

### **Ad III 3:**

The table on informal language according to the 2001 census contains a category "Windisch" with the comment that this is a variant of Slovene interspersed with German words.

It must be mentioned, in this context, that the category "Windisch" was first introduced by the National Socialists after their occupation of Austria during the 1939 census and was subsequently taken over without further reflection and continued by the authorities of the Second Republic of Austria. It is true that the so-called "Windisch" language is nothing but a Slovene dialect. If one were to follow the comment that "Windisch" is a variant of Slovene, then that category would have to be added to the category "Slovene". This is of significance on account of the fact that the Austrian Constitutional Court neglected to do this. On the issue of topography a case was pending concerning the village of Gallizien/Galicija. The mean value of the two recent censuses for that village gave exactly 10.0% for the share of the Slovene population; the Constitutional Court required that the percentage must be higher than 10.0%. If one were to add the "Windisch-speaking" population in Gallizien/Galicija, the value would be higher than 10%. If the Government, in its report, indicates that "Windisch" is a variant of Slovene, then it would be consistent to revise the decision of the Constitutional Court concerning Gallizien/Galicija and one would also have to set up bilingual topographical signs for this village.

Concerning the statements by the Federal Government that the settlement density of this national minority is too low in Styria, so as to justify bilingual topographical inscriptions or a minority school system, it should be pointed out that Article 7 of the State Treaty of Vienna expressly mentions the Slovene population of Styria. Unless the provision in the State Treaty is without substance, there must therefore be at least one village and one school in Styria that falls within the scope of

application of Article 7 of the State Treaty of Vienna. The comments of the Federal Government on this matter ignore the obligations of Austria under international law, as they derive from the State Treaty of Vienna.

Concerning collective rights, the Government states that, as a matter of principle, the Austrian legal system has been designed for individual rights and the protection of individual rights. The statement is incorrect in this general form. There are numerous areas where associations and organisations are given the possibility to defend collective rights, which range from employee protection to consumer protection, from agrarian communities to associations protecting against unfair competition. It is therefore not understandable why the Austrian Federal Government refuses to grant the right to file class actions to the organisations representing the national minorities in order to safeguard the rights of the national minorities. In areas such a bilingual topography, media supplies, organisation of schools and education, etc., the legal protection afforded by the rights of individual persons alone is not enough; in some sub-areas it is not even possible.

#### **Ad III 4:**

Article 4 governs the right to equality before the law and prohibits any discrimination on grounds of belonging to a national minority.

The right to equality and the ban on discrimination on grounds of ethnicity is elementary and the decisive yardstick, especially in proceedings before the Constitutional Court. With the 2011 Amendment to the National Minorities Act, the Republic of Austria excluded precisely that yardstick by lifting essential provisions to constitutional level. This is an abuse of the constitutional format, as the content of the provisions is not of a constitutional nature, but the provisions only serve implementation. With regard to national languages used as official languages, the principle of equality is violated blatantly, as the inhabitants of one village may use the language of the national minority before one and the same authority, whereas the inhabitants of another village may not do so. The principle of equality is also violated on account of the fact that several municipalities, where the national minority language could be used as official language, were excluded, and the inhabitants are barred from appealing the principle of equality because the provision is on constitutional level. With regard to bilingual topography, the principle of equality is blatantly violated as several villages with 10% or even less of Slovene inhabitants have bilingual signs, while other villages with higher shares do not have them. However, the Republic of Austria holds the view that this is not a subjective public right; additionally, the new arrangement is on constitutional level and can therefore not be challenged. For the judiciary, Slovene has been excluded as a court language for major parts of the bilingual area. Once again, appeals on grounds of equality will fail, as the arrangement is on constitutional level.

If therefore the State Report describes in great detail what complaint options are available, this is misleading, as, in fact, any possibility to complain was excluded for essential aspects concerning the protection afforded to national minorities.

### **Ad III 5:**

The State Report lists the amounts paid to financially promote the national minorities. It must be pointed out that the budget to promote the national minorities has not been adjusted since 1995 and that there is thus actually a reduction of the financial support for the national minorities by some 40%, when considering inflation. Numerous institutions of the national minorities such as the only weekly newspaper in the Slovene language not published by the Church are threatened in their existence. A large part of the institutions of the Slovene minority in Carinthia could not exist without the support granted by the Republic of Slovenia. A major increase of the funds used to promote the national minorities has been demanded for years, but is not granted. Instead, partly vexatious bureaucratic input is sometimes required when accounting for the granted money. This has also been criticized for years, without the criticism leading to any improvement at all.

### **Ad III 6:**

Concerning the situation in Carinthia, the State Report indicates that the inter-ethnic climate in Carinthia has relaxed tangibly and considerably. This can be confirmed. This fact merely underlines the view, which representatives of the national minority have always held, that the "national minority issue" in Carinthia was fuelled politically, and that only a minority of the majority population has difficulties implementing the rights of the national minority. It is therefore not understandable why the voluntary additional measures have so far not been taken which were promised on the occasion of the "solution to the topographical signs issue".

"Glasbena šola", which is mentioned as a positive example, proves to be a problem when looking at it more closely. It is true that a statutory solution has been found that secures the existence of "Glasbena šola". This was preceded by months of negotiations between the representatives of the Federal Province of Carinthia and the Slovene minority, and, as a condition for the integration of "Glasbena šola", the scope of its activities had to be reduced considerably. A compromise was reached in the negotiations, which ensures that 400 teaching units can be held. The representatives of the national minority agreed to it. Only a few days before the Carinthian regional parliament adopted the solution, the number of teaching units was further reduced to only 280, which did not correspond to the agreement. This is obviously due to the difficult financial situation of the Federal Province of Carinthia. The Federal Government could easily have helped Carinthia and thus facilitated the originally envisaged number of teaching units. This was not done.

The State Report pays extensive tribute to institutions such as "Dialogue Forum", the "European National Minorities Congress", the "Culture Week/Kulturni teden", etc. However, all of these institutions cannot replace the public-law representation of the national minority which is desired by a large part of the national minority. Such a representative body of the national minority, namely a public-law corporation, would be in a position to actually be an interlocutor on an equal level and could represent the concerns of the national minority in an institutionalised form and in a partnership with the majority population.

As far as the anti-discrimination measures are concerned, it is pointed out again that it is an urgent issue to grant the right to file class actions to the organisations representing the national minority. In consequence, these organisations could effectively take anti-discrimination measures. It was also proposed to set up an ombudsperson, who would defend the rights of national minorities and to whom persons belonging to national minorities could turn, in case the rights of the national minorities were violated. However, none of these proposals was implemented, nor are they currently being discussed.

#### **Ad III 9:**

An expansion of the ORF media services in the Slovene language needs to be demanded. Concerning radio stations, the license was only granted to "Radio Agora" this time, when the licenses were again awarded to private radio stations. In addition to broadcasts in the Slovene language, this station also tries to provide services to other "minority groups" of whatever kind, including migrants. While this needs to be welcomed, it must also be stated that this approach results in a considerable restriction of the radio services supplied to the Slovene minority.

In connection with the print media, the Slovene weekly newspaper "Novice" is acutely threatened in its existence, as sufficient financing has not been ensured. Austrian press promotion only amounts to about € 28,000 per year, which is not enough by far. A radical rise in the press promotion for the media of the national minorities is urgently needed.

#### **Ad III 10:**

The State Report lists the number of proceedings in the Slovene language before the three bilingual local courts. It must be pointed out that a very substantial number of proceedings that also concern persons belonging to the national minority take place in Klagenfurt/Celovec and Völkermarkt/Velikovec, while the three bilingual local courts only have competences for a very small number of proceedings affecting persons belonging to the national minority. It has been demanded for years that bilingual jurisdiction should be expanded to Klagenfurt/Celovec, Villach/Beljak and Völkermarkt/Velikovec, which the responsible presidents of the Regional Court and the Higher Regional Court generally support. Nevertheless, there is obviously no willingness for reform, and the three existing bilingual courts were actually confirmed under constitutional law so that, in reality, constitutional law excludes the possibility to use Slovene as a court language before other courts.

Concerning the use of Slovene as an official language in administrative matters, this continues to be burdened by considerable psychological hurdles. Applications in the Slovene language are handled more slowly; authorities such as the district commission (Bezirkshauptmannschaft) of Klagenfurt/Celovec react with surprise to submissions in the Slovene language, and civil servants do not even know that the Slovene language is admitted as an official language before their very authority. There will no longer be any problems using the language of the national minority as an

official language and its use will increase if – and to the extent that – the responsible administrative authorities promote it actively, which is not the case, though.

Several years ago the tax offices were a positive example. Regrettably the situation at tax offices has deteriorated. Time and again there are cases where forms in the Slovene language are not accepted, or where it is argued that forms in Slovene are merely tools “assisting” persons to complete the forms in the German language.

However, one should also mention positive examples. Within the scope of the administrative court of the province of Carinthia [Landesverwaltungsgericht] as well as the scope of the district commission (Bezirkshauptmannschaft) of Völkermarkt/Velikovec there are no complaints about the use of Slovene as an official language. The municipality of Ludmannsdorf/Bilčovs made available all forms, including the Slovene language, on the Internet and offers this programme also to all other municipalities against a small charge for overheads. It would be desirable if the municipal department issued a general instruction to all bilingual municipalities to use this offer.

#### **Ad III 11:**

Please refer to earlier comments concerning bilingual topographical signs.

It is pointed out in the Report that it is admissible within the scope of municipal autonomy to put up additional bilingual signposts for place names as well as designations or inscriptions of a topographical nature, provided that a municipal council takes the relevant decisions. It must be mentioned in this connection that up to date not a single such decision has been taken. In the municipality of Sittersdorf/Žitara the wish, which was supported by a majority of the inhabitants in the village of Sielach/Selo, to have a bilingual topographical signpost has not been implemented, as yet.

Concerning the possibility to use the special diacritic signs that occur in the language of the national minority it is welcomed that the technical requirements for their use in all registers have now been created and/or are now being implemented. It would be desirable, though, that information to this effect were sent to all persons concerned as well as to offer them the service of a free-of-charge correction without any complicated applications.

#### **Ad III 12:**

Concerning nursery-school teaching it should be stated that there is still no possibility to train as bilingual nursery-school teacher and that no diplomas can be obtained for this qualification. This is an extreme obstacle to the expansion of bilingual nursery-schools as there are, in fact, no quality standards.

The State Report points out that a compulsory nursery-school year has been introduced. In view of Article 7 Number 2 of the State Treaty of Vienna the consequence is that this nursery-school year must now be regarded as part of "elementary school". It therefore ought to be possible everywhere in the bilingual areas of Carinthia to enrol children for bilingual nursery-school care. However, this possibility does, in fact, not exist in large parts of the bilingual area.

#### **Ad III 14:**

The State Report describes in the section on the minority school system in Carinthia the development of enrolments for bilingual education. It shows that, after a low during the 1979/80 school year, the number of enrolments is rising continuously and now amounts to 44.58 [sic! → %]. It is foreseeable that the majority of children will enrol for bilingual education in a few years.

Against this background the principle of enrolment must be questioned critically. It should be pointed out that, initially, it had been foreseen that all children in the bilingual area could be taught bilingually. This was abolished in the 1958/59 school year and replaced by the enrolment principle. However, if it is desirable that children in the bilingual area learn both languages, and if it is foreseeable that – already now – almost one half of the children avail themselves of this option, then it is hard to understand why an express enrolment to bilingual learning continues to be necessary. Rather, in a first step the enrolment principle could be replaced by the cancellation principle, as it already exists in Burgenland.

The minority school law for Carinthia continues to comprise the constitutional provision that there must not be any teaching in the Slovene language against the express will of the parents. This is a unique discrimination of the Slovene language, especially as any other language can be introduced as teaching subject into curricula by means of the relevant provisions. This discriminating provision ought to be deleted.

Reference is made to the results of the Working Group "Education and Language" which is mentioned in the State Report in Item II.1. The results of this working group should be implemented as quickly as possible.

The State Report comments that, unfortunately, it has not been possible to expand teaching in Slovene and/or bilingual education on the secondary level. Indeed bilingual education for pupils who do not decide to go to the Slovene grammar school ends as a rule at the age of 10. Pupils continue to be faced with the decisions to choose between English or Slovene. This must be abolished immediately and bilingual education on the secondary level must also be expanded.

#### **Ad III 15:**

The draft for a new Carinthian regional constitution needs to be mentioned which, for the first time, contains at least a mention of the Slovene minority.

However, the creation of a public-law representation of the national minority as well as a national-minority mandate in the Carinthian regional parliament ought to be demanded as well for any political participation. International examples for such institutions can be cited.



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## VI Annex (Tables)

Table VI-1 Textbooks – Primary schools

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
140194	PASA ZA OCI 1. del	SLIKANICA ZA REZANJE IN RISANJE - 1. del	BILDNERISCHE ERZIEHUNG IN SLOWENISCHER SPRACHE	1=2		Hermagoras Verlag, Klagenfurt	39,1
145042	PAŠA ZA OCI 2. DEL	PAŠA ZA OCI 2. DEL, SLIKANICA ZA REZANJE IN BARVANJE za LS	BILDNERISCHE ERZIEHUNG IN SLOWENISCHER SPRACHE	3=4		Hermagoras Verlag, Klagenfurt	39
121058	To kanim znati 3/CD-ROM (Berlakovich)	To kanim znati 3/CD-ROM	SACHUNTERRICHT-KROATISCH (BURGENLÄNDISCHKROATISCH)	4		APV GmbH, Neutal	16,8
165193	BILINGUAA	BILINGUAA	SLOWENISCH	2=3=4		Hermagoras Verlag, Klagenfurt	24,9
146324	Ceština	Ceština – Tschechisch für die 3./4. Schulstufe, Lehrbuch (mit Vokabelspiel und Vokabelkärtchen)	TSCHECHISCH	3=4		NÖ Landesakademie, Deutsch-Wagram	15
160491	Ungarisch-Lernen	Játékos tanulás - Spielerisches Lernen	UNGARISCH	1=2		B.- U. Kulturverein, Oberwart	90
150662	Kiliki a Földön 1.	Kiliki a Földön 1.	UNGARISCH	3=4		Akadémiai Kiadó Zrt., Budapest	25
165609	Tanulj velünk!	Tanulj velünk! Arbeitsblätter für den Ungarisch-Unterricht in der 3. und 4. Klasse VS	UNGARISCH	3=4		E. Weber Verlag GmbH, Eisenstadt	24,9

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
150673	Magyar-német kisszótár	Magyar-német kisszótár	UNGARISCH- WÖRTERBÜCHER	3=4		Akadémiai Kiadó Zrt., Budapest	15
150674	Német-magyar kisszótár	Német-magyar kisszótár	UNGARISCH- WÖRTERBÜCHER	3=4		Akadémiai Kiadó Zrt., Budapest	15
5647	Memo i mi [Arth/Domnanovich und Arge]	Memo i mi	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	1		Edition Rötzer&APV GmbH, Neutal	43
2121	Pocetno citanje i pis.1 [Arth]	Pocetno citanje i pisanje 1	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	1		E. Weber Verlag GmbH, Eisenstadt	52,96
3007	Prikosovits- Vukovits, Mi se ucimo hrvatski	Mi se ucimo hrvatski	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	1		Nentwich-Lattner, Eisenstadt	14,43
170298	Hrvatski kroz ljeto	Hrvatski kroz ljeto. Arbeitsbuch der burgenlandkroatischen Sprache ab der 2. Klasse VS	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	2=3=4	Lehrerexem plar	E. Weber Verlag GmbH, Eisenstadt	19,7
116220	Neues Wörterbuch [Berlakovich]	Neues Wörterbuch für zweisprachige Volksschulen des Burgenlandes, Deutsch-Kroatisch - Rjecnik za dvojezicne osnovne skole Gradisca Hrvatski - Nimski	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	2=3=4		E. Weber Verlag GmbH, Eisenstadt	27,5
140175	Gradišcansko-hrvat ski pravopis	Gradišcansko-hrvatski pravopis	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	4		APV GmbH, Neutal	35
3634	Zdravo 1 (Kroatisch) [Berlakovits]	Zdravo 1 (1.Lernjahr - Kroatisch Anfänger)	KROATISCH (BURGENLÄNDISCHKRO ATISCH)	4		E. Weber Verlag GmbH, Eisenstadt	28,87
116437	Mathematika 4, na 4.stopnji LS,(Arge)	Mathematik 4 in slowenischer Sprache für die 4.Klasse Volksschule	MATHEMATIK- SLOWENISCH	4		Hermagoras Verlag, Klagenfurt	55

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
3697	Zapoj se ti 1(Gregoric,Krop,Lo gar,Opetnik)	Zapoj se ti 1	MUSIKERZIEHUNG IN SLOWENISCHER SPRACHE	2=3=4		Hermagoras Verlag, Klagenfurt	30,48
3703	ZAPOJ SE TI 2(Gregoric,Krop,Lo gar,Opetnik)	ZAPOJ SE TI 2	MUSIKERZIEHUNG IN SLOWENISCHER SPRACHE	2=3=4		Hermagoras Verlag, Klagenfurt	35,59
100760	Neue Lieder - Nove jacke - Uj dalok [Kara]	Neue Lieder - Nove jacke - Uj dalok	MUSIKERZIEHUNG- LIEDERBÜCHER KROATISCH (BURGENLÄNDISCHKRO ATISCH), UNGARISCH	1=2		Edition Rötzer&APV GmbH, Neutal	33
4016	Vjerska knjiga - Glaubensbuch 1(Wallner)	Vjerska knjiga - Glaubensbuch 1	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	1		Hermagoras Verlag, Klagenfurt	60,75
4048	Vjerska knjiga 2- Glaubensbuch 2,(Bubich)	Vjerska knjiga 2 - Glaubensbuch 2	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	2		Hermagoras Verlag, Klagenfurt	62,07
4055	Finger, Vjerska knjiga 3	Vjerska knjiga 3	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	3		St. Martins-Verlag, Eisenstadt	22,08
4030	Jaz sem pri tebi, (Arge)	Jaz sem pri tebi	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	1		Hermagoras Verlag, Klagenfurt	53,42
145044	Pri tebi sem	Pri tebi sem / Ich bin bei dir	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	1=2		Hermagoras Verlag, Klagenfurt	56

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
4029	Verouk 2	Verouk 2, S Teboj mojem rasti	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	2		Hermagoras Verlag, Klagenfurt	65,92
4092	Verouk 3 - S teboj na poti, (Arge)	Veroucna knjiga/Religionsbuch 3 - S TEBOJ NA POTI - MIT DIR AUF DEM WEG	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	3		Hermagoras Verlag, Klagenfurt	58,74
135139	GLORIA Gebets- u. Gesangsbuch	GLORIA Gebets- u. Gesangsbuch, (Arge)	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	3=4		Hermagoras Verlag, Klagenfurt	54,55
121167	Moje prvo SVETO PISMO, za 3. in 4.raz. LS	Moje prvo SVETO PISMO für die 3. u.4.Klasse der Volksschulen und Sonderschulen	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	3=4		Hermagoras Verlag, Klagenfurt	55
131417	VERUJEM - ICH GLAUBE	VERUJEM - ICH GLAUBE / Verouk-Religion	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	3=4		Hermagoras Verlag, Klagenfurt	55
4164	Verouk 4; Skupno - Miteinander, ( Arge )	Veroucna knjiga SKUPNO OBLIKUJMO NAS SVET- MITEINANDER UNSERE WELT GESTALTEN	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	4		Hermagoras Verlag, Klagenfurt	54,9
100753	To kanim znati 1[Jandrisits]	To kanim znati 1	SACHUNTERRICHT- KROATISCH (BURGENLÄNDISCHKRO ATISCH)	1=2		Edition Rötzer&APV GmbH, Neutal	33
111265	To kanim znati 2	To kanim znati 2	SACHUNTERRICHT- KROATISCH (BURGENLÄNDISCHKRO ATISCH)	3=4		Edition Rötzer&APV GmbH, Neutal	27

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
110395	To kanim znati 3	To kanim znati 3 - Burgenland/Gradisce	SACHUNTERRICHT-KROATISCH (BURGENLÄNDISCHKROATISCH)	4		Edition Rötzer&APV GmbH, Neutal	27
111106	Pozdravljene, besede! 1-2-3.del (Kapus)	Slowenisch für Anfänger 1-POZDRAVLJENE,BESEDE! (1., 2. in 3.del), delovni zvezek za zacetni pouk branja in pisanja	SLOWENISCH	1		Hermagoras Verlag, Klagenfurt	43,55
1842	Slowenisch 1, (Terbuch)	Veselo na delo - Slowenisch 1 für Anfänger	SLOWENISCH	1		Hermagoras Verlag, Klagenfurt	49,97
116439	Slovenscina 1. - 4. razreda LS; ( Arge)	POSLUSAM BEREM GOVORIM	SLOWENISCH	1=2=3=4		Hermagoras Verlag, Klagenfurt	55
165066	BEREM - PIŠEM - GOVORIM ,	BEREM - PIŠEM - GOVORIM, SLOVENSKO SE UCIM, Ucbenik, CD in delovni zvezek	SLOWENISCH	3		Hermagoras Verlag, Klagenfurt	51
116438	Slovenscina 4. razred LS,(Arge)	Slowenisch 4- Ucimo se- für die 4. Klasse VS	SLOWENISCH	4		Hermagoras Verlag, Klagenfurt	55
150487	MOJE BESEDE - SLOVAR	MOJE BESEDE - osnovni besedni zaklad za pouk slovenščine	SLOWENISCH-WÖRTERBÜCHER	2=3=4		Hermagoras Verlag, Klagenfurt	36
1827	UWB Slowenisch Slo-D/D-Slo	Universalwörterbuch Slowenisch - Slowenisch-Deutsch/Deutsch-Slowenisch	SLOWENISCH-WÖRTERBÜCHER	3		Langenscheidt KG, Wien	11
136278	1,2,3 - Hrvatski Leksik - CD-ROM	1,2,3 - Hrvatski znaš i ti! Leksik, CD-ROM	KROATISCH	1=2=3=4		Kroatischer Presseverein, Eisenstadt	24
135784	Memo i mi CD-Rom	CD-Rom Memo i mi	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2		APV GmbH, Neutal	26,3
136262	1,2,3 - GHrvatski Leksika - CD-ROM	1,2,3 - Gradišcansko-hrvatski teško nij! Leksika, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3=4		Kroatischer Presseverein, Eisenstadt	24

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
8550	Govorimo i vjezbamo 2 [Arth/Hajszan u.Arge]	Govorimo i vjezbamo 2	KROATISCH (BURGENLÄNDISCHKROATISCH)	2		Edition Rötzer&APV GmbH, Neutal	45
8551	Govorimo i vjezbamo 3 [Arth/Hajszan u.Arge]	Govorimo i vjezbamo 3	KROATISCH (BURGENLÄNDISCHKROATISCH)	3		Edition Rötzer&APV GmbH, Neutal	37,8
110392	Citamo i povidamo 3/4	Citamo i povidamo 3/4	KROATISCH (BURGENLÄNDISCHKROATISCH)	3=4		Edition Rötzer&APV GmbH, Neutal	36,8
165751	Idemo u školu. Arbeitsblätter 2. VS	Idemo u školu – Arbeitsblätter für den Kroatischunterricht ab der 2. Klasse an den zweisprachigen Volksschulen des Burgenlandes	KROATISCH (BURGENLÄNDISCHKROATISCH)	3=4		E. Weber Verlag GmbH, Eisenstadt	24,9
8552	Govorimo i vjezbamo 4 [Arth/Hajszan u.Arge]	Govorimo i vjezbamo 4	KROATISCH (BURGENLÄNDISCHKROATISCH)	4		Edition Rötzer&APV GmbH, Neutal	36,8
8553	Nutri, vani - jaci s nami1[Bucsich/Kuzmits]	Nutri, vani - jaci s nami 1	MUSIKERZIEHUNG IN KROATISCHER SPRACHE	1=2		Edition Rötzer&APV GmbH, Neutal	41
8554	Nutri, vani - jaci s nami2[Bucsich/Kuzmits]	Nutri, vani - jaci s nami 2	MUSIKERZIEHUNG IN KROATISCHER SPRACHE	3=4		Edition Rötzer&APV GmbH, Neutal	41



## VI-2 Textbooks – Secondary schools / Middle schools

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
170299	Dobar tek 1. Lehrbuch	Dobar tek 1. Lehrbuch der kroatischen Sprache für das 1. Lernjahr	KROATISCH	3	Lehrerexemplar	E. Weber Verlag GmbH, Eisenstadt	25,9
170300	Dobar tek 1. Übungsbuch	Dobar tek 1. Übungsbuch und Grammatikübersicht der kroatischen Sprache für das 1. Lernjahr	KROATISCH	3	Lehrerexemplar	E. Weber Verlag GmbH, Eisenstadt	9,9
165441	Dobro racenje 1. Lehrbuch	Dobro racenje 1. Lehrbuch der burgenlandkroatischen Sprache für das 1. Lernjahr	KROATISCH (BURGENLÄNDISCHKROATISCH)	1		E. Weber Verlag GmbH, Eisenstadt	20,5
165442	Dobro racenje 1. Übungsbuch	Dobro racenje 1. Übungsbuch und Grammatikübersicht der burgenlandkroatischen Sprache für das 1. Lernjahr	KROATISCH (BURGENLÄNDISCHKROATISCH)	1		E. Weber Verlag GmbH, Eisenstadt	8,9
121056	Citaj, pisi i povidaj 1 (Berlakovich u.a.)	Citaj, pisi i povidaj 1	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2		APV GmbH, Neutal	36
121057	Citaj, pisi i povidaj 2 (Berlakovich u.a.)	Citaj, pisi i povidaj 2	KROATISCH (BURGENLÄNDISCHKROATISCH)	3=4		APV GmbH, Neutal	36
2302	Berlakovich, Hrvatska Gramatika	Hrvatska Gramatika	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	26
110836	Hrvatska gramatika, kro./dt.	Hrvatska gramatika von Berlakovic - mit deutscher Erläuterung	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	26
100750	Prirucnik za pravilno pisanje [Loncaric]	Prirucnik za pravilno pisanje	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	24

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
140175	Gradišcanskohrvatski pravopis	Gradišcanskohrvatski pravopis	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=4		APV GmbH, Neutal	35
136354	TWB Kroatisch Kro-D/D-Kro	Taschenwörterbuch Kroatisch-Deutsch/ Deutsch-Kroatisch	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	1		Langenscheidt KG, Wien	27,5
2868	Deutsch-Kroatisches Wörterbuch - Band I	Deutsch-Burgenländischkroatisch-Kroatisches Wörterbuch Band I	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	36,67
974	Deutsch-Kroatisches Wörterbuch - Band II	Burgenländischkroatisch-Kroatisch-Deutsches Wörterbuch Band II. Gradiscanskohrvatsko-Hrvatsko-Nimski Rjecnik	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	49,1
100751	Hrvatski rjecnik [Loncaric]	Hrvatski skolski rjecnik	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	3=4		Edition Rötzer&APV GmbH, Neutal	33
3697	Zapoj se ti 1(Gregoric,Krop,Logar,Opetnik)	Zapoj se ti 1	MUSIKERZIEHUNG IN SLOWENISCHER SPRACHE	1=2=3 =4		Hermagoras Verlag, Klagenfurt	30,48
3703	ZAPOJ SE TI 2(Gregoric,Krop,Logar,Opetnik)	ZAPOJ SE TI 2	MUSIKERZIEHUNG IN SLOWENISCHER SPRACHE	1=2=3 =4		Hermagoras Verlag, Klagenfurt	35,59
4070	Sveto Pismo	Sveto Pismo, Novoga Zakona	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	1		St. Martins-Verlag, Eisenstadt	23,08
4158	Ucimo se skupa vjerovati, (Scharer u.a.)	Ucimo se skupa vjerovati	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	1		Hermagoras Verlag, Klagenfurt	61,36

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
4049	Glaubensbuch 6 - kroatisch,(Arge)	Glaubensbuch 6 - kroatisch	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	2		Hermagoras Verlag, Klagenfurt	65,92
4165	Glaubensbuch 7 - kroatisch, (Arge)	Glaubensbuch 7 - Religion in kroatischer Sprache	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	3		Hermagoras Verlag, Klagenfurt	47,72
4166	Glaubensbuch 8 - kroatisch,(Arge)	Glaubensbuch 8 - Religion in kroatischer Sprache	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	4		Hermagoras Verlag, Klagenfurt	49,88
135139	GLORIA Gebets- u. Gesangsbuch	GLORIA Gebets- u. Gesangsbuch, (Arge)	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	1=2=3 =4		Hermagoras Verlag, Klagenfurt	54,55
1827	UWB Slowenisch Slo-D/D-Slo	Universalwörterbuch Slowenisch - Slowenisch-Deutsch/Deutsch-Slowenisch	SLOWENISCH-WÖRTERBÜCHER	1		Langenscheidt KG, Wien	11
136278	1,2,3 - Hrvatski Leksik - CD-ROM	1,2,3 - Hrvatski znaš i ti! Leksik, CD-ROM	KROATISCH	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136262	1,2,3 - GHrvatski Leksika - CD-ROM	1,2,3 - Gradišcanskohrvatski teško nij! Leksika, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136422	1,2,3 - GHrvatski Opce teme - CD-ROM	1,2,3 - Gradišcanskohrvatski teško nij! Opce teme, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136423	1,2,3 - Hrvatski Opce teme - CD-ROM	1,2,3 - Hrvatski znaš i ti! Opce teme, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24

## Annex (Tables)

No.	Short title	Title	Subject	Grade	Teacher	Publisher	Price
136276	1,2,3 - GHRvatski Gramatika - CD-ROM	1,2,3 - Gradišcanskohrvatski teško nij! Gramatika, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136281	1,2,3 - Hrvatski Gramatika - CD-ROM	1,2,3 - Hrvatski znaš i ti! Gramatika, CD-ROM	KROATISCH-SPRACHLEHRE	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
155691	Ceština 2	Ceština 2 - Tschechisch für die Sekundarstufe 1, Lehrbuch	TSCHECHISCH	1=2=3 =4		NÖ Landesakademie, Deutsch-Wagram	15
150663	Halló, itt Magyarország! 1. kötet	Halló, itt Magyarország! 1. kötet	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	20
150664	Halló, itt Magyarország! 2. kötet	Halló, itt Magyarország! 2. kötet	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	20
150665	Halló, itt Magyarország! Kiegészítő kötet	Halló, itt Magyarország! Kiegészítő kötet	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	15
165086	Kiliki a Földön 2.	Kiliki a Földön 2. Magyar nyelvkönyv gyerekeknek	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	25
150671	Akadémiai magyar-német szótár	Akadémiai magyar-német szótár	UNGARISCH-WÖRTERBÜCHER	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	25
150672	Akadémiai német-magyar szótár	Akadémiai német-magyar szótár	UNGARISCH-WÖRTERBÜCHER	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	25

## VI-3 Textbooks – General upper-level secondary schools

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
170299	Dobar tek 1. Lehrbuch	Dobar tek 1. Lehrbuch der kroatischen Sprache für das 1. Lernjahr	KROATISCH	3	Lehrerexemplar	E. Weber Verlag GmbH, Eisenstadt	25,9
170300	Dobar tek 1. Übungsbuch	Dobar tek 1. Übungsbuch und Grammatikübersicht der kroatischen Sprache für das 1. Lernjahr	KROATISCH	3	Lehrerexemplar	E. Weber Verlag GmbH, Eisenstadt	9,9
165441	Dobro racenje 1. Lehrbuch	Dobro racenje 1. Lehrbuch der burgenlandkroatischen Sprache für das 1. Lernjahr	KROATISCH (BURGENLÄNDISCHKROATISCH)	1		E. Weber Verlag GmbH, Eisenstadt	20,5
165442	Dobro racenje 1. Übungsbuch	Dobro racenje 1. Übungsbuch und Grammatikübersicht der burgenlandkroatischen Sprache für das 1. Lernjahr	KROATISCH (BURGENLÄNDISCHKROATISCH)	1		E. Weber Verlag GmbH, Eisenstadt	8,9
121056	Citaj, pisi i povidaj 1 (Berlakovich u.a.)	Citaj, pisi i povidaj 1	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2		APV GmbH, Neutal	36
121057	Citaj, pisi i povidaj 2 (Berlakovich u.a.)	Citaj, pisi i povidaj 2	KROATISCH (BURGENLÄNDISCHKROATISCH)	3=4		APV GmbH, Neutal	36
2302	Berlakovich, Hrvatska Gramatika	Hrvatska Gramatika	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1		Edition Rötzer&APV GmbH, Neutal	26
100750	Prirucnik za pravilno pisanje [Loncaric]	Prirucnik za pravilno pisanje	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=2=3=4		Edition Rötzer&APV GmbH, Neutal	24
140175	Gradišcanskohrvatski pravopis	Gradišcanskohrvatski pravopis	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=4		APV GmbH, Neutal	35

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
136354	TWB Kroatisch Kro-D/D-Kro	Taschenwörterbuch Kroatisch-Deutsch/ Deutsch-Kroatisch	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	1		Langenscheidt KG, Wien	27,5
2868	Deutsch-Kroatisches Wörterbuch - Band I	Deutsch-Burgenländischkroatisch-Kroatisches Wörterbuch Band I	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	36,67
974	Deutsch-Kroatisches Wörterbuch - Band II	Burgenländischkroatisch-Kroatisch-Deutsches Wörterbuch Band II. Gradiscanskohrvatsko-Hrvatsko-Nimski Rjecnik	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	1=2=3 =4		Edition Rötzer&APV GmbH, Neutal	49,1
100751	Hrvatski rjecnik [Loncaric]	Hrvatski skolski rjecnik	KROATISCH (BURGENLÄNDISCHKROATISCH)-WÖRTERBÜCHER	3=4		Edition Rötzer&APV GmbH, Neutal	33
4070	Sveto Pismo	Sveto Pismo, Novoga Zakona	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	1		St. Martins-Verlag, Eisenstadt	23,08
4158	Ucimo se skupa vjerovati, (Scharer u.a.)	Ucimo se skupa vjerovati	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	1		Hermagoras Verlag, Klagenfurt	61,36
4049	Glaubensbuch 6 - kroatisch,(Arge)	Glaubensbuch 6 - kroatisch	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	2		Hermagoras Verlag, Klagenfurt	65,92
4165	Glaubensbuch 7 - kroatisch, (Arge)	Glaubensbuch 7 - Religion in kroatischer Sprache	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	3		Hermagoras Verlag, Klagenfurt	47,72

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
4166	Glaubensbuch 8 - kroatisch,(Arge)	Glaubensbuch 8 - Religion in kroatischer Sprache	RELIGION (KATHOLISCH) IN KROATISCHER SPRACHE	4		Hermagoras Verlag, Klagenfurt	49,88
116442	Verouk 1, Skupaj v novi svet, (Arge)	Verouk za 1. razred gimnazije-SKUPAJ V NOVI SVET	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	1		Hermagoras Verlag, Klagenfurt	47,45
135139	GLORIA Gebets- u. Gesangsbuch	GLORIA Gebets- u. Gesangsbuch, (Arge)	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	1=2=3 =4		Hermagoras Verlag, Klagenfurt	54,55
111119	Verouk 2 - Kdo je ta, (Arge)	Verouk za 2. razred gimnazije-KDO JE TA	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	2		Hermagoras Verlag, Klagenfurt	47,88
111121	Verouk 3. V zivljenje,(Arge)	Verouk za 3. razred gimnazije-V ZIVLJENJE	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	3		Hermagoras Verlag, Klagenfurt	47,88
121164	Verouk 4,Gradimo prihodnost(Arge)	Verouk za 4. razred gimnazije-GRADIMO PRIHODNOST	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	4		Hermagoras Verlag, Klagenfurt	56,1
1517	Pozdravljeni, (Vrbinc)	Pozdravljeni	SLOWENISCH	1=2		Hermagoras Verlag, Klagenfurt	56,28
116443	Dober dan, knjizevnost,(Honza k)	DOBER DAN, KNJIZEVNOST	SLOWENISCH	3		Hermagoras Verlag, Klagenfurt	53,03
937	Slovenska citanka 4/5 ( Zablatnik)	Slovenska citanka 4/5	SLOWENISCH	4		Hermagoras Verlag, Klagenfurt	26,25

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
155034	SLOVAR NEMŠKO-SLOVENSKI IN SLOVENSKI IN SLOVENSKO-NEMŠKI	SLOVAR NEMŠKO-SLOVENSKI IN SLOVENSKO-NEMŠKI, šolski slovar SLOVENŠČINA	SLOWENISCH-WÖRTERBÜCHER	1		Hermagoras Verlag, Klagenfurt	39
1827	UWB Slowenisch Slo-D/D-Slo	Universalwörterbuch Slowenisch - Slowenisch-Deutsch/Deutsch-Slowenisch	SLOWENISCH-WÖRTERBÜCHER	1		Langenscheidt KG, Wien	11
3232	TWB Tschechisch Tsch-D/D-Tsch	Taschenwörterbuch Tschechisch - Tschechisch-Deutsch/Deutsch-Tschechisch	TSCHECHISCH-WÖRTERBÜCHER	3		Langenscheidt KG, Wien	25,89
136278	1,2,3 - Hrvatski Leksik - CD-ROM	1,2,3 - Hrvatski znaš i ti! Leksik, CD-ROM	KROATISCH	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136262	1,2,3 - GHrvatski Leksika - CD-ROM	1,2,3 - Gradišcanskohrvatski teško nij! Leksika, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136422	1,2,3 - GHrvatski Opce teme - CD-ROM	1,2,3 - Gradišcanskohrvatski teško nij! Opce teme, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136423	1,2,3 - Hrvatski Opce teme - CD-ROM	1,2,3 - Hrvatski znaš i ti! Opce teme, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136276	1,2,3 - GHrvatski Gramatika - CD-ROM	1,2,3 - Gradišcanskohrvatski teško nij! Gramatika, CD-ROM	KROATISCH (BURGENLÄNDISCHKROATISCH)-SPRACHLEHRE	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
136281	1,2,3 - Hrvatski Gramatika - CD-ROM	1,2,3 - Hrvatski znaš i ti! Gramatika, CD-ROM	KROATISCH-SPRACHLEHRE	1=2=3 =4		Kroatischer Presseverein, Eisenstadt	24
170327	Errenst, Kramer-Siencnik, Ottowitz - GM 1	Errenst, Kramer-Siencnik, Ottowitz - GM 1	MATHEMATIK IN SLOWENISCHER SPRACHE	1		Eigenverlag BG Slowenen, Klagenfurt - DIR	22,3



## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
170105	Errenst, Kramer-Siencnik, Ottowitz - GM 3	Errenst, Kramer-Siencnik, Ottowitz - Genialno! Matematika 3	MATHEMATIK IN SLOWENISCHER SPRACHE	3		Eigenverlag BG Slowenen, Klagenfurt - DIR	29,9
125957	Svet iz Besed 5	Svet iz Besed 5, samostojni delovni zvezek za branje	SLOWENISCH	1		Zalozba Rokus Klett, Ljubljana	23
125951	Gradim slovenski Jezik 5: Rad te Imam	Gradim slovenski Jezik 5: Rad te Imam, samostojni delovni zvezek za slovenscino	SLOWENISCH	1=2		Zalozba Rokus Klett, Ljubljana	24,4
125958	Svet iz Besed 6	Svet iz Besed 6, samostojni delovni zvezek za branje	SLOWENISCH	2		Zalozba Rokus Klett, Ljubljana	23
125952	Gradim slovenski Jezik 6: Rad te Imam	Gradim slovenski Jezik 6: Rad te Imam, samostojni delovni zvezek za slovenscino	SLOWENISCH	2=3		Zalozba Rokus Klett, Ljubljana	24,4
150695	Slovenscina za vsakdan 7 - pos.izd., sdz	Slovenscina za vsakdan 7 - posodobljena izdaja, samostojni delovni zvezek v dveh delih za slovenscino– jezik v 7. razredu osnovne sole	SLOWENISCH	3		Zalozba Rokus Klett, Ljubljana	24,9
125955	Slovenscina za Vsakdan in Vsak Dan 7	Slovenscina za Vsakdan in Vsak Dan 7, delovni zvezek za slovenski jezik	SLOWENISCH	3		Zalozba Rokus Klett, Ljubljana	23
125959	Svet iz Besed 7	Svet iz Besed 7, samostojni delovni zvezek za branje	SLOWENISCH	3		Zalozba Rokus Klett, Ljubljana	22,8
125956	Slovenscina za Vsakdan in Vsak Dan 8	Slovenscina za Vsakdan in Vsak Dan 8, delovni zvezek za slovenski jezik	SLOWENISCH	4		Zalozba Rokus Klett, Ljubljana	25
125960	Svet iz Besed 8	Svet iz Besed 8, samostojni delovni zvezek za branje	SLOWENISCH	4		Zalozba Rokus Klett, Ljubljana	22,8
155691	Ceština 2	Ceština 2 - Tschechisch für die Sekundarstufe 1, Lehrbuch	TSCHECHISCH	1=2=3 =4		NÖ Landesakademie, Deutsch-Wagram	15

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
160722	Tschechische Grammatik	Tschechische Grammatik auf einen Blick	TSCHECHISCH	1=2=3 =4		Akropolis, Opava	1,7
150663	Halló, itt Magyarország! 1. kötet	Halló, itt Magyarország! 1. kötet	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	20
150664	Halló, itt Magyarország! 2. kötet	Halló, itt Magyarország! 2. kötet	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	20
150665	Halló, itt Magyarország! Kiegészítő kötet	Halló, itt Magyarország! Kiegészítő kötet	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	15
165086	Kiliki a Földön 2.	Kiliki a Földön 2. Magyar nyelvkönyv gyerekeknek	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	25
150669	Magyar-német kézisótár	Magyar-német kézisótár CD-vel függelékkel	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	30
150670	Német-magyar kézisótár	Német-magyar kézisótár CD-vel függelékkel	UNGARISCH	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	30
150671	Akadémiai magyar-német szótár	Akadémiai magyar-német szótár	UNGARISCH-WÖRTERBÜCHER	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	25
150672	Akadémiai német-magyar szótár	Akadémiai német-magyar szótár	UNGARISCH-WÖRTERBÜCHER	1=2=3 =4		Akadémiai Kiadó Zrt., Budapest	25
160333	Ja govorim hrvatski 1	Ja govorim hrvatski 1. Lehrbuch der kroatischen Sprache.	KROATISCH	5		E. Weber Verlag GmbH, Eisenstadt	25,9
170318	Ja govorim hrvatski 2. Lehrbuch	Ja govorim hrvatski 2 - Lehrbuch der kroatischen Sprache für Fortgeschrittene	KROATISCH	6	Lehrerexemplar	E. Weber Verlag GmbH, Eisenstadt	20,4
2302	Berlakovich, Hrvatska Gramatika	Hrvatska Gramatika	KROATISCH-SPRACHLEHRE	5		Edition Rötzer&APV GmbH, Neutal	26

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
160334	Ja govorim hrvatski 1 - Gramatika.	Ja govorim hrvatski 1 - Gramatika. Erläuterungen zur kroatischen Grammatik.	KROATISCH-SPRACHLEHRE	5		E. Weber Verlag GmbH, Eisenstadt	19,9
170319	Ja govorim hrvatski 2 - Gramatika	Ja govorim hrvatski 2 - Gramatika. Grammatiches Beiheft und Lösungsschlüssel zum Lehrbuch Ja govorim hrvatski 2	KROATISCH-SPRACHLEHRE	6	Lehrerexemplar	E. Weber Verlag GmbH, Eisenstadt	15,9
121166	Vstopi v sveto pismo, slov. solska biblija	VSTOPI V SVETO PISMO , slovenska solska biblija za ZG in ZRG za Slovence ter za DTAK	RELIGION (KATHOLISCH) IN SLOWENISCHER SPRACHE	5=6=7=8		Hermagoras Verlag, Klagenfurt	47,79
165072	BERILO 1 Umetnost besede	BERILO 1 Umetnost besede; ucbenik za slovenščino- književnost v 1. letniku gimnazij	SLOWENISCH	5		Hermagoras Verlag, Klagenfurt	37,9
116443	Dober dan, književnost,(Honza k)	DOBER DAN, KNJIZEVNOST	SLOWENISCH	5		Hermagoras Verlag, Klagenfurt	53,03
937	Slovenska citanka 4/5 ( Zablatnik)	Slovenska citanka 4/5	SLOWENISCH	5		Hermagoras Verlag, Klagenfurt	26,25
1517	Pozdravljeni, (Vrbinc)	Pozdravljeni	SLOWENISCH	5=6=7		Hermagoras Verlag, Klagenfurt	56,28
165073	BERILO 2 Umetnost besede	BERILO 2 Umetnost besede, ucbenik za slovenščino - književnost v 2. letniku gimnazij	SLOWENISCH	6		Hermagoras Verlag, Klagenfurt	40,9
165074	BERILO 3 Umetnost besede	BERILO 3 Umetnost besede, ucbenik za slovenščino - književnost v 3. letniku gimnazij	SLOWENISCH	7		Hermagoras Verlag, Klagenfurt	36,9
165075	BERILO 4 Umetnost besede	BERILO 4 Umetnost besede, ucbenik za slovenščino - književnost v 4. letniku gimnazij	SLOWENISCH	8		Hermagoras Verlag, Klagenfurt	35,9

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
155034	SLOVAR NEMŠKO-SLOVENSKI IN SLOVENSKI IN SLOVENSKO-NEMŠKI	SLOVAR NEMŠKO-SLOVENSKI IN SLOVENSKO-NEMŠKI, šolski slovar SLOVENŠČINA	SLOWENISCH-WÖRTERBÜCHER	5=6=7 =8		Hermagoras Verlag, Klagenfurt	39
1827	UWB Slowenisch Slo-D/D-Slo	Universalwörterbuch Slowenisch - Slowenisch-Deutsch/Deutsch-Slowenisch	SLOWENISCH-WÖRTERBÜCHER	5=6=7 =8		Langenscheidt KG, Wien	11
170107	Ottowitz - Poskusi iz fizike	Ottowitz - Poskusi iz fizike	PHYSIK IN SLOWENISCHER SPRACHE	5=6=7 =8		Eigenverlag BG Slowenen, Klagenfurt - DIR	39,9
170197	Pinter, Psihologija	Pinter, Psihologija	PSYCHOLOGIE UND PHILOSOPHIE IN SLOWENISCHER SPRACHE	7		Eigenverlag BG Slowenen, Klagenfurt - DIR	21,8
150689	Na pragu besedila 1 - pos.izd., del. zvezek	Na pragu besedila 1 - posodobljena izdaja, delovni zvezek za slovenscino v 1. letniku gimnazij in srednjih strokovnih sol	SLOWENISCH	5		Zalozba Rokus Klett, Ljubljana	19,9
150687	Na pragu besedila 1 - posod. izd., ucbenik	Na pragu besedila 1 - posodobljena izdaja, ucbenik za slovenscino v 1. letniku gimnazij in srednjih strokovnih sol	SLOWENISCH	5		Zalozba Rokus Klett, Ljubljana	21,9
150690	Na pragu besedila 2 - pos. izd., ucbenik	Na pragu besedila 2 - posodobljena izdaja, ucbenik za slovenscino v 2. letniku gimnazij in srednjih strokovnih sol	SLOWENISCH	6		Zalozba Rokus Klett, Ljubljana	21,9
150692	Na pragu besedila 2 - pos.izd., del. zvezek	Na pragu besedila 2 - posodobljena izdaja, delovni zvezek za slovenscino v 2. letniku gimnazij in srednjih strokovnih sol	SLOWENISCH	6		Zalozba Rokus Klett, Ljubljana	19,9

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
125940	Na Pragu Besedila 3 delovni zvezek	Na Pragu Besedila 3 delovni zvezek za slovenski jezik v 1. letniku gimnazij, strokovnih in tehniških sol	SLOWENISCH	7		Zalozba Rokus Klett, Ljubljana	23
125944	Na Pragu Besedila 4 delovni zvezek	Na Pragu Besedila 4 delovni zvezek za slovenski jezik v 1. letniku gimnazij, strokovnih in tehniških sol	SLOWENISCH	8		Zalozba Rokus Klett, Ljubljana	23
125942	Na Pragu Besedila 4 ucenik	Na Pragu Besedila 4 ucenik za slovenski jezik v 1. letniku gimnazij, strokovnih in tehniških sol	SLOWENISCH	8		Zalozba Rokus Klett, Ljubljana	26,4
160718	Tschechisch Schritt für Schritt	Tschechisch Schritt für Schritt	TSCHECHISCH	5		Akropolis, Opava	25
160723	Ceština expres 1 / deutsch	Ceština expres 1 / deutsche Version (Niveau A1/1)	TSCHECHISCH	5=6		Akropolis, Opava	12
160722	Tschechische Grammatik	Tschechische Grammatik auf einen Blick	TSCHECHISCH	5=6=7 =8		Akropolis, Opava	1,7
160724	Ceština expres 2 / deutsch	Ceština expres 2 / deutsche Version (Niveau A1/2)	TSCHECHISCH	7		Akropolis, Opava	12
160721	Tschechisch Schritt für Schritt 2	Cesky krok za krokem 2	TSCHECHISCH	7		Akropolis, Opava	23
160725	Tschechisch fürs Leben	Ceština pro život / Czech for Life / Tschechisch fürs Leben	TSCHECHISCH	7=8		Akropolis, Opava	15
120577	Szia AH	Szia! Ungarisch für Anfänger, Arbeitsbuch	UNGARISCH	5		öbv, Wien	9,45
120578	Szia SB	Szia! Ungarisch für Anfänger, Lehrbuch	UNGARISCH	5		öbv, Wien	25,5
150663	Halló, itt Magyarország! 1. kötet	Halló, itt Magyarország! 1. kötet	UNGARISCH	5=6=7 =8		Akadémiai Kiadó Zrt., Budapest	20

## Annex (Tables)

No.	Short titel	Title	Subject	Grade	Teacher	Publisher	Price
150664	Halló, itt Magyarország! 2. kötet	Halló, itt Magyarország! 2. kötet	UNGARISCH	5=6=7 =8		Akadémiai Kiadó Zrt., Budapest	20
150665	Halló, itt Magyarország! Kiegészítő kötet	Halló, itt Magyarország! Kiegészítő kötet	UNGARISCH	5=6=7 =8		Akadémiai Kiadó Zrt., Budapest	15
150669	Magyar-német kézisótár	Magyar-német kézisótár CD-vel függelékkel	UNGARISCH	5=6=7 =8		Akadémiai Kiadó Zrt., Budapest	30
150670	Német-magyar kézisótár	Német-magyar kézisótár CD-vel függelékkel	UNGARISCH	5=6=7 =8		Akadémiai Kiadó Zrt., Budapest	30
145821	Téma	Téma - Materialien zur ungarischen Sprache und Kultur	UNGARISCH	5=6=7 =8		hpt, Wien	29,9

