



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 28 November 2012

ECRML (2012) 7

**EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

**APPLICATION OF THE CHARTER IN AUSTRIA**

**3rd monitoring cycle**

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

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

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

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

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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

### **Chapter 1 Background Information**

#### **1.1. The Charter's ratification by Austria**

1. The Republic of Austria signed the *European Charter for Regional or Minority Languages* (hereafter referred to as "the Charter") on 5 November 1992, and ratified it on 28 June 2001. The Charter entered into force in Austria on 1 October 2001.
2. The instrument of ratification is set out in Appendix I of this report. Austria declared at the time of deposit of the instrument of ratification that the regional or minority languages in Austria, within the meaning of the Charter, were the Burgenland-Croatian, the Slovenian, the Hungarian, the Czech and the Slovakian languages, as well as the Romani language of the Austrian Roma minority.
3. Article 15, paragraph 1 of the Charter requires States Parties to submit three-yearly reports in a form prescribed by the Committee of Ministers<sup>1</sup>. The Austrian authorities presented their third periodical report to the Secretary General of the Council of Europe on 20 October 2011.
4. In its second evaluation report on Austria (ECRML(2009)1), the Committee of Experts of the Charter (hereinafter referred to as "the Committee of Experts") outlined particular areas where the legal framework, policy and practice could be improved. The Committee of Ministers took note of the report presented by the Committee of Experts and adopted recommendations (RecChL(2009)1), which were addressed to the Austrian authorities.

#### **1.2. The work of the Committee of Experts**

5. This third evaluation report is based on the information obtained by the Committee of Experts from the third periodical report of Austria, as well as through interviews held with representatives of the regional or minority languages in Austria and the Austrian authorities during the on-the-spot visit, which took place from 6 to 9 March 2012. The Committee of Experts received a number of comments from bodies and associations legally established in Austria, submitted pursuant to Article 16, paragraph 2 of the Charter.
6. In the present third evaluation report the Committee of Experts will focus on the provisions and issues under both Part II and Part III which were singled out in the second evaluation report as raising particular problems. It will evaluate in particular how the Austrian authorities have reacted to the issues found by the Committee of Experts and, where relevant, to the recommendations made by the Committee of Ministers.
7. The present report contains detailed observations and recommendations which the Austrian authorities are encouraged to take into account when developing their policy on regional or minority languages. On this basis, the Committee of Experts has also established a list of general proposals for the preparation of a third set of recommendations to be addressed to Austria by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.
8. This report is based on the political and legal situation prevailing at the time of the Committee of Experts' third on-the-spot visit to Austria (6 to 9 March 2012).
9. The present report was adopted by the Committee of Experts on 18 June 2012.

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

10. The Committee of Experts refers to the relevant paragraphs of the first evaluation report (paragraphs 8-37) for the basic presentation of the situation of regional or minority languages in Austria. The regional or minority languages covered under the Charter in Austria are Burgenland-Croatian, Czech, Hungarian, Slovak, Slovenian, and Romani.
11. Concerning the last census, done in 2001, representatives of the Slovenian speakers have complained that the category of language named "Windisch" is in fact a variant of Slovenian, but had not been taken into account in the total number of Slovenian speakers in Austria. This, in their view, has had concrete negative consequences, as the percentage of speakers is taken into account when establishing the

<sup>1</sup> MIN-LANG (2009) 8 Outline for 3-yearly periodical reports as adopted by the Committee of Ministers of the Council of Europe.

list of municipalities with bilingual topographical signs. Representatives of the speakers of Romani also stressed the fact that the census, because it was based on the everyday language use, is not really representative of the number of speakers of Romani. The Committee of Experts understands however that no new census based on language is foreseen in the coming years.

#### *Amendment of the National Minorities Act*

12. In the third periodical report, reference is made to the programme of the Federal Government for the period 2008-2013, aiming *inter alia* at revising the National Minorities Act. Three working groups were set up by the authorities in this framework to work on specific issues related to minorities, namely on “Education and Language”, “Regional and Economic Policies”, and “Structural and Legal Issues”.

13. A proposal for an amendment of the National Minorities Act was put forward by the authorities during the reporting period. On 13 January 2012, the Federal Chancellery made a proposal for a revision of the National Minorities Act and submitted the draft to public consultation until 12 April 2012. The representatives of the Federal Chancellery, whom the Committee of Experts met during the on-the-spot visit, explained that two central objectives of this reform are to give a new definition of a minority and to modernise the Advisory Councils, make them more participative and increase their autonomy.

14. Concerning the new definition of a minority, it would no longer be based on the ethnicity, but rather on the language and the culture connected to it. The aim is to consider the minorities part of the civil society. However, the autochthonous ethnic groups will continue to be specifically named in the law, will be able to form their Advisory Council and be eligible for ethnic group subsidies.

15. The draft law also foresees the creation of a Forum of the minorities, including the Presidents and Vice-Presidents of the Advisory Councils. Three quarters would be proposed by the organisations representing the national minorities and one quarter would be represented by experts specialised in different topics. All members of the Advisory Councils will be appointed by the Chancellor, as well as their Presidents and Vice-Presidents. Furthermore, it is proposed that the minorities decide themselves on the allocation of the funds from the Federal Chancellery, with a view to making the process more transparent and result-oriented. It is also envisaged to publish the amount and the distribution of the funds for the minorities on the Internet. An assessment on the use of the funds and its impact is also foreseen.

16. Representatives of the minorities whom the Committee of Experts met during the on-the-spot visit voiced their concern as to this new draft law. In their view, the Forum and the method of appointment of its members would lead to a weaker representation of the minorities. This new procedure would give the Federal Chancellor more freedom in appointing the Advisory Councils, the administrative court would no longer be able to make a judicial review and the Advisory Councils would only have an advisory function. The direct exchange between the government and the Advisory Councils would disappear, as the government will supposedly prefer to wait for the Forum to give its opinion.

17. The Committee of Experts understands that the composition of the Advisory Councils has sometimes created difficulties in the past, leading even to complaints to the High Administrative Court. According to this new law, this will no longer be possible.

18. Speakers have also objected to the new definition of a minority and to the fact that the Draft Act mentions the autochthonous ethnic groups as a closed and exhaustive list of the autochthonous minorities, excluding *de facto* the Polish speakers. Some representatives of the speakers whom the Committee of Experts met during the on-the-spot visit disagreed with the idea of being considered as an “association” and no longer as a “minority group” under the status of this new law.

19. Other speakers, whom the Committee of Experts met during the on-the-spot visit, were more positive towards this proposed law. They considered that the proposal not to limit the use of the minority languages to defined geographical zones was rather positive, because it would allow for measures to protect and promote regional or minority languages all over Austria.

20. For some representatives of the minorities, this would reverse the Austrian legal doctrine on minority protection. This approach would significantly mitigate the legal relevance of the distinction between ethnic groups and new minorities. Some on the other hand consider the shift from the traditional ethnicity-based point of view to a new intercultural vision as positive and encouraging.

21. The Committee of Experts takes note that the representatives of the speakers have been consulted in the drafting process of this law even if some complained that their views had not been taken into account in the final draft. They regret as well that many of their proposals which were put forward in the working groups established by the government with a view to modernising the National Minorities Act have not been taken into account in the final draft

22. The speakers are furthermore disappointed with the lack of provisions on official languages, minority education and topography for the Slovene minority in Styria.

23. The Committee of Experts hopes that the concerns voiced by the representatives of the minorities are duly taken into account in the further work on the amendment of the National Minorities Act.

#### *Topographical signs*

24. The third periodical report mentions the agreement reached on 26 April 2011 between parties in Carinthia on the longstanding issue related to the topographical signs. A memorandum was signed by the State Secretary in the Federal Chancellery, the Governor of Carinthia, mayors, local-heritage societies, political parties and representatives of the Slovenian speakers in Carinthia, that served as a basis for the new legislative provisions.

25. The Austrian Parliament then adopted amendment No. 46/2011 to the National Minorities Act in July 2011. This amendment contains a list, incorporated under constitutional law, of those municipalities in the Federal Provinces of Burgenland and Carinthia where bilingual topographical signs and inscriptions must be put up. Moreover, constitutional-law provisions ensure that the Croatian, Slovenian or Hungarian language may be used as an official language, in addition to the German language.

26. The list of municipalities where bilingual topographical signs and inscriptions must be put up is composed of three different categories: firstly the municipalities contained in the valid Ordinance on Topographical Signs in Carinthia, Federal Law Gazette II No. 245/2006, which represents 15% of the villages of the list; secondly, all municipalities that were the subject of decisions by the Constitutional Court and where there is 10% or more of the population speaking Slovenian, representing 10% of the villages of the list; thirdly, municipalities where the share of the mixed-language population reaches a minimum level of 17.5%, and where there was a political agreement to include them, which represents 75% of the villages on the list, and as a result covers those municipalities that were shown to have a percentage range between 15 and 20% in the census conducted in 2001. The sections of regions in Burgenland which are included in the Annex correspond to the territorial sections that were already laid down in the Ordinance on Topographical Signs in Burgenland, Federal Law Gazette II No. 170/2000. Changes in municipal territory that have occurred in the meantime were taken into account. In some cases, only specifically named villages within a municipality were included, not the whole municipality.

27. According to the representatives of Burgenland-Croatian and Slovenian speakers, bilingual signs in villages exist, but not bilingual signs from one village to another unless both villages are included in the list. The signs depict names of localities on locality signs and directional signs that, within one of the 164 localities in the list, point to one of the other listed localities. All other signs and inscriptions, like mountains, rivers, street names, etc. remain in German only. Furthermore, only some villages of the municipalities can have the official languages.

28. A lot reportedly still depends on the goodwill of the mayors, and it seems that there is some uncertainty in several cases as to whether bilingual signs indicating other villages can be put or not.

29. Speakers furthermore have pointed to the lack of consistency in the selection of the villages in the list. In their view, 100 villages are still missing from the list. The Constitutional Court stated in many decisions that when 10% of the population speak Slovenian or Burgenland-Croatian, the language should be considered as official. The new law has increased the threshold to 17%. This has led to a new situation for the municipalities of Eberndorf / Dobrla and St. Kanzian / Škocjan, where the new provisions on official languages have limited the previous options for the use of Slovenian as an official language to a few villages. In other places, where Slovenian could in theory be used according to the law, this is no longer compulsory under constitutional law. Many places with a fairly sizeable Burgenland-Croatian population were not included in the arrangement, as is the case e.g. of Eisenstadt, the regional capital.

30. The fact that this agreement has now been put under constitutional law makes it impossible to challenge it through the Constitutional Court.

31. Croatian-speakers are disappointed with the fact that they were not consulted, nor were the Advisory Councils for the national minorities consulted on the drafting of this amendment. Representatives of the Slovenian-speakers in Styria criticise that the Slovenian population in Styria is no longer mentioned in respect of ordinances on topography and official languages, whereas this group is mentioned in the State Treaty of Vienna with regard to these two issues. However, the application of item 3 of Article 7 of the Vienna Treaty is overruled by the constitutional law.

32. The municipalities not on the list can decide on a voluntary basis to put up bilingual signs if they so wish. The proposal for the amendment of the National Minorities Act also recommends regional and territorial authorities to apply bilingual or multilingual topographic signage and other markings beyond the mandatory statutory provisions. The draft also recommends the use of the languages of the ethnic groups in general public announcements and on websites beyond the mandatory statutory provisions.

33. Slovenian speakers have reported positive impact after putting up bilingual signs in some villages. Speakers have started to speak Slovenian again in public.

34. As far as the application of Article 9 of the Charter is concerned, the speakers affirm that the amendment of the National Minorities Act leads to a deterioration of the actual situation of the regional or minority languages in Austria. They claim that now the filing of submissions in those languages is limited to representatives of "legal entities, which include in their bylaws matters relating to a national minority", whereas before, it was open to all legal entities, irrespective of the purpose defined in their bylaws, in the areas where the language was accepted as an official language (p. 224 of the third periodical report).

35. Concerning the application of article 10 of the Charter, the representatives of the speakers are afraid that matters related to regional or minority languages may be transferred from the municipalities to the district administrative authorities, as is allowed in the amendment of July 2011. Furthermore, the amendment is criticized because the Croatian, Slovenian and Hungarian languages are only admitted as official languages for acts under public administration, but not for acts administered by territorial corporations and other public-law corporations under private-economy management.

#### **1.4. General Issues arising from the evaluation of the report**

36. In the second evaluation report, because of the delay of almost two years in the submission of the periodical report, the Committee of Experts urge[d] the Austrian authorities to comply with their obligation to report on the application of the Charter in accordance with Article 15 of the Charter.

37. The third periodical report was submitted to the Secretary General of the Council of Europe on 28 July 2011 in German, and the translation in English was sent on 20 October 2011. The third periodical report was due on 12 December 2010. The Committee of Experts is disappointed with this delay in the submission of the periodical report, which hampers the good functioning of the monitoring of the Charter.

38. On the other hand, the Committee of Experts welcomes the fact that comments of the minority representatives were added as Annexes to the periodical report, as was also the case in the previous periodical report.

39. The Committee of Experts welcomes the fact that the previous evaluation report has been translated into German, which should advance public awareness of the situation of regional or minority languages in Austria.

40. In the second evaluation report, the Committee of Experts encouraged the Austrian authorities to consider applying as far as possible a more flexible approach to the Charter and giving stronger protection to the regional or minority languages that are spoken outside the territory where they currently receive legal protection. In the view of the representatives of the speakers, the federal laws concerning regional or minority languages as well as the application of the Charter in Austria were too restrictive. Furthermore, because of the historical presence of the regional or minority languages in Vienna, the growing migration of regional or minority language speakers to urban areas and the presence of the Romani language throughout the country, they maintain that the territorial approach of the government with regard to regional or minority languages is outdated.

41. In the present third monitoring cycle, the Committee of Experts has been informed by representatives of the speakers that things have not changed in this respect. Some representatives of the speakers even indicated that the factual and statutory form of ratification of the Charter restricted the rights of the minorities, limiting them to the autochthonous settlement areas, and/or that these settlements are reduced in size. In Vienna, no plans are foreseen to establish a minority school act for the traditional regional or minority languages.

## **Chapter 2 Conclusions of the Committee of Experts on how the Austrian authorities have reacted to the recommendations of the Committee of Ministers**

### **Recommendation 1**

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

42. The comments received from the Austrian authorities have not brought any new substantial, relevant information in regard to the follow-up to this recommendation.

43. The representatives of the speakers have indicated to the Committee of Experts that the situation has not changed since the last monitoring cycle with regard to the protection and promotion of Part II languages in Vienna.

44. They especially regret the fact that a law similar to the one for Burgenland and Carinthia has not been adopted for Vienna. This would allow a better protection and promotion of the regional or minority languages and is deemed necessary in view of the number of speakers present in the capital. According to the speakers, one third of the Croatian-speakers live in Vienna.

45. The representatives of the Romani speakers have stressed the fact that there are much fewer Romani speakers in Burgenland than in Vienna, and that an appropriate law should therefore also be applied in Vienna.

46. Some representatives of the speakers have drawn the attention of the Committee of Experts to the fact that the ratification of the Charter has led to a restrictive interpretation of the minority rights, limiting them to the autochthonous settlement areas, and/or that the autochthonous settlement is reduced in size.

### **Recommendation 2**

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

47. The Committee of Experts refers to paragraphs 24 to 33 above for a general comment on the situation.

48. According to the Slovenian speakers, the amendment of the National Minorities Act is not an implementation of the case law issued by the Constitutional Court. The new provisions of the National Minority Act under constitutional law have now abolished the possibility of using Slovenian as an official language in the village of Eberndorf / Dobrla vas. It is now only possible in some other villages of the municipality of Eberndorf / Dobrla.

### **Recommendation 3**

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

49. The authorities report about new curricula that have been designed in recent years for the training of bilingual teachers at the Pedagogical Universities in Carinthia and in Burgenland. Innovative methods and didactics, sustainable and long-term further-training concepts, further-training measures for active teachers in the direction of "immersion" and transfrontier further-training events are reportedly being developed. However, the significant differences in the language competence among the pupils as well as teachers continue to create challenges in minority language education.

### **Recommendation 4**

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



50. In the third periodical report, the authorities state that the legal arrangements ensure that the languages of the Burgenland-Croatian, Slovenian and Hungarian populations can be used before the courts and administrative authorities in question. Whenever bilingual officials are not available, an interpreter must be called in or – as is the case in Carinthia – the translation services available at the Office of the National Minority Group are used. Violations of this provision concerning official languages are liable to sanctions which would lead to nullity under procedural law.

51. Representatives of the Burgenland-Croatian speakers have indicated to the Committee of Experts that there is a general lack of civil servants with adequate language skills and that, for reasons of time pressure, an interpreter is rarely called in.

52. According to the Slovenian speakers, the possibility to use Slovenian before the relevant judicial and administrative authorities is disregarded to a large extent. They mention the case of the municipality of St. Kanzian / Škocjan, where a case has been pending for years as the municipality refused to use the Slovenian language.

### **Recommendation 5**

*"increase television broadcasting in Hungarian and secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian;"*

53. According to the information received, there are no daily newspapers in any of the languages of the national minorities in Austria. For Hungarian and Slovenian there are no weekly newspapers either.

54. Difficulties with regard to the longstanding existence of the weekly newspaper "Hrvatske Novine" in Croatian have been reported in this monitoring cycle, due to financial reasons. With the suppression of the so-called "living subsidies"<sup>2</sup>, the existence of the newspaper may even be more at risk in the future, when the editor retires.

## **Chapter 3 The Committee of Experts' evaluation in respect of Parts II and III of the Charter**

### **3.1. Preliminary issues**

#### *Polish*

55. In the previous evaluation report, the Committee of Experts urged the Austrian authorities to clarify, in co-operation with the Polish-speakers, the traditional presence of the Polish language in Vienna. The Committee of Experts had also previously asked for further information on the traditional presence of the Polish language in Austria.

56. According to the authorities, the overwhelming majority of Polish-speakers arrived in Vienna only at a recent date, and the requirements for setting up an Advisory Council for the Polish minority are therefore not met. In the Austrian legal system the requirements for being defined as a national minority are that the settlement is of a certain density and that there is a continuous presence over several generations.

57. However, during the on-the-spot visit, the Committee of Experts met with representatives of the Polish speakers who maintained that there is evidence of a longstanding presence of the Polish language in Vienna. According to the information given to the Committee of Experts, there seems to be a continuity of the activity of the Polish group which is recorded in several censuses (12 699 persons declared Polish language as their mother tongue in 2001; 4856 persons declared Polish language as their mother tongue in 1923). One of the organisations of the Polish-speakers, *Strzecha*, has been active since 1894. Furthermore, when Polish nationals arrived in Vienna, they were considered as subjects of the Austrian monarchy and not as immigrants. One of the suggestions put forward would be to use the documents from the Polish Church in Rennweg to determine the number of speakers and their longstanding presence in Vienna.

58. The Committee of Experts reminds the authorities that, according to article 1 paragraph a of the Charter, the Charter covers historical languages, that is to say languages which have been spoken over a long period in the State in question<sup>3</sup>, by nationals of that State "who form a group numerically smaller than the rest of the State's population". Part II of the Charter automatically applies to all regional or minority languages which correspond to this definition, regardless of whether or not they have been specified in the instrument of ratification.

<sup>2</sup> "Living subsidies" are key personnel for the Burgenland-Croatian national minority, who are employed by the Burgenland Government.

<sup>3</sup> Explanatory report of the Charter, paragraph 31.

59. The Committee of Experts therefore encourages the Austrian authorities to further engage in a dialogue with Polish speakers with a view to clarifying the issue of the continuous historical presence of Polish-speakers in Vienna, and to comment on this issue in the next periodical report.

### 3.2. Evaluation in respect of Part II of the Charter

60. The Committee of Experts will focus on the provisions of Part II which were singled out in the second report as raising particular problems. It will therefore not comment in the present report on provisions where no major issues were raised in the second evaluation report and for which the Committee of Experts did not receive any new information requiring it to reassess its implementation. These provisions are as follows:

Article 7, paragraph 1.e.

Article 7, paragraph 2.

#### Article 7 – Objectives and principles

##### Paragraph 1

***“ In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:***

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

61. In the second evaluation report, the Committee of Experts encouraged the Austrian authorities, including the Vienna authorities, to find a solution, together with the speakers, to apply Part II protection for all regional or minority languages in Vienna. The Committee of Ministers also recommended that the Austrian authorities **“(...) adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life”**.

62. All the representatives of the speakers whom the Committee of Experts met during the on-the-spot visit expressed their regret that Vienna is not covered by a specific Minority law, which would allow an adequate protection and promotion of these languages, especially in the field of education, where the demand is particularly strong.

63. Representatives of the Burgenland-Croatian speakers pointed to the fact that approximately one third of the speakers actually live in Vienna (commuting), and that their presence in Vienna can be documented for at least 400 years, as was celebrated during the 2009 Symposium organised by the Kroatischen Zentrum in Vienna *“400 Jahre Kroaten in Wien”*, and that their language therefore has a traditional presence in Vienna.

64. The authorities state in their third periodical report that Part II applies to all languages spoken by the national minorities in Vienna and that there is financial support to the organisations of the national minorities, courses at the state-run schools on a selective basis and possibilities to learn the respective languages at adult-education institutes and universities.

65. The “First Day of the Austrian National Minorities” was held in the Parliament on 18 October 2010.

66. The Committee of Experts welcomes the information provided by the authorities. In view of the repeated requests by the representatives of the speakers, it nevertheless encourages the authorities to consider establishing an appropriate legal framework for all Part II languages in the Vienna region.

***“b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;”***

67. According to representatives of the Slovenian speakers, the amendment of the National Minorities Act does not take into account 100 municipalities and villages that should have been included in the list of places where bilingual topographical signs have to be put up, in accordance with the case law of the Constitutional Court.

68. The Committee of Experts has also been informed that there is a current reform aiming to merge the district courts into bigger units, which may put at risk the availability of the Slovenian language. While the Committee of Experts at present has no indications that the undertakings under Article 9 have ceased to be fulfilled, it encourages the Austrian authorities to consult with representatives of the speakers in the preparation of the law in order to make sure that the implementation of the Charter undertakings is not negatively affected by the pending reform.

69. The Committee of Experts would welcome more information on this issue in the next periodical report.

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

#### *Funding*

70. In the second evaluation report, the Committee of Experts encouraged the Austrian authorities to protect and promote the Part II languages in all areas where they are used.

71. Representatives of the speakers voiced their dissatisfaction as to the procedure in granting promotional funding to the minorities. The priority of the projects is decided by the Federal Chancellery, and the funds are granted late in the year, obliging sometimes the minority organisations to loan money to finance their projects. The representatives of the Hungarian speakers complained that their allocation had decreased in comparison to 2008, resulting in a reduction of their activities.

72. The authorities report that since 2009, an additional sum of 100 000 Euros per year has been made available to promote intercultural projects, in addition to the 3 768 000 Euros allocated to the national minority groups in the annual budget of the Federal Chancellery. However, the Committee of Experts has been informed that practically no project funded by this 100 000 Euros is specifically devoted to the protection and promotion of the regional or minority languages in Austria. The authorities have informed the Committee of Experts that the only budgetary posts that have not been cut over the years were the projects concerning Women's rights and the national minorities. The Federal Budget has however enjoyed a general increase in the same period (see [http://english.bmf.gv.at/Publications/Budget\\_OneSheet\\_2012\\_eng.pdf](http://english.bmf.gv.at/Publications/Budget_OneSheet_2012_eng.pdf)). The Committee of Experts understands that the draft amendment of the National Minorities Act aims at giving more autonomy to the minorities to decide among themselves about the distribution of the funding.

#### *Slovenian in Carinthia*

73. The authorities report that the Federal government granted the federal province of Carinthia financial support for the years 2011-2015 in a total amount of 4 million Euros for promoting the Slovenian-speaking population. A National Minority Office within the Office of the Carinthian Regional Government has been set up, acting as a service point for all matters concerning the Slovene minority in Carinthia.

74. Whilst welcoming these initiatives, the Committee of Experts has been informed by representatives of the speakers that the Office is under-staffed and overloaded with translations. As a result, according to the speakers, long delays are common when speakers want to use Slovenian as an official language.

#### *Slovenian in Styria*

75. In the second evaluation report, the Committee of Experts encouraged the Styrian government to develop a structured policy for the Slovenian language in Styria, especially in the field of education.

76. For the authorities, the promotion of the Slovenian language in Styria is the responsibility of the Styrian Regional School Board. Financial support is granted by the federal authorities and the Styrian Regional Government to the cultural activities promoted by the association “Article VII Cultural Association for Styria – Pavel House” and especially its cultural events and publications. Long-term financial support is foreseen for this association.

#### *Hungarian*

77. The Committee of Experts has been informed that Hungarian-language child and youth care activities are also taking place in places outside the autochthonous settlements areas, such as Graz, Innsbruck, Salzburg and Linz. The associations carrying out these activities receive financial support from the budget for the promotion of the national minority groups at the Chancellery.

*Romani*

78. According to representatives of the speakers, the authorities have neither plans nor policies in regard to the protection and promotion of the Romani language.

*Burgenland-Croatian in Burgenland*

79. During the reporting period, the so-called "living subsidies" granted by the Land Burgenland to the Burgenland-Croatian associations were cut, by reason of necessary budgetary savings and because the Burgenland Government considers this to be a Federal duty. Representatives of the speakers complained to the Committee of Experts and stressed that they were using these grants for essential elements like education and media in Burgenland-Croatian.

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

80. In the second evaluation report, the Committee of Experts asked the Austrian authorities to provide information in their next periodical report on the possibilities for the Slovenian-speakers in Styria to be able to watch Slovenian language television programmes from Carinthia.

81. The authorities report that the television magazine in Slovenian of the regional ORF Carinthia can be received throughout the country on ORF 2. More generally, television broadcasts, including the local sections in Burgenland, Carinthia, Styria and Vienna, can be received throughout Austria via satellite and teletext. There is also an ORF-platform on the Internet for the minorities, with 6 channels. One representative of the minorities sits on the Audience Council of the ORF and is responsible for expressing the views of the minorities.

82. In the second evaluation report, the Committee of Experts encouraged the Austrian authorities, in co-operation with ORF, the private radio broadcasters and the speakers, to develop and guarantee long-term solutions for the broadcasting in the regional or minority languages. It also requested the Austrian authorities to provide information in their next periodical report on the measures taken by the ORF, based on the decision of the Senate that the ORF was in breach of the legal duties from 1 January 2006 to 30 June 2007, to broadcast adequate shares of radio and television programmes in Slovenian in parts of Styria, as well as in Slovak, Czech and Hungarian in Vienna.

83. The authorities report that the decision of the Federal Communications Senate of 27 June 2008 was announced throughout Austria in all news broadcasts during the hours of maximal audience. The decision was also published in the relevant regional or minority languages. The decision stated that between 1 January 2006 and 30 June 2007 the ORF did not produce adequate shares in the languages of the national minorities.

84. The shift from medium wave to FM wave for radio broadcasts for the specific radio station 1476 which had been requested for many years has now been achieved. The Committee of Experts welcomes this.

85. During the on-the-spot visit, some speakers suggested to establish an archive system on the Internet for all the regional or minority languages broadcasts. However, as regards television broadcasts, no real progresses can be noticed during the reporting period.

*Burgenland-Croatian*

86. The representatives of the Burgenland-Croatian speakers considered the general offer of television broadcast in their language to be unsatisfactory, and they would appreciate to receive the Burgenland-Croatian broadcasts in Vienna, too.

87. Problems with regard to the future existence of the weekly newspaper "Hrvatske Novine" have been reported during this monitoring cycle. Representatives of the speakers were concerned about possible additional budgetary cuts in the future, which could jeopardize the existence of the newspaper.

*Czech and Slovak in Vienna*

88. The Committee of Experts was informed that the Czech and Slovak speakers are not satisfied with the offer of radio programmes in Czech and Slovak in Vienna, or with the timing of its broadcasting. The radio broadcast takes place once a week, from 9 am to 9.30 am, and it is separated for the two languages.

89. Representatives of the Slovak minority have furthermore expressed their disappointment that the television programme is a joint one with the Czech minority. At present, television broadcasts are available in Czech and Slovak 6 times a year, for 30 minutes. The speakers would like the amount to be 6 times a year for Czech and 6 times for Slovak at least.

*Hungarian in Vienna*

90. According to the authorities, financial support is granted to the bimonthly publication “Bécsi Napló” of the Central Association of Hungarian Associations and Organisations. The speakers informed the Committee of Experts that they would like a monthly journal, but that this is not possible at present for financial reasons.

*Polish in Vienna*

91. Two radio programmes are available in Polish, but they are Internet-based and are not part of ORF.

*Slovenian in Styria*

92. A 25-minute TV magazine is broadcast every Sunday since 2009 on the regional ORF channel in Styria. The Slovenian programme broadcast in Carinthia can also be received in Styria, and is supplemented by relevant information for the Slovenian minority in Styria. The Committee of Experts has been informed that the broadcasting in Slovenian has been strengthened.

93. The Styrian Library in Graz has 3 200 books in Slovenian, and the Committee of Experts was told that in the future, online-books in Slovenian will also be made available. Translation works for cultural projects are also funded by Styria, especially in the field of films and music.

*Romani*

94. The children's journal “Moj novi mini multi” published by an association of the Burgenland-Croatian minority group is translated into Burgenland Romani (“Mri nevi mini multi”) by the Roma-Service Association. The journal is used to teach Romani at school and outside. It is financed by the Federal Chancellery through the budget for the national minorities.

95. A 20-minute magazine broadcast on Mondays is available in Romani on Radio Burgenland and in Vienna on FM wave. A multilingual 25-minute TV programme, including Romani, is also broadcast six times a year on the ORF Burgenland. There is however no specific Romani programme on television.

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

96. In the second evaluation report, the Committee of Experts encouraged the Austrian authorities to pursue their efforts to create conditions for education in all regional or minority languages in Vienna, Burgenland and Styria.

97. In the third periodical report, the authorities state that mother-tongue education is offered in Vienna in Romani, Burgenland-Croatian, Hungarian, Czech and Slovak. However, according to the national minorities, only bilingual education is available at public schools in Vienna as optional subjects. In regard to Romani, according to information by representatives of the speakers, there is no mother-tongue education. Romani is only used as an auxiliary language in a teaching context, as well as in a mediating context in some schools with Roma children and their parents.

98. The representatives of the Burgenland-Croatian, Czech and Slovak speakers whom the Committee of Experts met during the on-the-spot visit, expressed their disappointment that a minority school law, similar to the one adopted for Burgenland and for Carinthia, has not been adopted for the Federal Province of Vienna. That would have allowed for a better protection and promotion of the regional or minority languages in general and would ensure the longstanding existence of the Komenský School.

99. The working group of “Education and Language”, set up in the context of the reform of the National Minorities Act, underlined that the basis for the planned further development of the school system for the national minorities should be to teach the national language and the language of the national minority from nursery school up to the end of secondary level II, with the goal of obtaining C2 competence level of the European Framework of Reference for Languages in both languages. The Committee of Experts looks forward to receiving information in the next monitoring cycle as to how the recommendations from the working group have been taken into account by the authorities.

100. The Austrian authorities report that on 1 January 2008, the National Council established the Federal Institute for Research into Education, Innovation and Development of the Austrian School System (BIFIE), an Institute that deals, among other matters, with the subjects of interculturality and multilingualism. The Committee of Experts welcomes this creation but notes that this Institute does not deal specifically with the protection and promotion of regional or minority languages in Austria.

*Burgenland-Croatian in the Land Vienna*

101. According to the 3<sup>rd</sup> periodical report, it has been possible since 2009-2010 to have mother-tongue education in Burgenland-Croatian at the primary school at Benedikt-Schellinger-Gasse in Vienna, with native-speaker teachers.

102. Reference is also made to the bilingual model project "HIP – Hrvatski integrativni projekt" initiated at the "Sir Karl Popper School", offering Croatian as a working language in general classroom teaching 7 hours per week. Croatian mother-tongue teachers co-operate with the classroom teacher. However, according to the information gathered by the Committee of Experts during the on-the-spot visit, the project will be discontinued as there is not enough interest from the parents.

103. Burgenland-Croatian speakers would like to have their own private school, offering classes from pre-school to secondary education, with the financial support of Vienna. The Committee of Experts understands that this project is currently under preliminary discussion with the relevant authorities. The language of teaching would be Croatian, but Burgenland-Croatian could be added. Since one third of the Burgenland-Croatian speakers live in Vienna, this school would cover the needs for Burgenland-Croatian education for Vienna and the North of Burgenland. The Committee of Experts looks forward to receiving more information about these plans in the next periodical report. Generally, a complete bilingual educational cycle, from nursery-school to the school-leaving examination, is wished for by the Burgenland-Croatian speakers.

*Czech and Slovak in Land Vienna*

104. In the second evaluation report, the Committee of Experts urged the Austrian authorities to increase their co-operation with the Komenský-School to find lasting solutions to its funding difficulties and allow for more flexibility regarding the minimum number of children required to open a class.

105. The total number of pupils at the Komenský School has been steadily rising in the past years, from 380 in 2005/2006 to 416 in 2009/2010. In the current monitoring cycle, the number of 550 pupils was reported. During the on-the-spot visit, the Committee of Experts was informed that 40% of the children come from families where Czech has been spoken over several generations; 10% come from families where the language was lost, but who still have Czech roots; and 50% come from families with mixed marriages.

106. A full educational cycle, from nursery school to school-leaving examination (*Matura*) can be followed in Czech-German and/or Slovak/German.

107. Support was granted by the government to nursery school-groups operating in Czech, Slovak and Hungarian, for a total of 110 children attending the bilingual nursery school of the Komenský School association. In 2007/2008, a Slovak nursery-school group was created, and in 2008/2009, a Hungarian group. As a result, 5 school groups are now available for children at nursery-school level.

108. As regards the minimum number of children required to open a class, a point that was raised by the Committee of Experts in the two previous evaluation reports, the authorities make reference in their third report to the regulations governing the standard school system, which is a minimum of 10 pupils for a primary school class, 20 for a lower-level secondary class or an upper-level general secondary class. However, the authorities indicate that in other schools in Vienna, the number of pupils required to launch an "optional exercise" of teaching in minority language is 12.

109. The representatives of the Czech speakers expressed their dissatisfaction with the fact that, in the absence of statutory provisions and clear legal status, the number of teachers required for bilingual classes (team teaching) is still not available and the teachers (credit units) must be paid by the School Association from its own financial resources.

110. The authorities report that special promotional funding was granted to the Komenský School Association by the Vienna region and the Federal Ministry of Education, Arts and Culture, amounting to one million Euros each. The School also receives financial support from the budget of the national minority groups in the Chancellery. Teachers from the Komenský School are paid by the Ministry of Education, whereas administrative staff are paid by state funds channelled to the relevant national minority groups. Despite the increase in the allocation from the Federal Chancellery and the City of Vienna, the Committee of Experts was informed that problems still remained with regard to the funding for covering the expenses of the renovation of the school. The over-all funding is also considered to be insufficient to secure the existence of the school on a long-term basis. The representatives of the speakers stated that more than 75% of the amount of funding they receive from the Federal Chancellery goes to the school, and that this amount has remained the same since 1995. This prevents them from devoting more resources to other activities.

111. The speakers are looking for a political solution that would clarify the legal status and competences of the schools of the Komenský School Association. The whole school should be permanently funded on a sustainable legal basis, like similar schools in Carinthia and Burgenland.

112. Furthermore, speakers have expressed the wish that the network of minority language schools should be extended to avoid small children having to travel too long distances.

#### *Slovak in Vienna*

113. Support has been granted by the Federal Chancellery to the day-care centre "Baby Club" of "Sova", the Slovak School association.

114. Representatives of the speakers informed the Committee of Experts that Slovak language courses are given in afternoon classes or during week-ends by private associations, with limited funding. The speakers stressed the fact that it is nearly impossible for them to have Slovak mother-tongue education, and that a public education in Slovak does not exist in Vienna. Slovak is taught at the Komenský School, but as a third language, after German and Czech.

#### *Hungarian in Vienna*

115. The authorities indicate that courses in Hungarian are offered in Vienna by the organisations of the national minorities, with public-sector financial support. A bilingual nursery class in Hungarian is also available at the private Komenský School Association. The authorities support the Association financially, and in particular the staff costs for one Hungarian-bilingual nursery-school teacher.

116. Speakers would like to have a Minority School Act for Vienna. They estimate that the number of children would amount to 200-300. Currently the offer of Hungarian teaching is only 2 hours per week and in the afternoons.

#### *Polish in Vienna*

117. Representatives of the speakers informed the Committee of Experts that Polish is taught in several schools in Vienna as an optional subject. The speakers would like to have at least 2 to 4 hours of mother-tongue education per week.

#### *Romani in Vienna*

118. Although the authorities report that Romani is taught as part of the mother-tongue teaching at compulsory schools in Vienna, it is, according to information received by representatives of the speakers, practically only used as an auxiliary language by three teachers who have been assigned to teaching in Romani during the 2010/2011 school year. In three municipal districts of Vienna (3<sup>rd</sup>, 11<sup>th</sup> and 15<sup>th</sup> district) for 250 children Romani is provided first of all as an auxiliary language in primary schools, cooperative middle schools and one centre for special education.

119. The Committee of Experts has been informed that representatives of the speakers consider this as a positive development. They however regret the lack of real Romani teaching, teaching materials and adequate teacher training. At present, there is no curriculum nor teaching aids for teaching in Romani. The speakers would also like the two Roma school assistants projects, which aim to accompany children in their mother tongue and have been running for ten years now at several schools in Vienna, to be confirmed on a long-term basis. More teaching assistants are also needed.

120. Speakers expressed the wish that afternoon classes be offered to pupils in Romani and that adult-training courses in Romani also are offered.

121. The authorities also make reference to the international project “QualiRom”, where teaching materials and training modules for mother-tongue teachers are developed.

#### *Romani in Burgenland*

122. In the second evaluation report, the Committee of Experts encouraged the Austrian authorities to continue their efforts in making Romani education available at all levels, also with regard to teacher training.

123. The authorities mention in the 3<sup>rd</sup> periodical report that the offer for Romani education depends on the number of pupils. Five is the requested minimum number of pupils to set up a class (non-compulsory exercise). This has been possible at the primary school of Unterwart during the reporting period. Otherwise, children from several locations must be put together into one class. The Committee of Experts has been informed that there is a lack of interest from the parents towards Romani teaching, and also that the principals of the schools are not really motivated to make the possibility to learn Romani publicly known.

124. Reference is also made to the support given to two associations promoting “extramural” learning support to pupils, the Roma Association at Oberwart and the Roma-Service association at Kleinbachselten, as part of the RomBus project. The Committee of Experts has been informed that the RomBus project, among its awareness-raising activities, includes presentations at schools about the Romani language and culture. It also co-operates with the Pedagogical Universities to inform the teachers about Romani culture and history. The RomBus project provides also adult education courses. The Committee of Experts welcomes the actions performed by RomBus, and encourages the authorities to continue to support this association and its activities.

125. The possibility of following classes in Romani and also in Burgenland-Croatian and Hungarian has been mentioned by the Regional School Board for Burgenland at meetings with parents. A decree was also sent to all general compulsory schools containing this information and school principals and directors have been informed about the options.

#### *Slovenian in Styria*

126. In the second evaluation report, the Committee of Experts requested further information on plans to produce teaching materials suitable for Styria.

127. The authorities inform in the third national report that during the reporting period, textbooks from Carinthia are still being used. Teachers also use teaching materials that they produce themselves. According to the authorities, a higher number of pupils attending Slovenian classes would be necessary in order to finance new teaching materials.

128. From the information gathered by the Committee of Experts, it appears that there is no continuous education in Slovenian from kindergarten to upper secondary schools. Slovenian is taught as an elective subject and also through bilingual education, but without continuity in the classes. The authorities told the Committee of Experts that there is a lack of interest from the side of the pupils to receive Slovenian teaching. Slovenian courses are reportedly rarely scheduled because of this low demand. The Regional School Board initially had a special fund for Slovenian, but this does not exist anymore. During the on-the-spot visit, the problem with the granting of value units was mentioned, and speakers told the Committee of Experts that it would be positive to have earmarked funds for regional or minority languages.

129. One of the problems mentioned is that teachers graduate in foreign language instruction, but teach in mother-tongue classes.

130. Representatives of the Slovenian-speakers have informed the Committee of Experts that during the 2010-2011 school year, Slovenian was offered at the nursery schools of Ratsch a.d. Weinstrasse and Laafeld. Speakers told the Committee of Experts that the pre-school depended on private initiatives, and that there is some demand. They have also expressed the wish to have more emphasis on the Slovenian language at the Federal Institute for Nursery-School Pedagogy (BAKIP) at Murek.

131. As far as primary education is concerned, two groups of a total of 30 children in Graz and in Feldbach received mother-tongue education, but on a voluntary basis.



132. Slovenian courses are held regularly at the general compulsory schools in the school districts of Deutschlandsberg, Leibnitz, Radkersburg, Feldbach and Voitsberg. The situation is more difficult concerning the offer in secondary schools, except for Bad Radkersburg.

133. At the Pedagogical University, the teachers will be able to familiarise themselves with Slovenian as of next year, and summer camps dealing with multilingualism and interculturalism are organised, but a lack of interest from the teachers is reported.

134. Regarding university education, Slovenian study courses are offered at the Institute for Slovenian Studies and the Institute for Theoretical and Applied Translation Studies at Graz University. Language courses for adults are also provided at various locations in Styria.

#### *Hungarian in Styria*

135. The authorities report that teaching of Hungarian is offered at the compulsory schools in Graz and Bruck/Mur.

***The Committee of Experts encourages the Austrian authorities to pursue their efforts to create conditions for education in or teaching of all regional or minority languages in Vienna, Burgenland and Styria.***

***“g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;”***

136. In the second monitoring cycle, the Committee of Experts encouraged the Austrian authorities to take measures to meet the growing demand for education in or teaching of regional or minority languages for non-speakers and to take into account the required teaching quality for pupils who are already speakers of the regional or minority languages. This was also the subject of a Committee of Ministers recommendation n.3, that the Austrian authorities **“ensure that the increasing demand for regional or minority language education is met with an adequate offer for both speakers and non-speakers of the languages”**.

137. The authorities make references to several innovative projects that have been carried out in Vienna in recent years, comprising presentations in schools, trips to neighbouring countries, language workshops, allowing pupils of all ages to get to know the language and the culture it reflects. Language courses are also organised for teachers and education experts. The Committee of Experts welcomes this and commends the Vienna School Board and the authorities for their efforts.

138. Adult education courses are also available in Burgenland for Burgenland-Croatian. Language courses for beginners “Tu vakeres roman? Do you speak Burgenland Romani?”, are held at the Adult Education College South in Oberwart. Romani language courses are also organised by the Roma-Service Association and are attended by adults, young people and pupils.

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

139. Study and research on regional or minority languages take place at the Institute for Slavic Studies at the University of Vienna, at Graz University and at the Alps-Adriatic University of Klagenfurt.

#### *Romani*

140. The “Romani Project” launched at Graz University led to the codification and development of didactic methods for Burgenland Romani and produced dictionaries and grammar books also for other Romani dialects spoken in Austria. The project is supported through the funds for the national minority groups at the Federal Chancellery.

141. The association “[spi:k] – Language, Identity, Culture”, which has the task of documenting the languages and cultures of regional minorities which continues the “Romani Project”, has among its tasks to secure and archive the total stock of printed and electronic information sources in and on Romani to be accessed on-line.

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

*Romani*

142. The third periodical report mentions several transfrontier research and teaching projects on the Romani language, conducted in particular at the University of Graz. For more details on these projects, the Committee of Experts refers to the third periodical report, p. 198.

*Slovenian in Styria*

143. The Article VII Association is involved in transfrontier activities such as joint projects and co-operation activities with cultural institutions in Slovenia, performances of the Pavel House Choir in Slovenia and Hungary and transfrontier pupils' meetings at the Pavel House. Several transfrontier school exchanges are also taking place with Slovenia and partnership co-operation takes place across the border concerning kindergarten.

**Paragraph 3**

***“ The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.”***

144. In the second evaluation report, the Committee of Experts requested further information on the extent to which the aspect of the curriculum with an 'emphasis on the cultural heritage of the respective national minority' is taught in practice at schools, especially with regard to the Romani language.

145. In the general curriculum, there is reportedly not much information about the history and the culture reflected by the regional or minority languages. The existence of minorities in Austria is mentioned in the national curriculum with the geographical areas of their presence, but there is nothing more. The Committee of Experts was told that a module entitled “*Unsere Nachbarn*” (“Our neighbours”) is given in primary and secondary education. However, this cannot be compared to the teaching about regional or minority languages present in the country.

***The Committee of Experts encourages the authorities to include in the general national curricula relevant information about the regional or minority languages as an integral part of Austria's cultural heritage.***

146. The authorities refer in their third periodical report to the school campaign “Interculturality and Multilingualism – an Opportunity!” that encourages intercultural projects from pupils, and to teacher training courses in multilingualism and intercultural learning. Since 2009, separate funds have also been made available from the budget of the Federal Chancellery for intercultural projects. Several projects have in the recent years been promoted, which the Committee of Experts welcomes. Nevertheless, the Committee of Experts notes that this does not specifically target the protection and promotion of regional or minority languages in Austria.

*Romani*

147. The Committee of Experts has been informed that there is no mention of the Roma culture or the Romani language in the national curriculum. Representatives of the speakers stressed however that the Roma culture has been added in the history textbooks in Burgenland. They felt that a lot of progress had been done in Burgenland and in Austria in general, but that the history and linguistic diversity of the country should be further promoted among the majority population.

148. An information event on Romani was held in Graz on the occasion of the “Long Night of Languages 2009” under the title: “Experience Romany – see, hear, try it!”. Another project is the audiovisual production “*Mri historija*” (My history) and “*Amari historija*” (Our history) done by the Roma-Service Association and proposing interviews of and about Burgenland Roma. For more information on these interesting projects, the Committee of Experts refers to the third periodical report, p.193 and 195.

149. A number of events have also been organised all over Austria where the Romani language has been presented at schools and have reportedly generated a big interest among pupils.

*Hungarian in Burgenland*

150. Even if a certain positive development has taken place, Hungarian speakers have informed the Committee of Experts that negative attitudes still persist.

*Slovenian in Carinthia*

151. According to information received, the language is used more in public than before, and speakers are less afraid to speak it than was the case in the past. The interest towards the Slovenian language has grown, as shown by the figures of bilingual teaching (see paragraph 255 hereafter).

152. In the view of the speakers, this positive improvement is also a consequence of the bilingual topographical signs. Where those signs have been put up, people started to speak Slovenian again in public. However, the Committee of Experts was told that the portrayal of Slovenian-speakers in Carinthia is still often negative, and marred with prejudices and stereotypes. Speakers furthermore still noted a lack of knowledge about them among the majority population.

**Paragraph 4**

***In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.***

153. As mentioned above in paragraph 15, the draft amendment of the National Minorities Act aims, *inter alia*, at revising the composition and the method of designation of the Advisory Councils for the national minority groups.

154. Several representatives of the speakers expressed their discontent about the current functioning and attributions of the Advisory Councils, some of which have been dysfunctional for many years. Concern was also expressed as to the amendment aiming at revising the National Minorities Act.

155. There was also a wish expressed by representatives of the speakers for the creation of an ombudsperson office for the minorities.

156. The Committee of Experts encourages the Austrian authorities to take the view of the speakers into account when revising the legislation concerning the representative bodies of the minority groups. It looks forward to receiving more information in the next monitoring round on the effect of the change introduced in the National Minorities Act as to the functioning of the Advisory Councils in practice.

**Paragraph 5**

***“The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.”***

157. In the second evaluation report, the Committee of Experts urged the Austrian authorities to clarify the status of Romani with regard to its traditional presence outside Burgenland as well as whether it is a non-territorial language.

158. There is not much information regarding this request in the third periodical report, which limits itself to stating that this provision has little practical bearing on the Republic of Austria and refers back to the second periodical report.

159. According to the representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, the vast majority of the Romani-speakers actually live outside Burgenland, and especially in Vienna.

***The Committee of Experts urges the Austrian authorities to clarify the status of Romani with regard to the traditional presence outside Burgenland as well as whether it is a non-territorial language.***

### 3.3. Evaluation in respect of Part III of the Charter

160. The Committee of Experts has examined in greater detail the existing protection of the languages that have been identified under the protection mechanism of Part III of the Charter.

161. The Committee of Experts will concentrate on the provisions of Part III in relation to which a number of issues were raised in the second report. It will evaluate in particular how the Austrian authorities have reacted to the observations made by the Committee of Experts in the second monitoring round.

#### 3.3.1. *The Burgenland-Croatian language*

162. For the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the second report and for which it did not receive any new information requiring a revised assessment or a different presentation of their implementation. In the case of Burgenland-Croatian in Burgenland, these provisions are the following:

- Article 8, paragraph 1.e.iii ; f.iii.
- Article 8, paragraph 2.
- Article 9, paragraph 1.a.iii; b.iii; c.iii; d.
- Article 9, paragraph 2.a.
- Article 10, paragraph 4.a.
- Article 10, paragraph 5.
- Article 11, paragraph 1.d.
- Article 11, paragraph 2.
- Article 12, paragraph 1.d.
- Article 12, paragraph 2.
- Article 13, paragraph 1.d.
- Article 14.b.

163. For these provisions, the Committee of Experts refers to the conclusions reached in its first and second reports but reserves the right to evaluate the situation again at a later stage.

164. The paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Austria.

### Article 8 – Education

165. The Minority School Act in Burgenland provides that all children are taught bilingually in the autochthonous areas. Parents are however entitled to take their children out of the bilingual teaching if they so wish.

166. In the view of the speakers, the lack of methodology for bilingual education, of quality assessment and of clear standards and criteria for the teaching, hamper the bilingual education in Burgenland.

#### **Paragraph 1**

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

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

167. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It encouraged the federal and regional authorities to promote the training of bilingual nursery school teachers.

168. The Committee of Experts notes that the provision of Burgenland-Croatian education at pre-school level is regulated by the 2009 Burgenland Child Care and Education Act that lists the municipalities and local administrative units where bilingual nursery schools must operate. The law provides that at least 12 hours per week must contain bilingual teaching. In other parts of the *Land*, bilingual facilities can also be organised if 25% of the parents request it upon enrolment of the children. According to the information received, there are at present 30 bilingual nursery schools in Burgenland.

169. In this monitoring cycle, the Committee of Experts was informed that, generally speaking, the linguistic skills in Burgenland-Croatian among teachers have diminished in recent years. The *Land* government funds bilingual assistant nursery school teachers for two years for those nursery schools that do not employ trained bilingual nursery school teachers. However, the costs for these assistants is transferred to the municipalities after two years, a matter of concern for the speakers. They maintain that this results in a loss of interest from the side of the municipalities to use these assistants.

170. The authorities report that in Autumn 2011, a study course in Croatian was launched, lasting 4 semesters. It is intended for all nursery-school pedagogues and is organised by the Pedagogical University in Eisenstadt. The costs are also paid by Burgenland. The Committee of Experts is very pleased to note this positive development and would welcome information on the concrete results achieved by this training in the next periodical report.

171. Representatives of the speakers told the Committee of Experts that only in a few exceptional cases did the bilingual nursery schools in Burgenland comply with the statutory targets for the use of Burgenland-Croatian.

172. At pre-school level there is furthermore a great variety in the level of knowledge of Burgenland-Croatian among children and according to the speakers, only a few children have sufficient language skills. Speakers consider however the increasing interest from parents wanting their children to learn Burgenland-Croatian as a positive sign, since it contributes to the promotion of their language.

173. The undertaking is again considered fulfilled.

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

174. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, as was the case in the first evaluation report. It again urged the Austrian authorities to take measures to ensure that a substantial part of primary education is available in Burgenland-Croatian at all relevant bilingual schools.

175. The authorities provide little information on this in their third periodical report. They indicate that classes are taught in two languages at all bilingual primary schools and that the curriculum provides for a “roughly” balanced proportion between German and Burgenland-Croatian, according to the language skills of the children in the classroom.

176. The speakers are disappointed with the fact that there is no clear definition of the term “bilingual education” nor a general approach for language teaching. It is up to individual teachers to define the syllabus for Burgenland-Croatian lessons, and to what extent Burgenland-Croatian is actually used. An amendment of the Minority School Act is therefore wished for and has been recommended by the Working Group on Education. In the view of the speakers, a minimum level of use of the Burgenland-Croatian language, a target for the language skills or a teaching target should be defined by law. They furthermore ask for an impartial evaluation of the efficiency of bilingual teaching.

177. The problems that were raised during the previous monitoring cycles, concerning the different level of competences in Burgenland-Croatian language of pupils attending the same classes and the subsequent difficulties in giving all of them adequate learning opportunities, are still a matter of concern for the speakers in this monitoring cycle.

178. Another issue of concern for the development of a quality education in Burgenland-Croatian is the “opt-out” possibility, whereby a pupil can choose not to follow education in Burgenland-Croatian anymore, while at the same time staying in the classroom. According to the representatives of the speakers, some parents use this opt-out possibility as a threat to withdraw their children from the lessons if they do not receive high marks. A solution that was proposed during the on-the-spot visit would be to have the opt-out possibility only during the first week of schooling, not the whole year.

179. The undertaking is considered to be partly fulfilled. The Committee of Experts encourages the Austrian authorities to solve the issue of the absence of criteria and standards for language teaching and to find innovative ways for tackling the problems of the disparity in language skills among pupils as well as a solution for the “opt-out” possibility.

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

180. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. Nevertheless, it requested further information on the development of the pilot project at the federal grammar school of Oberpullendorf in the next periodical report.

181. The third periodical report indicates that the pilot project at the federal grammar school of Oberpullendorf is continuing and that the educational option is highly successful. However, the representatives of the speakers are disappointed with the fact that such pilot-projects are not included in the standard school system, and that by nature they can be terminated at the end of every school year.

182. The representatives of the speakers furthermore mention that there is only one school in Burgenland offering upper-level secondary education in Burgenland-Croatian. They maintain that this is insufficient, considering the number of pupils wanting such education. There is only one secondary school for the whole of Burgenland, with limitations in regard to classes, finances, etc. There is still a great disparity in the level of knowledge of Burgenland-Croatian among pupils.

183. The Committee of Experts also notes that as of 2013/2014, it will also be possible to take the school-leaving examination in Croatian at the Bilingual Federal Grammar School at Oberwart.

184. In its second evaluation report, the Committee of Experts encouraged the Austrian authorities to find solutions to the problem of discontinuity of the pupils' registration for bilingual education in close co-operation with the speakers.

185. The authorities inform that there is still at the moment a certain lack of continuity of bilingual education from primary to secondary level I, mainly due to the fact that an active enrolment is required for classes in the national minority languages as of the 5<sup>th</sup> grade, whereas at the lower level it is automatic. The automatic enrolment for bilingual education at secondary school level has however been envisaged by the working group "Education and Languages". This proposal is endorsed by representatives of the Burgenland-Croatian speakers.

186. In view of the information received, the Committee of Experts considers this undertaking still fulfilled but encourages the authorities to study in cooperation with the speakers the possibility to modify the statutory arrangements of the Minority School Act, in order to promote a better continuation of bilingualism at secondary school level.

- "d i** *to make available technical and vocational education in the relevant regional or minority languages; or*
- ii** *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- iii** *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv** ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;"***

187. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the Austrian authorities to pursue their efforts in expanding the offer of Burgenland-Croatian education to other vocational schools.

188. The authorities indicate in their third periodical report that such possibilities are offered when the required number of enrolments is reached, but that there is a lack of interest from the side of the pupils.

189. The Committee of Experts considers the undertaking still fulfilled and encourages the authorities to continue their efforts in expanding the offer of Burgenland-Croatian education to other vocational schools.

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

190. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled and requested information in the next periodical report on the teaching of the history and culture which is reflected by Burgenland-Croatian in German-medium schools in practice.

191. The authorities report that progress has been achieved in this respect, as the textbooks on social studies for the fourth grade of primary school comprise for example now a separate chapter on the national minorities in the section on Burgenland.

192. The representatives of the Burgenland-Croatian speakers voiced their concern about the implementation of this undertaking. The teaching of the history and culture of the Burgenland-Croatian, and more generally of the national minorities in Austria, should be part of the general curriculum, at all school levels. This is not the case in the present situation.

193. In view of the available information, the Committee of Experts still considers the undertaking to be partly fulfilled. It encourages the authorities to make provision in the general curriculum to ensure the teaching of the history and the culture reflected by the regional or minority languages.

***The Committee of Experts encourages the authorities to intensify their efforts in including in the curriculum of the German-medium schools in Burgenland the teaching of the history and the culture reflected by the Burgenland-Croatian language.***

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

194. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the federal and regional Austrian authorities to increase their efforts to promote teacher training in Burgenland-Croatian, and asked the authorities to report on the effects of the new teacher training scheme in the next periodical report.

195. The third periodical report refers to several study courses that are organised, and especially the six-semester course “bilingual classes at primary and/or lower-level secondary schools with German and Croatian as languages of instruction, as well as teaching Croatian at primary and/or lower-level secondary schools”.

196. For some representatives of the speakers, one of the solutions to improve the quality of the teaching would be to employ teachers who are native Burgenland-Croatian speakers, or that teachers be sent from Croatia. They hope that with Croatia’s accession to the European Union, this should be possible in the coming years, as is presently the case for Hungarian.

197. The attention of the Committee of Experts has also been drawn to the fact that school books in Burgenland-Croatian are paid for by the allocation for the minorities of the Federal Chancellery, whereas they should be paid for by the Ministry for Education as is the case for schoolbooks in general.

198. The Committee of Experts still considers the undertaking to be fulfilled at present, but encourages the authorities to increase their efforts concerning the training of the teachers.

***“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”***

199. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled and encouraged the Austrian authorities to ensure that the supervisory body draws up periodic reports of its findings and makes them public.

200. The authorities report that statistical data are published every year by the Regional School Board for Burgenland. In the view of the Committee of Experts, these cannot however be compared with periodic public reports in terms of the Charter, evaluating the progress achieved in establishing and/or developing the teaching of Burgenland-Croatian.

201. During the on-the-spot visit, the Committee of Experts has however been informed that the needs of the minority language speakers are discussed at the *Land* level (*Landesschulrat*), and that there will be a written evaluation report on bilingual education in Burgenland.

202. Nevertheless, the Committee of Experts must conclude that the undertaking is not fulfilled at present. It looks forward to receiving more concrete information on this undertaking, especially with regard to the development of the reporting system mentioned in paragraph 200 above into reports in terms of the Charter in the next periodical report.

### **Article 9 – Judicial authorities**

203. In the second monitoring cycle, the Committee of Ministers addressed the following recommendation to the Austrian authorities: **“ensure that the Burgenland-Croatian can be used before the relevant judicial and administrative authorities in practice”** (RecChL(2009)1), Recommendation 4).

#### **Paragraph 1**

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

***a in criminal proceedings:***

***ii to guarantee the accused the right to use his/her regional or minority language; and/or***

***b in civil proceedings:***

***ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or***

***c in proceedings before courts concerning administrative matters:***

***ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or”***

204. In the second evaluation report, the Committee of Experts considered these undertakings only formally fulfilled. Despite the possibility offered by law to use Burgenland-Croatian in criminal, civil and administrative proceedings, its use was reportedly non-existent in practice. The Committee of Experts was of the view that more efforts were needed, especially regarding the employment of Burgenland-Croatian-speaking staff and the introduction of pro-active measures of encouragement towards the speakers to use their language before courts. It urged the Austrian authorities to take the necessary steps to ensure that the possibility to use Burgenland-Croatian in criminal and civil proceedings and in proceedings before courts concerning administrative matters is secured in practice.

205. In the third periodical report the authorities provide information about amendment No. 46/2011 to the National Minorities Act, containing the obligation under constitutional law for the authorities and service units listed in Annex 2 of the amendment to make sure that the languages of the national minorities can be used alongside the German language in all communications to the authorities or other service units. The restriction limiting the right to use the languages of the national minorities as an official language to Austrian citizens is also lifted.

206. The authorities state that the use of Burgenland-Croatian must be ensured whenever requested, and that interpretation is provided when no officials with Burgenland-Croatian language skills are available. Representatives of the Burgenland-Croatian speakers have however informed the Committee of Experts that there are hardly any bilingual documents in practice.

207. As to the use of Burgenland-Croatian in proceedings, representatives of the speakers confirmed that there are not many cases in courts where Burgenland-Croatian is used, as speakers are scared of being seen as trouble-makers.



208. The Committee of Experts would welcome more information in the next monitoring cycle as to what extent the amendment of the National Minorities Act has led to concrete changes and improvement on the use of Burgenland-Croatian in courts in practice.

209. The Committee of Experts would like to point out that judicial staff should actively encourage citizens to use regional or minority languages in courts, for example through bi-or multilingual notices and signs in/on court buildings, and information in public announcements or court forms<sup>4</sup>. Furthermore, the authorities should actively inform citizens about the possibility to use a regional or minority language in court, as Article 9 of the Charter places a duty on the authorities to make sure that minority language speakers are made aware of this right<sup>5</sup>. The Committee of Experts has been informed in this monitoring cycle that no such measures have been taken.

210. The Committee of Experts has to conclude that this undertaking is still only formally fulfilled. It strongly urges the authorities to take practical steps so as to ensure that the possibility to use Burgenland-Croatian in criminal and civil proceedings and in proceedings before courts concerning administrative matters is secured in practice.

***The Committee of Experts urges the Austrian authorities to take the necessary steps to ensure that the possibility to use Burgenland-Croatian in criminal and civil proceedings and in proceedings before courts concerning administrative matters is secured in practice.***

## **Article 10 – Administrative authorities and public services**

### **Paragraph 1**

***“ Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

- a    iii    to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”***
- c       to allow the administrative authorities to draft documents in a regional or minority language.”***

211. In its second evaluation report, the Committee of Experts did not have sufficiently detailed information at its disposal to evaluate whether these undertakings were fulfilled or not and asked the authorities to clarify this matter in the next periodical report. It appeared that language courses for civil servants were being organised, but that written communication with the authorities took place only occasionally. It was furthermore not clear whether Croatian was used with federal authorities which directly perform federal administrative functions.

212. According to the information contained in the third periodical report, forms and information brochures are available in Croatian at the Labour Market Service, where 15% of the employees speak Croatian or Serbian or Bosnian. Croatian is also used in contacts with the public at the tax and customs offices, where 1 to 20% of the staff have a command of Croatian. Concerning the land surveying offices depending on the Federal Ministry of Economy, Family and Youth, it is reported that Croatian can be used, but that no request has been made for it in the past 10 years. Certain forms are also available in Croatian and can be downloaded from the website of the Federal Ministry of Finance, although the forms to file tax returns are not used by the speakers.

213. According to the representatives of the speakers whom the Committee of Experts met during the on-the-spot visit, there are no bilingual forms. The forms are translated in Burgenland-Croatian but are not bilingual. Bilingual forms should be made available on the Internet in their view.

214. Language courses are organised for soldiers, civil servants at the tax and customs offices, and civil servants from the Federal Ministry of Defence and Sports.

<sup>4</sup> See the Third evaluation report on Sweden, p. 20. The importance of promoting practical implementation of the undertaking in question also emerges from many recommendations of the Committee of Ministers to various States, such as Serbia (2009), Germany (2008) or Switzerland (2004).

<sup>5</sup> See the Fourth evaluation report on Hungary, p. 17.

215. In view of this information, the Committee of Experts considers that undertaking c. is partly fulfilled. In regard to a. iii, the Committee of Experts is not in a position to conclude. It asks the authorities for more information on the possibility for Burgenland-Croatian speakers to submit oral or written applications and receive a reply in this language.

## **Paragraph 2**

### *Preliminary remark*

216. In its second evaluation report, the Committee of Experts urged the Austrian authorities to take measures to apply the chosen undertakings under Article 10, paragraph 2 of the Charter to the entire Burgenland-Croatian speaking area.

217. The amendment of the National Minorities Act lists six administrative districts in Burgenland where Burgenland-Croatian is an official language and where its use is mandatory. Eisenstadt, which is the administrative capital and where a number of Burgenland-Croatian speakers reside, is out of the list. The city of Eisenstadt is not classified as an autochthonous settlement area of the Burgenland-Croatian population. However, within the administrative district of Eisenstadt, nine municipalities are included in the list. The double status of Eisenstadt as district centre and as regional capital requires a clarification of the position of Burgenland-Croatian in the city of Eisenstadt. Therefore the Committee of Experts asks the authorities to clarify this issue in the next periodical report.

***“In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***b the possibility for users of regional or minority languages to submit oral or written applications in these languages;”***

218. In its second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the authorities to ensure that written applications in Burgenland-Croatian can be submitted throughout the entire Burgenland-Croatian speaking area.

219. According to the third periodical report, written submissions in Burgenland-Croatian can be filed with all authorities listed in Annex 2 of the amendment of the National Minorities Act. The Committee of Experts notes that it does not correspond to the entire Burgenland-Croatian speaking area as, according to the speakers, many villages with a relevant number of Burgenland-Croatian speakers are not included in the list, nor is Eisenstadt, the regional capital.

220. As to the possibility to submit oral or written applications and receive a reply in Burgenland-Croatian, the speakers informed the Committee of Experts that it very much depended until now on the municipalities and the goodwill of the authorities in practice. It also appears that there are no public signs such as sign-posts announcing to the public that Burgenland-Croatian can be used.

221. In view of the available information, the Committee of Experts considers the undertaking partly fulfilled and encourages the authorities to extend the possibility of submitting oral or written applications to the entire Burgenland-Croatian speaking area.

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

222. In its second evaluation report, the Committee of Experts considered this undertaking not fulfilled, as it had not received any information about initiatives or measures taken by the authorities to encourage or facilitate the publication by local authorities of their official documents in Burgenland-Croatian. It encouraged the Austrian authorities to take measures to facilitate the publication by local authorities of their official documents in Burgenland-Croatian.

223. Little information is provided in this respect in the third periodical report, which limits itself to stating that it is up to the individual municipalities whether they want to avail themselves of the authorization under § 13 (4) of the National Minorities Act.

224. The Committee of Experts would like to remind the Austrian authorities that when choosing this undertaking they committed themselves to “allow and/or encourage” the publication of the official documents of the local authorities in the minority language. Even if the Committee of Experts is aware that some of the responsibilities in this field rely directly on the local authorities, it is however necessary for the national authorities to draw the relevant authorities’ attention to this possibility, and urge them to inform their citizens. An overall structural approach is therefore desirable. It is not sufficient that the legal situation does not rule out the measures permitted<sup>6</sup>.

225. The Committee of Experts must therefore conclude that the undertaking is still not fulfilled.

***The Committee of Experts urges the Austrian authorities to take measures to facilitate the publication by local authorities of their official documents in Burgenland-Croatian.***

## **Article 11 – Media**

### *Preliminary remark*

226. In the second monitoring cycle, the Committee of Ministers recommended to “**secure adequate funding for newspapers in Burgenland-Croatian**” (RecChL(2009)1, Recommendation 5).

### **Paragraph 1**

***“The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

***“b. ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;”***

227. This undertaking was considered fulfilled in the last evaluation report.

228. The authorities report about the newly created ORF Centre of Competence in Eisenstadt, which broadcasts 7 radio magazine programmes per week in Burgenland-Croatian, including 30-minute children and youth programmes on Tuesdays and Fridays, in addition to daily news in Burgenland-Croatian. All broadcasts can also be received via the Internet.

229. The representative of the ORF informed the Committee of Experts during the on-the-spot visit that Burgenland-Croatian radio programmes are broadcast daily for at least 42 minutes. Burgenland-Croatian news is thus broadcast 2 minutes around noon from Monday to Saturday, a Burgenland-Croatian journal is broadcast 10 minutes starting at 6.15 pm from Sunday to Friday (7 minutes on Saturdays, followed by a religious broadcast of 3 minutes), and various 30-minute programmes are broadcast from Monday to Sunday as of 6.25 pm. Representatives of the speakers have expressed the wish to have a whole-day programme in Burgenland-Croatian.

230. The Committee of Experts considers that the undertaking remains fulfilled. It is particularly pleased to note the availability of programmes aimed at children and adolescents.

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

231. This undertaking was considered fulfilled in the last evaluation report.

232. The authorities report that two million Euros of financial support have been made available for 2011 to promote private non-commercial broadcasting. One of the criteria for promotional funding is to take account of the languages of the national minorities in the offer of programmes.

<sup>6</sup> See for example the First evaluation report on Finland, p. 35.

233. The Committee of Experts has been informed that there is a weekly 30-minute Burgenland-Croatian television magazine which is broadcast every Sunday at 1.30 pm. There is no special television programme for children in Burgenland-Croatian. Representatives of the speakers would wish for a daily 30-minute programme, and for specific youth programmes on ORF 2. Reception of the Burgenland-Croatian programmes in Vienna should also be organised. The scheme of the programmes is discussed between the Head of ORF Burgenland and representatives of minorities and NGOs.

234. The undertaking is again considered to be fulfilled.

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

235. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the authorities to provide information regarding the situation of Burgenland-Croatian newspapers. Furthermore, it encouraged the authorities to take measures to secure the existence of at least one newspaper in Burgenland-Croatian.

236. In the last monitoring cycle, the attention of the Committee of Experts had been drawn to the fact that due to the changed conditions for the production of newspapers, the financial situation for newspapers had deteriorated, which was the case of the main weekly, “Hrvatske Novine”, whose volume was reduced by 40%.

237. According to the information received, newspapers such as the weeklies “Glasnik” and “Hrvatske Novine” have received financial support during the monitored period both under the 2004 Press Promotion Act and through the Federal Chancellery grant for the national minorities. Representatives of the speakers whom the Committee of Experts met during the on-the-spot visit expressed however their concern as to the future availability of newspapers in Burgenland-Croatian, especially for “Hrvatske Novine”. In their view, a special earmarked budgetary line for publications in minority languages should be created within the general Press Promotion Act. A daily newspaper in minority languages is also wished for.

238. There seems to be a problem of the continuity of the position as editor and the status of the so-called “living subsidies”, which means that the editor’s salary is paid out of funds especially made available by the Burgenland authorities. The speakers have stressed the urgent need to keep and secure on a long-term basis these positions of “living subsidies<sup>7</sup>”.

239. The Committee of Experts still considers the undertaking to be fulfilled at present, but urges the authorities to take measures to ensure the continued existence of a newspaper in Burgenland-Croatian.

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

240. In its second evaluation report, the Committee of Experts considered this undertaking not fulfilled as it lacked information on its application.

241. The third periodical report states that it is in principle possible for the Austrian Film Institute and the Federal Ministry of Education, Arts and Culture to promote audiovisual productions in Burgenland-Croatian, whenever an Austrian production company, an Austrian director or other Austrian experts are involved, and whenever German sub-titles are produced. Audiovisual products with educational purposes for teaching Croatian have for example been produced.

242. In view of the available information, the Committee of Experts considers this undertaking to be fulfilled.

<sup>7</sup> “Living subsidies” are key personnel for the Burgenland-Croatian national minority, who are employed by the Burgenland Government.

## Article 12 – Cultural activities and facilities

### Paragraph 1

***“With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;”***

243. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It encouraged the Austrian authorities to review the amount of funding as well as the funding allocation process and consider including modern cultural initiatives in the framework of their promotion of the Burgenland-Croatian language, in addition to more traditional cultural expressions.

244. Little information is provided in respect of this undertaking in the third periodical report, but there were no complaints received by the Committee of Experts during the on-the-spot visit. The authorities seem to be of the view that it is up to the associations to be proactive. They also state that the responsibility for allocating funds lies with the Advisory Councils for the national minorities, who make recommendations to the authorities on the projects.

245. The Committee of Experts considers the undertaking to be again fulfilled.

### Paragraph 3

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

246. In its second evaluation report, the Committee of Experts considered this undertaking partly fulfilled.

247. The third periodical report gives several examples (p. 92) where the Burgenland-Croatian language and culture are fostered at the international level by the Austrian authorities.

248. In view of this information, the Committee of Experts considers the undertaking fulfilled.

#### 3.3.2. The Slovenian language

249. For the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first and second reports and for which it did not receive any new information requiring a revised assessment or a different presentation of their implementation. In the case of Slovenian in Carinthia, these provisions are the following:

- Article 8, paragraph 1.d.iv; e.iii; f.iii; h; i.
- Article 8, paragraph 2.
- Article 9, paragraph 1. b.iii; c.iii; d.
- Article 9, paragraph 2.a.
- Article 10, paragraph 4 a.
- Article 11, paragraph 1. c.ii.
- Article 11, paragraph 2.
- Article 12, paragraph 1.d; f.
- Article 12, paragraph 2.

250. For these provisions, the Committee of Experts refers to the conclusions reached in its first and second reports but reserves the right to evaluate the situation again at a later stage.

251. Finally, the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Austria.

*Preliminary Remark*

252. In its second evaluation report, the Committee of Experts encouraged the federal and regional authorities to take measures to make the rights for the Slovenian-speakers more transparent. The laws and regulations concerning the right to use Slovenian before administrative authorities and public services were reportedly complex and incoherent and varying from one municipality to another. The right to education also seemed to vary.

253. In this monitoring round, the representatives of the Slovenian-speakers mentioned that the situation has not really improved, as many speakers still do not know which language rights they have without taking legal advice on the matter. The amendment of the National Minorities Act has, in their view, even complicated the issue.

254. It seems that the discussion around the bilingual topographical signs is closed since the agreement reached in April 2011. The Committee of Experts understands that this agreement was reached after a political compromise, preceded by negotiations that also included the future support of the Slovene Music School. In the view expressed by representatives of the speakers, bilingualism in Carinthia should be part of the cultural heritage and not the subject of negotiations outside the public space. Some representatives of the speakers were therefore highly critical to the introduction of the public support for the Slovene Music School as a part of the negotiations. The Constitutional Act as adopted also regulates the use of Burgenland-Croatian and Hungarian for topographical signs and representatives of these groups have informed the Committee of Experts that they were never invited to take part in the negotiations leading to the Act. The Committee of Experts observes that the Constitutional Act is based on negotiations between representatives of the speakers and the authorities, and that the closed process has resulted in some inconsistencies that might have been avoided with a more open drafting procedure. It nevertheless hopes that the authorities in co-operation with the speakers will be able to remedy some of the inconsistencies through voluntary agreements.

**Article 8 – Education**

255. The third periodical report lists a total of 4 051 pupils who attended bilingual classes and/or Slovenian classes in the 2010/2011 school year. According to the information received by the Committee of Experts during the on-the-spot visit, 45 % of the children in Carinthia follow the bilingual teaching. However, around 85% of these children do not have the necessary competence in Slovenian when they enter school. This increasing interest is seen as a positive sign by the speakers even if, at the same time, it creates extra challenges for bilingual teaching because of the significant disparity of language skills.

256. The problems which have been identified in the previous monitoring cycles are therefore still existing. There is often considerable heterogeneity in Slovenian language skills on all educational levels – from nursery school to university, and it is therefore a particular challenge for teachers to prepare individualised teaching methods that correspond to the heterogeneous language skills of the pupils. The scientific research undertaken at the Educational University Klagenfurt and the exchange between science and practice therefore play a major role.

257. However, when the children reach the age of 10, many of them choose English rather than Slovenian. There is therefore little continuity in bilingual education. The authorities are conscious of the problem and consider it as a key challenge to be addressed.

**Paragraph 1**

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

- a** *I to make available pre-school education in the relevant regional or minority languages; or*
- ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or*

***iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;***

258. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the authorities to provide information in the next periodical report on the consequences for pre-school education in Slovenian of the obligatory attendance of the final year of pre-school. It was also of the view that efforts should be made to further strengthen and spread the offer of bilingual nursery schools, as children entering primary school had a highly variable command of Slovenian and as there was a growing demand for bilingual nursery schools.

259. In reply to the question put by the Committee of Experts, the authorities report that the compulsory nursery-school year cannot be assessed separately for the bilingual and multilingual nursery schools and that the impact of the system in relation to the bilingual nursery schools in general seems to be insignificant. However, the authorities confirm that the 16 bilingual nursery schools in Carinthia, out of which 9 are private and 7 from the municipalities, all receive financial support from the Province. Private bilingual nursery schools also receive special funds from the Province, whereas the municipal ones receive grants from the Federal Chancellery for the staff costs.

260. According to the speakers, the funding is more or less secured for the existing kindergartens, but there is no funding for the creation of new bilingual ones. Bilingual education is foreseen to grow in the future in view of the increasing demand but there is a lack of a continuous, structured education policy, aimed at coping with the increase in demand. The speakers furthermore consider it as a problem that there is no supply of bilingual nursery-school facilities covering the entire bilingual area.

261. There are at the moment no formal qualifications for bilingual nursery-school teachers, only a voluntary subject at the Training Institute for Nursery-School Pedagogy in Klagenfurt. Speakers regret the fact that there is no clear-cut teaching system for kindergarten teachers. Representatives of the authorities also stated that more training would be a positive step forward, also with a view to including training for multilingual education and interculturalism.

262. The Committee of Experts considers the undertaking to be still fulfilled but encourages the authorities to increase their efforts to improve the offer of bilingual nursery-school teacher training.

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

263. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless asked the authorities to provide information on further developments in the level of command of Slovenian among pupils in bilingual schools in the next periodical report.

264. The figures provided by the authorities show a constant increase in the enrolment for bilingual education. 45% of the children have registered for bilingual education. The registration for bilingual education applies for 4 years, and the opt-out possibility is only feasible at the beginning of the school year.

265. The level of language skills in Slovenian still varies a lot among pupils within the same bilingual classes in Carinthia, and also among schools. For a complete picture of the situation, the Committee of Experts refers to the figures contained in the third periodical report of the government on pp. 98-102. Apart from some exceptions, such as the primary schools “Hermagoras” and “24 Klagenfurt”, the general trend is that the majority of children have no or few language skills. The total figures for Carinthia show indeed that 14.5 % of the pupils have good language skills in Slovenian, while 16.6 % have few and 69% none. The authorities are conscious of the problem lying with this disparity of knowledge and argue that constant efforts are made to improve the quality of bilingual education and teaching methods, but also to raise awareness within the families of the importance of using Slovenian at home.

266. The Committee of Experts considers this undertaking fulfilled, and encourages the authorities to continue their efforts towards improving the Slovenian language skills of pupils by using if need be innovative methods in close co-operation with the speakers.

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

267. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It encouraged the Austrian authorities, in close co-operation with the speakers, to find solutions to the problem that nearly half of the pupils did not continue with Slovenian-medium education from primary school to secondary school.

268. In this monitoring cycle, both representatives of the authorities and of the speakers stressed the fact that one of the biggest challenges in bilingual education in Carinthia is to seek continuity between the primary and the secondary level. According to the information received, only 50% of the children continue bilingual education from the 5<sup>th</sup> grade.

269. According to the representatives of the Slovenian-speakers, the option to continue a general bilingual education at secondary schools should be offered. They do not consider the situation satisfactory at present and Slovenian at secondary schools is still not offered at an adequate level in their view. The authorities are conscious of the problem, but indicate that the responsibility lies also with the families and the pupils, not only with lack of resources and of qualified teachers.

270. The Committee of Experts notes however with satisfaction that the number of pupils has risen as regards enrolment in Slovenian courses at general and vocational upper-level secondary schools.

271. In view of the available information, the Committee of Experts still considers the undertaking to be fulfilled, but invites the authorities to take further measures to address the problem of the high drop-out rate of pupils in Slovenian education as of the 5<sup>th</sup> grade.

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

272. In its second evaluation report, the Committee of Experts considered this undertaking only partly fulfilled. It encouraged the authorities to promote the teaching of the history and culture related to the Slovenian language for all pupils in Carinthia.

273. Little information is provided in this respect in the third periodical report. The Slovenian-speakers are disappointed with the negative way in which the Slovenian minority is sometimes portrayed in the media, including the misunderstanding that the Slovenian speakers migrated to Carinthia only after the 2<sup>nd</sup> World War. Speakers told the Committee of Experts that there was very little correct information about the Slovenian minority in the media and in education. This was true both for Carinthia and for Styria. Representatives of the authorities confirmed the fact that there is little information in the curriculum on the history and the culture reflected by Slovenian.

274. The Committee of Experts must therefore conclude that the undertaking is not fulfilled, and encourages the authorities to include in the general curriculum for all pupils in Carinthia (and Styria) the relevant information on the history and the culture reflected by the Slovenian language, as well as it being an integral part of the history and culture of Austria.

***The Committee of Experts encourages the authorities to include in the curriculum of the German-medium schools in Carinthia the teaching of the history and the culture reflected by the Slovenian language.***

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

275. This undertaking was considered fulfilled in the previous evaluation report.

276. The Committee of Experts welcomes the organisation of the further-training event “Innovative Forms of bilingual teaching” aimed at informing teachers about the latest findings in linguistic research. The Committee of Experts notes also with satisfaction that a study course of six semesters for teachers and students has been set up as of the winter session 2010/2011, giving the possibility to obtain the additional qualification for teaching Slovenian at secondary level I. A good cooperation with the Pedagogical Universities was reported.



277. Slovenian teachers are required to master at least the “C1” level under the Common European Framework of Reference for Languages. The Committee of Experts has however been informed that not all teachers meet this requirement. Furthermore, at present, there is a shortage of teachers to deal with the growth in demand for Slovenian education.

278. The representatives of the Slovenian-speakers are disappointed with the fact that in the selection procedure for principals at bilingual schools, no special credit is given to the additional qualification of Slovenian for bilingual candidates, whereas this is in their view an essential requirement when heading a bilingual school. A clearer definition of bilingual education, and clear-cut regulations for the schools should be done.

279. The Committee considers that this undertaking is nevertheless considered to be fulfilled at present.

## **Article 9 – Judicial authorities**

### *Preliminary remark*

280. In the second monitoring cycle, the Committee of Ministers recommended to **“ensure that the (...) Slovenian language[e] can be used before the relevant judicial and administrative authorities in practice” (RecChL(2009)1, Recommendation 4).**

281. The third periodical report states that the amendment No 46/2011 to the National Minorities Act comprises the obligation under constitutional law for the persons responsible at the authorities and service units listed in its Annex 2 to make sure that the Croatian, Slovenian or Hungarian languages can be used as official languages in addition to the German language in communications with the respective authorities and service units. The requirement to be domiciled in the bilingual municipalities is not included in the present Act. The restriction to the right to use the language of the national minority as an official language to Austrian citizens has also been eliminated.

282. According to the Slovenian speakers, the use of Slovenian in practice is to a large extent disregarded. Legal entities appearing before the Regional Court of Klagenfurt continue to be denied the possibility of using Slovenian as an official language and the amendment of the National Minorities Act has determined under constitutional law that only the three courts that are already bilingual will continue as bilingual courts. The Committee of Experts understands that Slovenian can be used in municipalities not listed in Annex 2 if it can facilitate communication.

283. Slovenian continues to be admitted as an official language before the three bilingual courts of Ferlach / Borovlje, Eisenkappel / Železna Kapla and Bleiburg / Pliberk. At the moment, the three current judges all speak Slovenian and do the translations when necessary, but this may not be the case in the future. The fact that the necessary language skills in Slovenian are indeed not required in the job selection procedures for their replacements puts at serious risk the availability of the Slovenian language at these courts.

284. The Committee of Experts has also been informed that there is a current reform aiming to merge the district courts into bigger units, which may put at risk the availability of the Slovenian language. While the Committee of Experts at present has no indications that the undertakings under Article 9 have ceased to be fulfilled, it encourages the Austrian authorities to consult with representatives of the speakers in the preparation of the law in order to make sure that the implementation of the Charter undertakings is not affected by the pending reform.

### **Paragraph 1**

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

***a in criminal proceedings:***

***ii to guarantee the accused the right to use his/her regional or minority language; and/or***

285. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It nevertheless encouraged the Austrian authorities to take measures to secure the future status of the three bilingual district courts of Ferlach / Borovlje, Eisenkappel / Železna Kapla and Bleiburg / Pliberk.

286. The amendment No. 46/2011 to the National Minorities Act lists these three courts as being places where the Slovenian language can be used as an official language in addition to German in communication with the respective authorities and service units.

287. The Committee of Experts refers to paragraph 283 above. It considers the undertaking fulfilled at present, but asks the authorities to make sure that Slovenian will continue to be used in the future in these courts.

***“iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language;***

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

288. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it urged the Austrian authorities to solve the practical problems relating to the use of diacritical signs.

289. The authorities have replied that this problem can be overcome by using new text processing tools. According to the Slovenian-speakers' representatives, the judicial authorities continue to be unable to produce the Slovene diacritical signs.

290. During the on-the-spot visit, the Committee of Experts was informed, however, that as of May 2012, the Land register will allow Slovenian names to be registered correctly. Court forms and templates should follow the same path.

291. The Committee of Experts considers the undertaking to be fulfilled. Nevertheless, it looks forward to receiving information about the use of the Slovenian diacritical signs by the judicial authorities in the next periodical report.

***“b in civil proceedings:***

***ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or”***

292. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. However, it asked the Austrian authorities to provide more information on the right of both physical and legal persons to use Slovenian in courts. It also encouraged the Austrian authorities to take measures to secure the future status of the three bilingual courts.

293. The authorities confirm in their third periodical report the downward trend in the proceedings in Slovenian.

294. The authorities informed the Committee of Experts that the restriction against the use of Slovenian in courts by legal entities was lifted by the amendment of the National Minorities Act, and that the requirement of a domiciliation in a bilingual municipality has also been lifted. This offers now the possibility for everyone to use Slovenian as an official language before the bilingual courts and authorities. However, the representatives of the Slovenian-speakers indicate that the new National Minority Act in fact deprives the legal entities of the possibility of conducting litigations in Slovenian.

295. In view of the conflicting information, the Committee of Experts cannot conclude on this undertaking and asks the authorities to clarify this contradiction in their next periodical report.

***“c in proceedings before courts concerning administrative matters:***

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

296. In its second evaluation report, the Committee of Experts considered this undertaking only formally fulfilled. It urged the Austrian authorities to take the necessary steps to ensure that the possibility to use Slovenian in administrative court proceedings is secured in practice.

297. The authorities state in their third periodical report that it is possible at the Independent Administrative Senate in Carinthia to use Slovenian as an official language, and that translators/interpreters are called in if no Slovenian-speaking judge is available.

298. The undertaking is considered to be fulfilled.

## **Article 10 – Administrative authorities and public services**

### *Preliminary remarks*

299. In the second monitoring cycle, the Committee of Ministers addressed the following recommendation to the Austrian government: "**ensure that the ruling of the Constitutional Court relating to the use of the Slovenian language before administrative authorities in Carinthia is implemented without delay;**" (RecChL(2009)1, Recommendation 2).

### **Paragraph 1**

***“Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:***

- a** **iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”**
- “c to allow the administrative authorities to draft documents in a regional or minority language.”**

300. In its second evaluation report, the Committee of Experts considered these undertakings fulfilled, but asked the Austrian authorities to provide further information on how practical problems related to their implementation have been solved.

301. The authorities report that, due to amendment No. 46/2011 to the National Minorities Act, Slovenian is now also admitted as an official language before the federal administrative bodies domiciled in Vienna, whenever their territory fully or partly comprises the territory of one of the listed district administrative authorities or local courts.

302. Following the amendment, the requirement of domicile has also been removed. The new arrangements confirm under constitutional law the rules for mandatory use as official language before municipal authorities, municipal service units, as well as police stations, among others in the political districts of Greater Klagenfurt as well as Völkermarkt. In addition, the persons acting for other authorities and service units than those listed in Annex 2 are authorised to use the Slovenian language as an official language in addition to German in oral and written exchanges.

303. According to the information received, all forms used for administrative purposes are in Slovenian and German, and are downloadable.

304. The Committee of Experts welcomes the fact that the Language Institute of the Federal Armed Forces offers language courses in the languages of the national minorities to soldiers and civil servants, and that the Institute compiled a military dictionary in the Slovenian language. Language courses have also been organised for tax and customs offices.

305. Concerning the Federal Ministry of Economy, Family and Youth and the offices in Klagenfurt, Villach and Völkermarkt, the authorities claim that there has been no request to use Slovenian, but that staff would be able to deal with the requests if they were submitted in Slovenian.

306. In view of the available information, the Committee of Experts considers these undertakings to be fulfilled.

**Paragraph 2**

***“In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***b the possibility for users of regional or minority languages to submit oral or written applications in these languages;”***

307. In its second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It urged the Austrian authorities to ensure the possibility to submit oral or written applications in the Slovenian language in all municipalities in Carinthia where Slovenian has a traditional presence.

308. The authorities state in their third periodical report that the amendment of July 2011 to the National Minorities Act ensures that oral and written submissions in Slovenian can be done in all authorities and service units listed in Annex 2 of the amendment, that is, 16 municipalities. It has to be noted however that the right to use Slovenian as an official language is restricted to certain villages within some of these municipalities.

309. According to representatives of the authorities whom the Committee of Experts met, the new law does not put an obligation to issue documents in Slovenian, unless a person requests it. To be able to do that, the person has to live in a place where bilingualism is allowed.

310. According to the representatives of the Slovenian-speakers, the amendment of the National Minorities Act is in fact a step backwards for the use of Slovenian and the fact that it has been incorporated into Constitutional law makes it impossible to challenge it. Speakers claim that there is no longer the possibility to use Slovenian in the municipalities *not* listed in Annex 2, even for those in the traditional Slovenian settlement area, where Slovenian used to be traditionally used. The Committee of Experts however understands that it is possible to use Slovenian in a municipality not listed in Annex 2, if the Mayor accepts it.

311. Representatives of the speakers have also indicated to the Committee of Experts that there is a lack of consistency in the selection of the villages on the list in Annex 2. According to them, 100 villages still could be added to the list. Furthermore, Slovenian as an official language is limited to 16 municipalities, out of 22 municipalities where bilingual signs and inscriptions have to be put up.

312. Furthermore, municipalities can now transfer the handling of petitions and requests in the minority languages to the district authorities. According to the speakers, this will further decrease the practical use of Slovenian in the municipalities.

313. The Committee of Experts considers the undertaking to be partly fulfilled. It encourages the authorities to seek solutions, in cooperation with the speakers and the relevant local authorities, for Slovenian to be used also in municipalities that fall outside the 16 listed municipalities, but where Slovenian has a traditional presence and there is a sufficient number of speakers.

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

314. In its second evaluation report, the Committee of Experts considered this undertaking partly fulfilled. It encouraged the Austrian authorities to take measures to encourage or facilitate publications by local authorities and provide concrete information about its progress with regard to this issue in the next periodical report.

315. The third periodical report provides very little information on this issue, and limits itself to stating that it is left to the discretion of the individual municipalities whether they make use of the authorisation in § 13(4) of the National Minorities Act. The representatives of the speakers are of the view that it should not be left to the individual municipalities to decide, but that a clear statutory solution should be found. The Committee of Experts was told during the on-the-spot visit that according to the new law on bilingual languages, there is no obligation to issue documents in Slovenian in these bilingual municipalities, unless the person requests it. However, the forms used for administrative purposes are in German and in Slovenian and can be downloaded from the Internet.

316. The Committee of Experts still considers the undertaking to be partly fulfilled. It encourages the Austrian authorities to take concrete measures to encourage or facilitate publications by local authorities of their official documents in Slovenian too.

**Paragraph 5**

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

317. In its second evaluation report, the Committee of Experts asked the Austrian authorities to remove any existing obstacles in registering and using Slovenian names in the original spelling and report on this in their next periodical report.

318. According to the information contained in the third periodical report, there are no obstacles when registering and using the Slovenian names in their original spelling. Representatives of the speakers affirm the contrary, and refer to correspondence with the Federal Ministry of Justice concerning problems especially in respect of land-registers and company-registers. Other representatives of the speakers, whom the Committee of Experts met during the monitoring cycle, indicated that as of May 2012, it will be possible to register Slovenian names in the correct spelling in the land register. In their view, the Court forms and templates should therefore follow the same path. No problems were reported with regard to the registration of family names for ID cards.

319. The Committee of Experts considers the undertaking fulfilled at present, but encourages the authorities to comment in their next periodical report on the information received from representatives of the speakers that is mentioned above.

**Article 11 – Media**

320. In the second monitoring cycle, the Committee of Ministers recommended to **“secure adequate funding for newspapers in (...) Slovenian” (RecChL(2009)1, Recommendation 5).**

**Paragraph 1**

***“ The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

***“b. ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;”***

321. This undertaking was considered fulfilled in the last evaluation report.

322. The authorities report that there is a full-24 hour programme in Carinthia in Slovenian, shared between “Radio DVA” and “Radio AGORA” under private radio license and by AKO Lokalradio GmbH.

323. Since 2009, promotion of the national minority radio stations, which are private, is possible through the amendment of the KommAustria Act (KOG) and the fund that was set up with Telekom Regulierungs-GmbH (RTR-GmbH). As a result, Radio Agora and Radio Dva received financial support.

324. According to the information given by the representatives of the Slovenian speakers, Radio Agora received the license covering the Slovenian settlement area in Carinthia because it offered a bilingual programme taking into account “alternative target groups”. The Slovenian-speaker representatives would have preferred that Radio Dva, which wanted to offer a completely Slovenian programme, had been chosen. The Committee of Experts understands that this matter has been brought before the Constitutional Court.

325. The Committee of Experts considers that the undertaking remains fulfilled.

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

326. In its second evaluation report, the Committee of Experts considered this undertaking partly fulfilled and encouraged the Austrian authorities to provide further information with regard to the audio and audiovisual works that have been produced in Slovenian in the next periodical report.

327. Funding is granted by the authorities through the budget for the national minorities of the Federal Chancellery for the production of audio and audiovisual works. A CD on the occasion of the anniversary of an association of the Slovene national minority was thus supported financially in 2010, as well as the production of films.

328. The Committee of Experts considers the undertaking to be fulfilled.

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

329. In its second evaluation report, the Committee of Experts considered that the undertaking remained fulfilled, despite the fact that the new press promotion fund of the Land Carinthia could not be applied to weeklies in the Slovenian language, because of the minimum threshold of print run of 3% of the population. It encouraged the authorities to provide information regarding the situation of Slovenian newspapers and to take measures to secure the existence of at least one newspaper in Slovenian.

330. Two newspapers in Slovenian received funding under the 2004 Press promotion Act, that is, “Nedelja” a newspaper from the church of the Gurk diocese, and “Novice”. The third periodical report lists as well other Slovenian newspapers and information bulletins, which receive funding from the Federal Government’s budget for the promotion of national minorities (see p. 128). However, it is not clear to the Committee of Experts whether these newspapers are published on a weekly basis, monthly, etc.

331. The representatives of the Slovenian-speakers regard the offer of newspapers as being currently unsatisfactory. In their view, the financial support granted by the government to the press in regional or minority languages is not sufficient, and they are disappointed with the fact that a certain print run is needed to receive support funds. They especially voiced their concern with regard to the future of the newspaper “Novice” and stressed the fact that without the support of Slovenia, the newspaper would already have ceased to exist.

332. In view of the available information, the Committee of Experts considers the undertaking to be partly fulfilled. It asks the authorities to consider the possibility to lower the requested minimum print run for the press promotion fund of Carinthia for the newspapers published in Slovenian. By definition, a newspaper in a minority language has indeed ordinarily a smaller print run compared to newspapers in a majority language. The Committee of Experts would also like to remind that, under this undertaking, the authorities are encouraged to take pro-active steps for the creation and/or maintenance of at least one newspaper in the regional or minority languages. The authorities are therefore encouraged to increase their support for newspapers in Slovenian in Carinthia.

***The Committee of Experts encourages the authorities to increase their support for newspapers published in Slovenian.***

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

333. In its second evaluation report, the Committee of Experts considered this undertaking not fulfilled because it had received no information.

334. The third periodical report makes reference to the specific fund for the promotion of television films that has been set up and that provides budgetary support. However, it is not clear to the Committee of Experts whether these funds can be used for audiovisual productions in Slovenian and are applied in practice. The Committee of Experts supposes that it is also possible in principle for the Austrian Film Institute and the Federal Ministry of Education, Arts and Culture to promote audiovisual productions in Slovenian, as has been indicated for Burgenland-Croatian, whenever an Austrian production company, an Austrian director or other Austrian experts are involved, and whenever German sub-titles are produced.

335. The Committee of Experts would welcome more specific information on this undertaking in the next periodical report and is at present unable to draw a conclusion on its fulfilment.

## Article 12 – Cultural activities and facilities

### Paragraph 1

***“ With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;”***

336. In its second evaluation report, the Committee of Experts considered this undertaking fulfilled. It however encouraged the Austrian authorities to review the amount of funding as well as the funding allocation process.

337. The authorities report that the amount of financial support has remained more or less the same for the cultural organisations within the reporting period. The Committee of Experts refers to paragraphs 71 and 72 above and its general consideration on the allocation for the national minorities.

338. As regards the Slovene Music School, which was mentioned in the previous evaluation reports, the authorities state that it received for 2010 a total amount of 100 000 Euros from the Federal government. It will furthermore receive 500 000 Euros for the period 2011-2015, under the terms of the “Federal law for a federal grant and other promotional support on the occasion of the 90<sup>th</sup> anniversary of the referendum in Carinthia”. In the view of the speakers, the sum determined in the Memorandum will only serve to pay off accumulated debt, and they expressed concern as to the longstanding existence of this school if no lasting solution is found. The Committee of Experts has been informed by representatives of the speakers that the issue of the Slovene Music School was part of the memorandum signed in Klagenfurt on 26 April 2011, although it is unclear what consequences that has had for the future existence of the school.

339. The Committee of Experts still considers the undertaking to be fulfilled.

### Paragraph 3

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

340. In its second evaluation report, the Committee of Experts considered this undertaking partly fulfilled at present and encouraged the authorities to provide more information with regard to this undertaking in the next periodical report.

341. Little information is provided with regard to this undertaking in the third periodical report.

342. The Committee of Experts still considers this undertaking to be partly fulfilled, and would welcome more information with regard to its practical implementation in the next periodical report. The Committee of Experts reminds the authorities that this provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to Slovenian in the context of exhibitions or events, or information material concerning Austria targeting an international public.

## Article 13 – Economic and social life

### Paragraph 1

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

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”***

343. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled at present, but requested more examples on how this undertaking is implemented in the next periodical report.

344. The third periodical report mentions the initiatives promoted by the Farmer's Educational Community in Southern Carinthia, which engages in improving the language skills of farmers, offering for example language courses on specific technical terms, and technical excursions to Slovenia.

345. A funding of 50 000 Euros has been set aside in the framework of the "Federal law for a federal grant and other promotional support on the occasion of the 90<sup>th</sup> anniversary of the referendum in Carinthia" and reserved for organisations that are committed to promoting economic matters and cross-border co-operation.

346. Mention is also made by the authorities of the co-operation agreement between the Federal province of Carinthia and the consulting firm Alps-Adriatic Centre for Transfrontier Co-operation and with the Slovenian Business Association.

347. The Committee of Experts considers the undertaking fulfilled.

#### **Article 14 – Transfrontier exchanges**

##### ***"The Parties undertake:***

- b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territories the same language is used in identical or similar form."***

348. In the third periodical report the authorities mention many school partnerships, teacher exchanges and trilingual education involving German, Slovenian and Italian.

349. An example of this is the "Drei Hände – Tri roke – Tre mani" project, which covers pre-school and primary school education and which fosters early language learning. The project was awarded the 2007 European Label for innovative projects in language teaching and learning (see p. 135ff of the third periodical report). A project is also in the pipeline concerning the secondary school level up to the school-leaving examination.

350. The Committee of Experts would like to commend the authorities for these initiatives, which can be considered as best practices.

351. The Committee of Experts considers the undertaking fulfilled.

##### *3.3.3. The Hungarian language*

352. For the purposes of the present report, the Committee of Experts will not comment on provisions in relation to which no major issues were raised in the first and second reports and for which it did not receive any new information requiring a revised assessment or a different presentation of its implementation. In the case of Hungarian in Burgenland, these provisions are the following:

- Article 8, paragraph 1. e.iii; f.iii.
- Article 8, paragraph 2.
- Article 9, paragraph 1.a.iii; b.iii; c.iii; d.
- Article 9, paragraph 2.a.
- Article 10, paragraph 4.a.
- Article 10, paragraph 5.
- Article 11, paragraph 2.
- Article 12, paragraph 1.d.
- Article 12, paragraph 2.
- Article 14.b.

353. For these provisions, the Committee of Experts refers to the conclusions reached in its first and second reports but reserves the right to evaluate the situation again at a later stage.

354. Finally, the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by Austria.



355. According to the representatives of the speakers, the Hungarian language is mainly spoken by the old generation in Burgenland and there is a serious risk that the language will become extinct. However, the growing demand for Hungarian education reflects an increasing interest in Hungarian as a trans-border language.

## **Article 8 – Education**

356. The representatives of the speakers informed the Committee of Experts that Hungarian in general is more often taught as a subject than used as a teaching language. The fact that there is no curriculum for the Hungarian language was also mentioned as a current problem during the on-the-spot visit. Furthermore, there are still some significant differences in the level of knowledge of Hungarian among the pupils.

### **Paragraph 1**

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

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

357. This undertaking was considered fulfilled in the last monitoring round.

358. The 2009 Burgenland Child Care and Education Act provides that Hungarian must be spoken in the classroom for a minimum of 12 hours per week in the municipalities and sections of administrative districts listed in its §7, where nursery schools are to be run on a bilingual basis. This is also possible in other parts, provided that 25% of the parents request it.

359. The undertaking is again considered to be fulfilled.

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

360. In the second evaluation report, the Committee of Experts considered this undertaking only partly fulfilled, due to the very limited amount of hours taught in Hungarian even at bilingual primary schools. It encouraged the Austrian authorities to provide a substantial part of primary education in Hungarian.

361. The interest towards education in Hungarian, be it as bilingual education, compulsory subject or optional exercise, seems to have been growing constantly since the last monitoring cycle, as shown by the figures of the number of pupils on pp. 141-145 of the third periodical report. Hungarian is increasingly taken in the form of bilingual classes, or as a compulsory subject.

362. The authorities however do not give much detail about the criteria used to assess a long-term demand by at least seven pupils – the minimum required to set up a new bilingual school class -, as was required in the two previous evaluation reports.

363. Based on the information received, the Committee of Experts considers the undertaking to be fulfilled. Nevertheless, the Committee of Experts encourages the authorities to provide more comprehensive information on the availability and development of primary education in Hungarian.

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

364. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It encouraged the Austrian authorities to address the problem that many pupils at the bilingual federal school do not have sufficient language skills to follow the instruction in Hungarian, even if they have attended bilingual nursery and primary schools, and provide information on their developments in the next periodical report.

365. The situation of the disparity in language competence among pupils does not seem to have changed in this monitoring round.

366. According to the adopted regulation those lower secondary schools that are in the catchment area of bilingual primary schools must offer Hungarian-medium education even if the demand is as low as one pupil. The authorities state that the regulation is followed in practice. At least five pupils are enrolled at every location where Hungarian is taught as an optional compulsory subject.

367. The fact that the bilingual federal grammar school in Oberwart / Felsőőr / Gornja Borta had, even after 16 years of existence, the status of a pilot project, was also mentioned in the previous evaluation report. The third periodical report states that the federal grammar school has a legal basis but is run as a bilingual pilot project in order to be able to better meet the needs of the national minorities than would be possible within the legal framework for the standard school system.

368. Representatives of the speakers expressed their satisfaction with the fact that as of 2013/2014, pupils will be able to take their school-leaving examination in Hungarian at the bilingual federal grammar school at Oberwart, in addition to German. Examinations can also be taken in Croatian.

369. The undertaking is again considered fulfilled.

- “d**
- i to make available technical and vocational education in the relevant regional or minority languages; or*
  - ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
  - iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
  - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;”**

370. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled.

371. Hungarian is now taught as a subject at seven vocational schools, as opposed to six during the previous monitoring cycle. The authorities report that the possibility to offer courses in Hungarian is often mentioned to school principals but that there is not enough interest among the students.

372. The undertaking is again considered fulfilled.

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

373. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled, and asked the Austrian authorities to provide more detailed information on the existing teaching materials.

374. The third periodical report states that the teaching of the culture and history of the national minorities present in Burgenland is done at schools at primary-school level, but also at secondary levels I and II. However, it is not clear to the Committee of Experts whether this applies also to monolingual German-medium schools. According to some representatives of the speakers, there is no teaching of the history and culture reflected by Hungarian in Burgenland. Speakers have sometimes experienced negative attitudes coming from the local population even if in the past 10-15 years, improvements have been made. Speakers feel that more should still be done to promote mutual respect and tolerance.

375. In view of the conflicting information, the Committee of Experts is unable to draw a conclusion on this undertaking. It asks the authorities to provide more practical and detailed information in the next monitoring cycle.

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

376. In the second evaluation report, the Committee of Experts did not conclude on the fulfilment of this undertaking. It asked the Austrian authorities to provide information on the new study course launched by the Pedagogical University providing for basic and further training of teachers of Hungarian at primary school and lower secondary school levels in the next periodical report. The main problems identified were the insufficient number of teachers in training and the fact that teacher training was not possible for Hungarian as the language of instruction for higher secondary school level, but only for Hungarian as a subject.

377. In the third periodical report, the authorities state that in 2010/2011, a total of 23 persons attended the study course “Bilingual teaching at primary and/or lower-level secondary schools with German and Hungarian as languages of instruction” as well as “Teaching Hungarian at primary schools and/or lower-level secondary schools”. Graduates of the course are to conduct a bilingual class at primary school and lower-level secondary school, classes with Hungarian as a language of instruction or language courses for Hungarian and should reach the C1 level of the European Framework of Reference for Languages in Hungarian.

378. The representatives of the speakers maintain that there is no specific education for native Hungarian-speakers and that Hungarian can only be learned as a foreign language. In order to be able to teach Hungarian properly to native speakers, more teachers would be needed in their view, and more teaching hours.

379. The Committee of Experts nevertheless considers that the undertaking is fulfilled.

***“i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.”***

380. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Austrian authorities to ensure that the supervisory body draws up periodic reports of its findings and makes them public.

381. The third periodical report states that it is not possible for the Burgenland school supervisory body to produce evaluation reports on a regular basis, due to a lack of staff and financial resources. Although the Committee of Experts understands the constraints in budget and human resources, it reminds the authorities that they committed themselves to fulfilling this undertaking when ratifying the Charter.

382. During the on-the-spot visit, the Committee of Experts was however informed that the needs of the minority language speakers are discussed at the Land level (*Landesschulrat*), and that there will be a written evaluation report on bilingual education in Burgenland.

383. Nevertheless, the Committee of Experts must conclude that the undertaking is not fulfilled at present. It looks forward to receiving more concrete information on this undertaking, especially with regard to the development of the existing reporting system so that its reports comply with the terms of the Charter in the next periodical report.

## **Article 9 – Judicial authorities**

384. In the second monitoring cycle, the Committee of Ministers recommended that the Austrian authorities **“ensure that (...) the Hungarian language[e] can be used before the relevant judicial and administrative authorities in practice”** (RecChL(2009)1, Recommendation 4).

### **Paragraph 1**

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

***a in criminal proceedings:***

- ii to guarantee the accused the right to use his/her regional or minority language; and/or**

**“b in civil proceedings:**

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

385. In the second evaluation report, the Committee of Experts considered this undertaking only formally fulfilled. It encouraged the relevant authorities to take measures to facilitate the use of Hungarian in practice before courts.

386. The authorities refer to their second periodical report. They furthermore indicate that amendment No. 46/2011 to the National Minorities Act comprises the obligation under constitutional law for those responsible for the authorities and service units listed in Annex 2 of the amendment to ensure that the Hungarian language can be used as an official language in addition to the German language. Reference is also made to the fact that the forms that parties are required to use are continuously published in Hungarian.

387. The speakers whom the Committee of Experts met confirmed that Hungarian can be used in hearings at courts.

388. The Committee of Experts would welcome more information on the practical implementation of these undertakings in the next periodical report, but considers them fulfilled at present.

**“c in proceedings before courts concerning administrative matters:**

- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or**

389. In the second evaluation report, the Committee of Experts considered this undertaking only formally fulfilled and urged the Austrian authorities to provide further information with regard to this undertaking in the next periodical report.

390. The Independent Administrative Senate for Burgenland admits the use of Hungarian as an official language, without any additional expenses for the parties, namely in terms of interpretation/translation if needed. The authorities state however that since its creation in 1991, there has been no request to use Hungarian as an official language.

391. The Committee of Experts would like to point out that under this undertaking, the authorities have to take measures to inform the public of the possibility to use regional or minority languages before administrative courts, and to actively encourage them to do so. Such measures might include for example, bi- or multilingual notices and signs in/on court buildings, and information in public announcements or court forms<sup>8</sup>.

392. The undertaking is considered to be formally fulfilled.

## **Article 10 – Administrative authorities and public services**

### **Paragraph 1**

**“Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:**

- a iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages;”**

<sup>8</sup> See the Third evaluation report on Sweden, p. 20. The importance of promoting practical implementation of the undertaking in question also emerges from many recommendations of the Committee of Ministers to various States, such as Serbia (2009), Germany (2008) or Switzerland (2004).

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

393. In the second evaluation report, the Committee of Experts considered these undertakings partly fulfilled and asked the Austrian authorities to provide concrete examples of their implementation in the next periodical report. Hungarian was admitted as an official language in four municipalities and also before the district administration of the districts of Oberpullendorf / Felsőpulya and Oberwart / Felsőőr / Gornja Borta, but no concrete examples of practice were given.

394. The third periodical report mentions several language courses that are organised by the federal administration, namely the work inspectorate district located in Eisenstadt, the tax and customs offices and the Language Institute of the Armed Forces, which also compiled a military dictionary in Hungarian. Documents in Hungarian are available on the website of the Ministry for Labour, Social Affairs and Consumer Protection and the Ministry of Finance. In several cases, it was mentioned that there has been no request by the citizens to use Hungarian, apart from the Bruck Eisenstadt Oberwart tax office where at least 1000 clients contacts per year in Hungarian are reported, especially at the information centre.

395. According to the speakers, there are no forms in Hungarian and there are not enough Hungarian-speakers at district level and at the Land level.

396. The Committee of Experts welcomes the efforts undertaken by the authorities for staff training in Hungarian. The undertakings are nevertheless considered only partly fulfilled.

**Paragraph 2**

***“In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:***

***b*** *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

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

397. In the second evaluation report, the Committee of Experts considered these undertakings partly fulfilled and asked the Austrian authorities to provide concrete examples of their implementation in the next periodical report.

398. The third periodical report mentions the municipality of Unterwart / Alsóőr where Hungarian is spoken in the municipal offices. Furthermore, the Office of the Burgenland Regional Government offers language courses in Hungarian for the regional and municipal staff members on an on-going basis.

399. The Committee of Experts welcomed in the previous report the fact that the *Land* authorities, as part of their language policy, reward civil servants who process applications submitted in Hungarian with a financial bonus. The Committee of Experts is pleased to note in this monitoring cycle that, according to §23 of the National Minorities Act, the financial incentive is also extended to the federal level.

400. The Committee of Experts has been informed that there is still a lack of Hungarian-speaking staff in the local authorities, even in those municipalities where Hungarian is an official language. The Committee of Experts has not been informed of any publication by local authorities of documents in Hungarian.

401. The undertaking is considered to be partly fulfilled with regard to 2. b and not fulfilled with regard to 2.d.

**Article 11 – Media**

402. In the second monitoring cycle, the Committee of Ministers recommended that the Austrian authorities **“increase television broadcasting in Hungarian and secure adequate funding for newspapers in (...) Hungarian” (RecChL(2009)1, Recommendation 5).**

**Paragraph 1**

***“ The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

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

403. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It however asked the authorities to provide information concerning the extent to which they actively promote the broadcasting of radio programmes in Hungarian, and to provide information on the actual amount of radio broadcasting in Hungarian in the next periodical report.

404. The authorities report that the new ORF Centre of Competence in Eisenstadt has produced and broadcast programmes for all national minorities living in the eastern parts of Austria since 2009.

405. The ORF broadcasts a daily five-minute news programme in Hungarian, as well as a 30-minute programme on Sundays, and a 20-minute cultural programme on Mondays. Hungarian is also present within the Multilingual magazine for the national minorities, which lasts for nearly two hours and is broadcast on Mondays. However, the speakers consider that the radio broadcasting periods should be doubled in length. Some speakers expressed the wish to have one hour of daily news, on the same level as the Burgenland-Croatian language.

406. The third periodical report states that the radio station “Radio 1476” is now available on FM frequency, and can be received also in Vienna. This change from medium wave service to FM frequency was wished by the representatives of the speakers.

407. The Committee of Experts considers that the undertaking remains fulfilled.

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

408. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the authorities to increase the offer of Hungarian language television programmes. The Committee of Experts observed that the regional ORF channel broadcast a 25-minute programme in Hungarian six times a year, and a multilingual 45-minute programme four times a year on the same channel.

409. According to the third periodical report, the situation is quite the same as in the previous monitoring cycle, except that the multilingual programme is now broadcast 25 minutes six times a year. Furthermore, the 25-minute broadcast in Hungarian “Adj’Isten magyarok” can now also be followed on ORF 2 Vienna as well as on ORF Burgenland. The representatives of the speakers would like the offer of television programmes in Hungarian be extended to 30 minutes once a month.

410. Concerning the increase in the duration of the programme, the representative of the ORF indicated that the problem is financing, and that it is up to the Board of the ORF to accept it.

411. While the Committee of Experts welcomes the fact that the broadcast “Adj’Isten magyarok” can now also be seen on ORF Vienna, it still considers the offer in broadcasting of television programmes in Hungarian insufficient with regard to this undertaking. Broadcasting only six times a year does not comply with the term “on a regular basis”. The Committee of Experts therefore has to conclude that the undertaking is still not fulfilled.

<p><b><i>The Committee of Experts encourages the authorities to increase the offer of Hungarian language television programmes.</i></b></p>
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***“d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;”***

412. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled.

413. Funding for the production of audio and audiovisual works is granted by the authorities through the Federal Chancellery's budget for the national minorities. An application for a work in 2010, the production of a CD with Hungarian choral songs, was approved under this scheme.

414. The Committee of Experts considers the undertaking to be fulfilled.

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

415. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled. It encouraged the Austrian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Hungarian.

416. The authorities state in their third periodical report that the requirements to obtain press promotion funding are less demanding for the newspapers of the national minorities, and that the fund for the promotion of the national minority groups are also available for newspapers.

417. The Committee of Experts has however not been informed about the creation of any newspaper in Hungarian.

418. The speakers have informed the Committee of Experts that the only newspaper in Hungarian in Austria is “Bécsi Napló”, which is bimonthly and is published by the Central Association of Hungarian Associations and Organisations, on a voluntary basis, and is distributed to the members of the association. The speakers have indicated that for financial reasons, it is not possible to re-design it as a monthly journal. 60% of its printing costs are covered by the allocation from the Federal Chancellery.

419. The undertaking is again considered not fulfilled.

***The Committee of Experts urges the Austrian authorities to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in Hungarian.***

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

420. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled, due to a lack of information.

421. The authorities mention in their third periodical report (p. 167-168) that the Austrian Film Institute has given financial support to three films in Hungarian.

422. In view of the available information, the Committee of Experts considers the undertaking fulfilled.

## **Article 12 – Cultural activities and facilities**

### **Paragraph 1**

***“With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:***

**a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;”**

423. In the second evaluation report, the Committee of Experts considered this undertaking fulfilled. It asked the Austrian authorities to increase their efforts in order to solve the problems relating to the administration of the funding, and to settle the issue of the low proportion of funding for Hungarian speakers, in co-operation with the speakers.

424. The figures provided by the authorities show an increase in the funding allocated to the Hungarian national minority group, from 282 082 Euros in 2002 to 410 810 Euros in 2005. The speakers whom the Committee of Experts met during the on-the-spot visit have however indicated that there has been a decrease in the allocation of funds for the Hungarian minority in recent years, which has had a direct effect on the organisation of some of their activities, such as the Summer camps in Hungary. The funds are also paid too late in the year.

425. The third periodical report also states that a request has been made that the distribution of the budget available at the Federal Chancellery to promote the national minority groups should be linked to the results of the 2001 census. The authorities have however rejected this demand as they considered it was not objective and not in line with the necessity to focus on priority activities.

426. The undertaking is considered to be fulfilled, but the Committee of Experts asks the Austrian authorities again to increase their efforts in order to solve the problems related to funding for projects related to the Hungarian language, in co-operation with the speakers.

### **Paragraph 3**

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

427. In the second evaluation report, the Committee of Experts considered this undertaking not fulfilled, as it had not received sufficient information.

428. The third periodical report mentions the activities and programmes jointly undertaken by Austria and Hungary in the framework of the Hungarian-Austrian Agreement on Cooperation in the Fields of Culture and Science, dated 19 May 1976.

429. The authorities mention as well the Austrian libraries, which are libraries at foreign universities comprising also authors in the regional or minority languages of Austria.

430. In view of this information, the undertaking is considered to be fulfilled.

### **Article 13 – Economic and social life**

#### **Paragraph 1**

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

- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.”***

431. In the second evaluation report, the Committee of Experts considered this undertaking partly fulfilled and required further examples of the facilitation or encouragement of the use of Hungarian in connection with economic and social activities in the next periodical report.

432. In the third periodical report, the authorities refer to a one-off grant of four million Euros that was granted to the province of Burgenland for, *inter alia*, measures for employment, economy, the social system and youth, and for cultural and educational projects aiming at strengthening the identity and diversity in Burgenland.

433. In view of this information, the Committee of Experts considers the undertaking fulfilled.



## Chapter 4 Findings and proposals for recommendations

### 4.1. Findings of the Committee of Experts in the third monitoring cycle

A. The Committee of Experts appreciates the constructive dialogue with Austria and the excellent co-operation it enjoyed with the Austrian authorities during the preparation and carrying out of the on-the-spot visit. The Committee of Experts welcomes the fact that the comments from the national minority groups were added as annexes to the report.

B. The draft amendment of the National Minorities Act has raised concern among representatives of the speakers that the proposed composition of, and election procedure for the Advisory Councils of the national minority groups, as well as the procedure for the appointment of their Presidents, may lead to a weaker democratic representation.

C. Although Part II languages benefit from traditional promotional measures for the ethnic groups (*Volksgruppen*), the continued lack of a structured and coherent policy, specifically furthering their use in public and private life, hampers their effective protection and promotion. Such a policy is needed in particular in Vienna, where a large number of regional or minority language speakers are concentrated, as well as for the Slovenian-speakers in Styria and for the Romani-speakers on the whole territory of Austria. By contrast, Austrian regional or minority language policy with respect to Part III languages is characterised by a very extensive legislative framework. However, there remain certain gaps with respect to the implementation of the existing legal provisions and speakers find it difficult to understand their rights which can vary from one municipality to another.

D. With regard to funding, the annual budget of the Federal Chancellery allocated to ethnic groups has remained unchanged at €3 768 000 since 1995, which when inflation-adjusted corresponds to a decrease of approximately one third. Parts of the allocated funds are at present used by some of the groups for educational purposes, such as the production of teaching materials and the maintenance of the educational infrastructure, tasks that should be carried out and funded by the responsible authorities. Nevertheless, there is a need for a raise in the funds distributed to the national minorities. The proposed draft amendment of the National Minorities Act could lead to a less bureaucratic distribution of funds.

E. The ongoing trend towards linguistic assimilation in Austria is paralleled by a growing demand for regional or minority language education by non-speakers of these languages. The Committee of Experts has noted an increasing interest from the pupils, often without a minority language background, for education in Burgenland-Croatian, Hungarian and Slovenian. While this positive development is to be welcomed, it also creates a problem of capacity for the educational sector to absorb this interest, and poses the challenge to address the considerable diversity in language competence among pupils, often within the same class. The authorities and the speakers are conscious of the problem. In the opinion of the Committee of Experts, innovative methods should be used to address this challenge.

F. The dialogue between the Slovenian-speakers in Styria and the *Land* authorities continues on a positive basis, especially in the cultural sector. However, a language strategy for Slovenian in Styria is still lacking, which is particularly needed in the field of education where there is little continuity between school and class levels. In the field of Slovenian language, media shortcomings still persist, although an ongoing positive process will most probably lead to an improvement of the situation.

G. There have been overall positive developments regarding the Romani language in Burgenland, most notably in the field of education, where teaching materials have been developed and educational activities carried out by RomBus. However, Romani education has been discontinued as an optional subject and the Committee of Experts is concerned about the fragile situation of RomBus. Radio programming in Romani has increased, but the Committee of Experts must conclude that the total amount is still quite limited.

H. There have been some positive developments in the field of education in Vienna. One example is the introduction of Hungarian at pre-school level at the Komenský School. However, the financial situation of this school remains difficult. Therefore, it should be permanently financed outside the funding allocated to the national minorities. Furthermore, Burgenland-Croatian education is still in need of development in Vienna.

- I. All the speakers whom the Committee of Experts met during the on-the-spot visit expressed their dissatisfaction that no Minority School Act had been adopted for Vienna, and that, according to the authorities, no such plans are foreseen in the future. A Minority School Act would facilitate the protection and promotion of the regional or minority languages in Vienna.
- J. Regarding education for all Part III languages, there seems to be a lack of a monitoring system which includes an adequate reporting of measures taken and progress achieved regarding education in or teaching of these languages. Such reporting also makes it easier to achieve a structured approach for the development and improvement of minority language education. For the sake of transparency, it is also important for the representatives of the speakers of these languages to be informed of the situation with regard to education in their languages. Austria should therefore establish a system for monitoring the measures taken and the progress achieved in this regard and make regular reports public.
- K. Where the teaching of Part III languages is concerned, the Committee of Experts welcomes the positive development with respect to teacher training at the Pedagogical Universities of Burgenland and Carinthia. The new models developed there improve among other things the teacher training for regional or minority languages as a subject as well as a language of instruction. However, the varying language skills among school children and the lack of qualified teachers continue to create practical challenges. The Committee of Experts understands that these issues are already being addressed.
- L. In Burgenland, a structured approach which combines quantity and quality is still missing for Burgenland-Croatian and Hungarian language teaching. Furthermore, the Committee of Experts is concerned about the significant drop-out rate between primary and secondary school. There is still a lack of qualified Burgenland-Croatian teachers.
- M. Although the overall provision of Slovenian education is satisfactory, the varied command of the Slovenian language of school pupils continues to create challenges for teaching in/of Slovenian. Furthermore, there still seems to be an insufficient number of qualified teachers.
- N. The Committee of Experts observes that despite the fact that some courts have the necessary bilingual staff at their disposal, neither Burgenland-Croatian nor Hungarian have so far been used in proceedings. Furthermore, there has been a slight downward trend in the number of proceedings involving the Slovenian language. The future status of the three bilingual courts in Carinthia is insecure. The Committee of Experts finds that more efforts need to be made to inform the speakers at large of their rights and to secure the availability of the Slovenian-speaking staff in the courts of Ferlach / Borovlje, Eisenkappel / Železna Kapla and Bleiburg / Pliberk.
- O. Although the situation of Slovenian in Carinthia is good with regard to the frequency of communication in Slovenian in administrative dealings, also thanks to the Office for Ethnic Groups (*Volksgruppenbüro*), applications in the language are processed with a considerable delay. The Committee of Experts notes that the legislation governing the right to use Slovenian before administrative authorities and public services is extremely complex and incoherent.
- P. There is an ongoing positive development with regard to broadcasting, thanks to the ORF Centres of Competence for the national minorities in Burgenland and Carinthia. However, concerning television broadcasting, there has not been any positive development since the last monitoring cycle, and in the view of the Committee of Experts there is an obvious need to increase the offer, especially with regard to broadcasts targeted at children and adolescents. There have already been some developments in radio broadcasts in Burgenland-Croatian.
- Q. The economic situation for regional or minority language newspapers has deteriorated. Public support for regional or minority language media seems to be insufficient to secure the survival of the Burgenland-Croatian and Slovenian newspapers. A resolute action from the authorities to secure their existence is therefore recommended by the Committee of Experts. There is still no Hungarian language newspaper.
- R. There is a general lack of awareness among the majority population about the regional or minority languages in Austria. The teaching of the history and the culture which is reflected by the regional or minority languages should therefore be promoted in all schools and at different education levels.

#### 4.2. Proposals for recommendations on the basis of the results of the third monitoring cycle

The Committee of Experts, while acknowledging the efforts the Austrian authorities have undertaken to protect the regional and minority languages used in their country, has in its evaluation chosen to concentrate on some of the most important deficiencies in the implementation of the Charter. The recommendations forwarded by the Committee of Experts to the Committee of Ministers should not, however, be interpreted as diminishing the relevance of the other, more detailed observations contained in the report, which remain valid in their own right. The recommendations proposed by the Committee of Experts are drafted accordingly.

The Committee of Experts of the European Charter for Regional or Minority Languages, in accordance with Article 16, paragraph 4 of the Charter, proposes on the basis of the information contained in this report, that the Committee of Ministers make the following recommendations to Austria.

The Committee of Ministers,

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

Having regard to the instrument of ratification submitted by Austria on 28 June 2001;

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

Bearing in mind that this evaluation is based on information submitted by Austria in its third periodical report, supplementary information given by the Austrian authorities, information submitted by bodies and associations legally established in Austria and, finally, information obtained by the Committee of Experts during its on-the-spot visit,

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

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

1. adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life;
2. include in the general curricula an adequate presentation of the history and the culture which is reflected by the regional or minority languages in Austria;
3. ensure that the increasing demand for education in or teaching of Burgenland-Croatian, Slovenian and Hungarian is met with an adequate number of qualified teachers;
4. ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice;
5. secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian;
6. clarify the status of the Romani language outside Burgenland.

## Appendix I: Instrument of Ratification



**Austria:**

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

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

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

Burgenlandcroatian in the Burgenlandcroatian language area in the Land Burgenland :

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

Slovenian in the Slovenian language area in the Land Carinthia :

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

Hungarian in the Hungarian language area in the Land Burgenland :

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

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

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

With regard to Czech in the Land Vienna :

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

With regard to Slovakian in the Land Vienna :

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

With regard to Romany in the Land Burgenland :

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

With regard to Slovenian in the Land Styria :

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

With regard to Hungarian in the Land Vienna :

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

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

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

**Period covered: 1/10/2001 -**

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

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

At its 1156th meeting on 28 November 2012, the Committee of Ministers adopted its Recommendation addressed to Austria, which is set out in Part B of this document.

## Appendix II: Comments by the Austrian authorities

BUNDESKANZLERAMT  ÖSTERREICH

### Comments

#### on the Opinion by the Committee of Experts

#### established under the European Charter for Regional or Minority Languages

Austria expresses its appreciation for having been communicated the Report of the Committee of Experts and would like to comment on it as follows:

#### Ad margin note 15

The statement, namely that according to the draft amendment to the National Minorities Act the national minorities decide independently on the use of the funding for the promotion of the national minority groups, needs to be put more precisely in the sense that distribution of the promotional funding among the six national minority groups, as determined by the Federal Chancellery, can be modified by a unanimous decision of the Forum of the Advisory Councils for the National Minority Groups. The advisory councils for the national minority groups only have the right of recommendation – also in the present draft – with regard to the amounts of promotional funding that are granted to the individual associations and their projects.

#### Ad margin note 23

The discussions in relation to the draft amendment to the National Minorities Act, which was sent out for appraisal on 29 February 2012, have not yet been concluded. The talks serve, in particular, to take account of the concerns of the national minority groups.

#### Ad margin note 26

Three categories were identified when determining those municipalities where the topographical signs and designations are to be indicated both in the German and the Slovene languages: municipalities that had already been covered by the old legislative situation; municipalities that had been the subject of a decision by the Constitutional Court; and municipalities where the percentage of the Slovene-speaking population amounted to a minimum of 17.5%. The last-mentioned category also comprises those municipalities where the evaluations made by *Statistik Austria* indicate that the percentage ranges from 15 to 20% in. It is not true, though, that the proportions of these three categories are 15:10:75. Rather, 91 municipalities of the 164 municipalities under the new legal regime were taken over from the old legislative regime. Another 20 municipalities had been the subject of decisions taken by the Constitutional Court.

#### Ad margin notes 27 and 28

As is explained in the comments on the draft amendment to the National Minorities Act, it is at the discretion of a municipality – within the scope of its municipal autonomy – to put up additional Slovene-language or bilingual topographical signs on a voluntary basis, beyond its commitments under the National Minorities Act.

#### Ad margin notes 29 and 310

One must mention in connection with the new arrangements on the use of the Slovene language as an official language that the Slovene language can be used as an official language in the same municipalities which had already been listed in the Ordinance on Official Languages, Federal Law Gazette No. 307/1977. Moreover, the Slovene language has now also been established as an official language in the municipalities of Eberndorf and St. Kanzian, although its use is restricted to persons who are residents of certain villages. It is correct that, prior to the new regime under constitutional law, it was also possible to derive the use as official language directly from the State Treaty of Vienna. For reasons of legal certainty, as well as for practical reasons, preference was given to explicit stipulations on the constitutional level. There was no need to provide for the use of the Croatian language as an official language in Eisenstadt, the regional capital of Burgenland, as the relative share of the population speaking Croatian in Eisenstadt only amounts to a few per cent.

#### Ad margin note 31

The Burgenland-Croatian population was informed prior to the adoption of the amendment. It must be pointed out that no modifications were made in connection with the provisions on official language and topographical signs in Burgenland.

Concerning the administrative and court districts in Styria with a Slovene or mixed population, there was no need to include them in the new regime on official language and topographical signs, as the required settlement density of the Slovene-speaking population has not been reached anywhere in this region.

**Ad margin note 33**

The amendment to the National Minorities Act on Official Languages and Topographical Signs, Federal Law Gazette I No. 46/2011, entered into force on 27 July 2011. In the meantime all topographical signs have been put up wherever the law so required. Finding a solution for the “conflict over topographical signs”, which had lasted a long time, has eased the tensions and improved relationships between the minority and the majority population.

**Ad margin notes 34 and 295**

The amendment of July 2011 did not result in any change concerning the right of legal entities to use the official language. The comments on the government bill did contain a statement according to which the representatives of legal entities can use the official language whenever the purpose of the entity, as defined in its charter or constitution, relates to matters of the national minorities; yet, when dealing with the bill in Parliament, the Constitutional Committee noted that “in municipalities where the Croatian, Slovene or Hungarian language may be used as an official language in addition to the German language, representatives of legal entities – not only of those where the purpose of an entity covers matters of the national minorities – can present submissions in the respective national minority language.”

**Ad margin notes 35 and 312**

The Constitutional Committee also noted that the prevailing and time-tested practice is not being modified by the reference to Article 118 (7) of the Federal Constitution Act, contained in the comments on the government bill. This article states that municipalities can transfer – upon their submission and on the basis of an ordinance by the regional governor and/or the regional government – the handling of certain administrative matters to authorities under the general administrative system (in the present context these are the district administrative authorities). In consequence, a municipality can “transfer its competence for certain administrative matters, which are not to be handled in the German language, to the competent district administrative authorities”. There has not been a change in the legal situation concerning this issue.

**Ad margin note 46**

The perception cannot be followed, namely that the ratification of the European Charter for Regional and Minority Languages has led to a more restrictive interpretation of the rights of national minority groups because the Charter is limited to autochthonous settlement areas and/or because the autochthonous settlement area was reduced in its size.

**Ad margin note 48 (see also the comment on margin note 29)**

It is correct that only the inhabitants of certain villages within the municipality of Eberndorf – and not, generally, all inhabitants of the municipality of Eberndorf – have the right to use the Slovene language as an official language. This is part of the so-called “compromise on topographical signs”. The fact that this has been given constitutional status is in line with the approach that there should be legal certainty under constitutional law for the aforementioned compromise.

**Ad margin note 53**

It is not correct that there is no weekly newspaper in the Slovene language. The Slovene-language newspaper “Novice Slovenski tednik za Koroško” and the Slovene-language church periodical “Nedelja” are published on a weekly basis.

**Ad margin note 58**

On the occasion of ratifying the Language Charter, Austria issued a statement that the minority languages in the Republic of Austria, as they are defined in the European Charter for Regional and Minority Languages, are Burgenland-Croatian, Slovene, Hungarian, Czech, Slovak and the Romany language of the Austrian national minority of the Roma. This statement was also issued specifically with a view to Part II of the Charter. The statement was also intended as a binding clarification, especially with a view to counteracting the complex issues of interpretation in connection with the definition in Article 1 of the Charter.

**Ad margin notes 68 and 284**

The Federal Ministry of Justice communicated the information that due consideration will be given to the rights of the Slovene national minority group concerning the use of the Slovene language as an official language in the context of a possible merger of local courts in Carinthia.

**Ad margin notes 71 and 424**

The promotional funding granted to the Hungarian national minority group was higher in the years 2008 and 2009, but levelled off again to the previous amount of about EUR 410,000 in 2010. The exceptional increases in 2008 and 2009 were due to the establishment of a Hungarian-language nursery-school group at the Komensky School. In 2008, for example, almost EUR 50,000 were invested in building work on the new nursery-school premises, including sanitary facilities, and part of the money was used to cover the staff costs for the Hungarian-language nursery-school teacher. Subsequently, the amount spent on staff expenses promoted by the Federal Chancellery was reduced, on account of a change in regional legislation which resulted in higher promotional funding for nursery schools by the Federal Province of Vienna.

**Ad margin note 78**

One must counter this reproach, namely that codification of the Romany variants spoken in Austria (and their partial conversion into dialects) was carried out with support from public authorities. Rather, promotional funding is granted to the publication of Romany or bilingual media as well as for organising Romany language courses. In addition, there are considerations with regard to qualifying mother-tongue teachers, assistant teachers and Romany mediators, which would serve the goal of quality assurance for mother-tongue teaching.

**Ad margin note 85**

One can report as a current improvement that ORF III, the new station, re-broadcasts all mother-tongue programmes of the ORF. Moreover, this station already broadcast, for example, a TV documentary on the Czech population in Vienna; further documentaries concerning all Austrian national minority groups will follow. The Slovene-language programme, "Dober dan Koroška", broadcast by ORF Carinthia, can also be received in the entire broadcasting area of ORF Styria, where the name is "Dober dan Stajerška". Every week the programme comprises at least one feature about the Slovene population in Styria.

**Ad margin note 114**

In Vienna, teaching of Slovak as a mother tongue is provided by two teachers at compulsory schools (primary school, lower-level secondary school) and one teacher at an upper-level secondary general school. In Lower Austria, two Slovak teachers belong to the staff of compulsory schools.

**Ad margin note 179**

In connection with the recommendation by the Committee of Experts, namely to identify criteria and standards for teaching classes in the languages of the national minorities, it can be reported that – in cooperation between the Federal Ministry of Education, Art and Culture, the Regional School Boards for Carinthia and Burgenland and the Pedagogical University of Eisenstadt – working groups have been set up on 13 October 2011 in order to draw up competency profiles for the national minority languages Croatian, Slovene and Hungarian for the 4<sup>th</sup> and the 8<sup>th</sup> year of school attendance, as well as to develop a European language portfolio for these languages. Teachers from different school types represent the aforementioned three national minority groups in these working groups.

**Ad margin note 197**

As a matter of principle, the textbooks used for bilingual instruction have been put on the list of textbooks which schools can use to select the books used in their schools. These books are made available to pupils free of charge. Promoting the publication of these textbooks resulted in a burden on the budget for promoting the national minority groups, as – in most cases – the sales prices do not cover costs, on account of the small number of copies printed of the textbooks that are used in the schools for national minority groups.

**Ad margin note 219**

The districts covered by the authorities where the Croatian language may be used as official language correlate with the settlement area of the Burgenland-Croatian population. In this context, threshold values for settlement density were observed. In six of the seven administrative districts of Burgenland the Croatian language serves as an official language. In terms of percentages, Eisenstadt, the regional capital, only accounts for a small proportion of the Burgenland-Croatian population and is not regarded as a traditional settlement area of the Burgenland-Croatian population.



**Ad margin note 260**

It can be added that, on the basis of the Law of 26 July 2011 awarding a federal grant and other promotional funding on the occasion of the 90<sup>th</sup> anniversary of the referendum in Carinthia, Federal Law Gazette I No. 48/2011, an amount of € 750,000, amongst others, was made available and/or is paid out over a period of five years for bilingual or multilingual municipal nursery schools, as well as of € 200,000 for bilingual or multilingual private nursery schools.

**Ad margin note 261**

It can be regarded as generally recognized that the school-leaving examination (*Matura*) in Slovene, obtained at the Training Institute for Nursery-School Teachers in Klagenfurt, is regarded as a qualification for working as a bilingual nursery-school teacher. However, there is no legal regulation in the Carinthian Child Care Act, Regional Law Gazette No. 13/2011 in its currently valid version, which stipulates this feature as an employment requirement. This must be seen from the perspective that the Carinthian Child Care Act does not contain any regulations at all concerning bilingual nursery-school groups, and that it is left to the municipalities to set up such groups. The private bilingual nursery schools require this qualification as a standard feature for their teaching staff.

**Ad margin note 295**

Please refer to the comments on margin note 34.

**Ad margin note 309**

It is true that persons must communicate to an authority that they wish to use Slovene as an official language, as every entitled person can reach his/her own independent decision in each and every legal case. Moreover, it is also possible to withdraw the announcement concerning the use of Slovene as an official language in the course of proceedings. The new legal situation no longer contains the requirement that a party must have his/her domicile in certain bilingual areas; Eberndorf and St. Kanzian are exceptions in this context.

**Ad margin note 310**

Please refer to the comments on margin note 29.

**Ad margin note 312**

Please refer to the comment on margin note 35.

**Ad margin note 3312**

The Slovene-language church periodical "Nedelja" and the Slovene-language newspaper "Novice Slovenski tednik za Koroško" are published on a weekly basis.

**Ad margin note 338**

The efforts have not yet ended, i.e. to find a sustainable, systematically integrated solution to secure the operation of the Slovene Music School for Carinthia, as is stated in the Memorandum of 26 April 2011.

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

**Recommendation CM/RecChL(2012)7  
of the Committee of Ministers  
on the application of the European Charter for Regional or Minority Languages by Austria**

*(Adopted by the Committee of Ministers on 28 November 2012  
at the 1156th meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

Having regard to the declaration made by Austria on 28 June 2001;

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

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

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

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

1. adopt a structured policy for the protection and promotion of all Part II languages, especially in Vienna, and create favourable conditions for their use in public life;
2. include in the general curricula an adequate presentation of the history and the culture which is reflected by the regional or minority languages in Austria;
3. ensure that the increasing demand for education in or teaching of Burgenland-Croatian, Slovenian and Hungarian is met with an adequate number of qualified teachers;
4. ensure that the Burgenland-Croatian, Slovenian and Hungarian languages are used before the relevant judicial and administrative authorities in practice;
5. secure adequate funding for newspapers in Burgenland-Croatian, Slovenian and Hungarian;
6. clarify the status of the Romani language outside Burgenland.