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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Initial Periodical Report
presented to the Secretary General of the Council of Europe
in accordance with Article 15 of the Charter**

AUSTRIA

Part I

1. Legal basis:

The basic though obvious principle underlying the Austrian legislation on "ethnic groups"¹ is that, being Austrian nationals, the members of the minorities in Austria enjoy the same rights – in particular the same political and fundamental rights – as all other Austrian citizens.

Moreover, the Austrian legislation contains a number of regulations exclusively addressing minority issues. These regulations are listed below and will be discussed in greater detail under the respective articles of the Charter.

1.1. Constitutional law:

The following legal provisions on national minorities are incorporated into the Austrian Constitution:

Article 8 of the Federal Constitution Act (Bundesverfassungsgesetz/B-VG), Federal Law Gazette No. 1/1920 as amended in Federal Law Gazette Vol. I, No. 99/2002

Articles 66 to 68 of the State Treaty of Saint-Germain-en-Laye of 10 September 1919, State Law Gazette No. 303/1920; in accordance with Article 149(1) of the B-VG, these provisions enjoy the status of constitutional law

Article 7 of the State Treaty for the Re-establishment of an Independent and Democratic Austria (State Treaty of Vienna), Fed. Law Gazette No. 152/1955; in accordance with Article II(3) of the Amendment to the B-VG, Fed. Law Gazette No. 59/1964, Article 7(2) to 7(4) has the status of constitutional law

Article 1 of the Minority Schools Act for Carinthia (Minderheiten-Schulgesetz für Kärnten), Fed. Law Gazette No. 101/1959 as amended in Fed. Law Gazette Vol. I, No. 76/2001

Article 1 of the Minority Schools Act for Burgenland (Minderheiten-Schulgesetz für Burgenland), Fed. Law Gazette No. 641/1994 as amended in Fed. Law Gazette Vol. 1, No. 136/1998

In this context, attention should be drawn to the fact that the European Convention on Human Rights (ECHR) enjoys the status of constitutional law in Austria and that a complaint against an alleged violation of one of the rights set out therein may be lodged directly with the Constitutional Court (Verfassungsgerichtshof). Article 14 of the Convention is of decisive importance as it guarantees that the enjoyment of the rights set forth in the Convention is secured without discrimination on any ground, in particular language.

Furthermore, Article 19 of the Basic Law of Austria (Staatsgrundgesetz/StGG) should be mentioned, whose validity is contested (it reads as follows:

"(1) All the national groups of the empire enjoy equal rights, and each national group has an inviolable right to the preservation and fostering of its nationality and language.

¹ The Austrian legislation uses the term "Volksgruppen" (ethnic groups) for indigenous ethnic communities.

(2) The state recognises the equal rights of all habitually spoken languages in schools, administration and public life.")

1.2. Ordinary law:

The following ordinary laws (i.e. legislation not conferred the status of constitutional law) and ordinances are applicable in Austria:

Ethnic Groups Act (Volksgruppengesetz), Fed. Law Gazette No. 396/1976, as amended and promulgated in Fed. Law Gazette Vol. I, No. 35/2002

Minority Schools Act for Carinthia

Minority Schools Act for Burgenland

Ordinances based on the Ethnic Groups Act:

- Ordinance of the Federal Government on the Ethnic Groups Advisory Councils, Fed. Law Gazette No. 38/1977, as amended in Fed. Law Gazette No. 895/1993

Ordinance of the Federal Government of 31 May 1977 defining the geographical areas where bilingual (German and Slovene) topographical signs are to be put up, Fed. Law Gazette No. 306/1977, as amended and promulgated in Fed. Law Gazette Vol. II, No. 37/2002

- Ordinance of the Federal Government of 31 May 1977 defining the courts, administrative authorities and other official bodies where Slovene is admitted as an official language in addition to German, Fed. Law Gazette No. 307/1977, as amended and promulgated in Fed. Law Gazette Vol. II, No. 428/2000

- Ordinance of the Federal Government of 31 May 1977 defining the Slovene place names, Fed. Law Gazette No. 308/1977

- Ordinance of the Federal Government of 24 April 1990 defining the courts, administrative authorities and other official bodies where Croat is admitted as an official language in addition to German, Fed. Law Gazette No. 231/1990

Topographical Ordinance for Burgenland, Fed. Law Gazette Vol. II, No. 170/2000

- Ordinance governing the use of Hungarian as an official language, Fed. Law Gazette No. 229/2000

1.3. Court rulings

Rulings of the Constitutional Court in matters relating to national minorities will be cited in the comments regarding the respective Articles of the European Charter for Regional or Minority Languages.

2. *Minority languages in Austria:*

In Austria the following minority languages are spoken:

Burgenland-Croatian in Burgenland

Slovene in Carinthia and Styria

Hungarian in Vienna and Burgenland

Czech in Vienna

Slovak in Vienna

Romanes in Burgenland

In the following the history and social situation of the ethnic groups speaking the above languages are outlined:

The Croatian minority:

More than 450 years ago, Croats settled in a region then defined as western Hungary (now Burgenland, the border region of western Hungary, parts of Lower Austria, of Slovakia and the Czech Republic). After 1848 the population in this region started to develop a Croatian identity. Assimilation tendencies among Croats have been encouraged by the general exodus from this region and are also due to the fact that in the interwar period many people from Burgenland started to commute to Vienna daily or weekly. To counteract the threatening loss of Croatian identity in a city as big as Vienna, in 1934 the "Croatian-Burgenland Cultural Association in Vienna" (Kroatisch-Burgenländische Kulturverein in Wien) and subsequently the "Croatian Club of Academics" („Kroatische Akademikerklub") were founded in Vienna. The Burgenland Croats committed themselves to a policy of integration at a very early stage and are well integrated in every respect, i.e. in social, economic, professional and political terms. Consequently, many measures necessary to preserve and promote the language and culture of the Burgenland Croats could be implemented. The awareness of the Burgenland-Croatian identity has been growing among the members of this ethnic group, particularly students, since the 1970s. From the 1980s onwards, this has led to a considerable improvement of their linguistic and cultural situation and has strengthened their identity to an even greater extent.

Today, about 30,000 Burgenland Croats (based on an estimate provided by this ethnic group) live in approximately 50 locations in Burgenland. Their settlements are linguistic islands dispersed throughout this *Land*. There is no compact settlement area (see map of Burgenland, including a graph of all minorities living in Burgenland and the distribution of Croat communities in the Annex to this Report). Based on estimates provided by this ethnic group, about 12,000 Burgenland Croats live in Vienna. According to the 2001 national census, a total of 19,374 Austrian nationals stated to use Burgenland Croatian for everyday communication.

Numerous scientific studies on the situation of the Croats of Burgenland (see comments regarding Article 12) were conducted in the past years. The key findings of these studies can be summarised as follows:

- An analysis of the age pattern shows that the Burgenland Croats are clearly older than the remaining population (by 8 years on average), which can be explained mainly by the fact that a major share of the younger generation does not speak Burgenland Croatian.
- The Burgenland Croats consider language the most essential feature of their identity.
- The younger the respondents, the greater the appreciation expressed for bilingualism and thus the Croatian language.
- A dramatic loss of bilingual proficiency in the family has been recorded within the last three generations: only 27% of the parents who were raised bilingually talk to their children in Croatian.
- The Burgenland Croats express a marked "desire to live in harmony", and an overwhelming majority (82%) describes relations with the remaining population as being "unproblematic and harmonious".

There are divergent opinions on the significance of bilingual signs indicating the names of places within this ethnic group: before the introduction of bilingual place-name signs, 47% considered them "important because otherwise the identity of the Burgenland Croats would not be recognised", while 46% did not agree with this statement.

Burgenland Croats describe their experience with bilingualism in general as positive: 48% of the commuters stated that bilingualism had positive effects on their careers, while only 2% experienced it as an obstacle; 50% were of the opinion that bilingualism had "no impact" at all.

Almost two thirds think "it is again fashionable to speak to their children in Croatian". About one fifth of the Burgenland Croats are of the opinion that "Croatian is a language for old people"; this attitude is particularly common in the south of Burgenland.

It is a common view – shared by 68% of the Burgenland Croats – that bilingual children are doing better at school.

50% of the respondents expressed the wish that their children should be provided with instruction in Croatian at school.

The Slovene minority:

About 1,400 years ago, Slovenes (previously "Slavs of the Alps") settled also in the territories of Carinthia and Styria. Due to the inflow and settlement of Bavarian and Franconian peasants starting in the 9th century and supported by the East Franconian leadership, the Slovenes were driven in a process of mutual assimilation to south and south eastern Carinthia as well as lower Styria still in the Middle Ages.

In the 15th century a linguistic border started to develop along the Carinthian towns of Hermagor – Villach – Maria Saal – Diex – Lavamünd, which remained intact until the mid-19th century.

The nationalism becoming palpable also in Carinthia in the middle of the 19th century laid the foundation for ethnically-motivated conflicts. The development of tourism, industry and trade in the second half of the 19th century fostered the use of the German language and nurtured assimilation. Closer contacts between the Slovenes from Carinthia and the Slovenes in Carniola and other crownlands supported the trend towards ethno-political boundaries. After the collapse of the Austro-Hungarian Empire, the question to which state Carinthia should belong or where the borders of Carinthia should be drawn became a burning issue. The State Treaty of St. Germain laid down that two Carinthian regions populated exclusively or predominantly by Slovenes (i.e. Seeland and the Mieß valley, respectively) had to be ceded to Yugoslavia. At the same time it provided for a plebiscite to decide the crucial question of whether south Carinthia should be part of Austria or Yugoslavia. In the plebiscite held on 10 October 1920 59% voted in favour of Austria. Thus the Carinthian territory remained practically intact. Before the plebiscite, the Provisional Regional Assembly of Carinthia had for example adopted a resolution on 28 September 1920, in which it made an appeal to the Slovenes of Carinthia and committed itself "to preserving the linguistic and national identity of the Slovene compatriots now and forever and to promoting the prosperity of their intellectual and economic life in the same way as that of the German-speaking inhabitants of the *Land*". According to estimates, about 12,000 Slovenes voted in favour of Austria in the plebiscite.

Subsequently, Austria's minority policy focused on the Carinthian Slovenes; in that period also complaints were lodged with the League of Nations. Negotiations conducted over several years during the second half of the 1920s on establishing a cultural autonomy for the Carinthian Slovenes were fruitless. This system would for example have required Slovenes to declare themselves members of a "Slovene National Community" (a community to be established under public law) by registering in the "Slovene People's Book" ("slovenisches Volksbuch"). Under the National Socialist regime, the Slovenes were persecuted and after 1942 even forcibly resettled.

In the post-war period significant ideological and political differences within the ethnic group soon became apparent. They were due, *inter alia*, to the antagonism between Catholicism and Communism and to the territorial claims to south Carinthia repeatedly asserted by Yugoslavia until

1949 by using the local Slovene ethnic group as an substantiating argument. The latter question was resolved only by the State Treaty in 1955. Efforts to implement and extend the minority protection rights enshrined in the State Treaty of 1955 (Article 7) as well as the interpretation of these rights have been a recurrent item on the political agenda since then. Although it is clear from the wording of this Article in the State Treaty that these rights are not limited to the Carinthian Slovenes but extend to "the Slovene and Croatian minorities in Carinthia, Burgenland and Styria", disputes over Article 7 have been confined in a spectacular way to Carinthia. This can be illustrated by the following examples: the school strike in 1958 against bilingual instruction, which had been mandatory (since 1945) until then; the so-called "Ortstafelkonflikt" (conflict over bilingual place-name signs) in 1972; and protests against the secret survey of mother tongue speakers in 1976. This great potential for conflict is undoubtedly rooted in the historical territorial disputes described above.

Estimates on the number of the members of the Slovene minority in Austria vary greatly. At the last population census in 2001 a total of 17,953 Austrian nationals stated to use Slovene as a language for everyday communication. Possible reasons for the inaccuracy of census results will be discussed below. The fact should be highlighted that the findings of recent scientific research conducted on the "Slovene language proficiency" in the political districts of Carinthia showed that about 59,000 persons aged 15 and over have varying degrees of proficiency in the Slovene language. However, this does not necessarily mean that all these persons are members of the Slovene ethnic group. According to an estimate of Slovene organisations, currently about 50,000 Slovenes live in Austria.

Members of the Slovene minority also live in Styria (cf. Declarations of Austria regarding Part II of the Charter).

The Hungarian minority:

The present Hungarian minority descends from early settlers who were in charge of protecting the western border for the Hungarian kings. "Frontier guard settlements" can be found along the Hungarian border still today as reflected in village names such as Oberwart and Siget in der Wart ("Wart" is an obsolete German term for "guard"). When Burgenland became part of Austria in 1921, the Hungarians living in the region became a minority.

While this ethnic group maintained close contacts with Hungary in the interwar period, this changed after World War II. The economic transformation after 1945 led to a massive rural exodus, climbing numbers of weekly commuters and a general tendency of the rural population to engage in subsidiary gainful activities or to become industrial workers (the same phenomena were observed with the Burgenland Croats). This social change as well as the Iron Curtain had an adverse impact on the status of Hungarian as the first language and resulted in a strong linguistic assimilation, a trend to be counteracted by intensified private educational work only at a later stage. As today many of those aged between 30 and 60 do not speak Hungarian, measures are taken particularly with a view to promoting the bilingualism of children and young people.

The fall of the Iron Curtain has had very favourable effects on the Hungarian minority in Burgenland. As it became easier for them to maintain contacts with Hungary, the linguistic identity of the Burgenland Hungarians has been strengthened.

The present settlement area comprises the regions of Oberwart (Oberwart, Unterwart, Siget in der Wart) and Oberpullendorf (Oberpullendorf, Mittelpullendorf). Burgenland Hungarians live also in larger villages and towns, e.g. Eisenstadt, Frauenkirchen. Moreover, Hungarian families have been living in Graz and Vienna for centuries.

Today the number of Hungarians living in Vienna is considerably higher than the number of Burgenland Hungarians: this is mainly due to three waves of emigrants and refugees from Hungary in 1945, 1948 and 1956. In 1992 the Hungarians living in Vienna were recognised as members of the Hungarian ethnic group.

According to the estimates provided by organisations of this ethnic group, roughly 20,000 to 30,000 Hungarians are currently living in Austria. At the census in 2001 a total of 25,884 Austrian nationals stated to use Hungarian as a language of everyday communication.

The Czech minority:

Czechs have lived in Vienna since the days of King Premysl Otakar. In the late 18th century immigration was so massive that official announcements had to be published also in Czech in the suburbs of Vienna. Czech immigration into Vienna peaked between 1880 and 1890, when more than 200,000 Czechs, above all blue-collar workers and craftsmen, came to live in this city. The majority of the Czech associations still in existence today was founded between 1860 and 1890. The Czech community in Vienna certainly had its heyday after the turn of the century. At that time, Vienna was "the second largest Czech city in the world". More Czechs were living only in Prague. Despite fierce political opposition, Vienna's Czech community succeeded in founding the first independent Czech schools. Thanks to a wealth of Czech enterprises, crafts associations, cooperative societies, banks and newspapers as well as political parties but also an intense social life in countless associations, the Czechs living in Vienna were able to communicate exclusively in Czech in all spheres of everyday life.

After the two World Wars, two big waves of Czechs returning to their homecountry halved the number of Czechs living in Vienna. In the 1960s a steady decline was recorded reaching its lowest point in 1968. The situation in Czechoslovakia in 1968 and 1969 forced many Czechs to emigrate to Vienna. The number of native Czech speakers increased after the suppression of the Prague spring of 1968/69, when 10,000 Czech citizens applied for political asylum in Austria.

The situation of the Czechs in Vienna was characterised by the impact of political developments in former Czechoslovakia after 1945, on the one hand; on the other hand, Vienna's Czech community developed independently to some extent, a process that was encouraged by the Iron Curtain. In the 1950s the minority faced the problem of being split into two groups, one maintaining official contacts with Czechoslovakia and a larger part refusing any contacts with the Communist country. It was only in the 1990s that the community was reconciled and agreed on a common Advisory Council representing the entire Czech minority in the Federal Chancellery. This was the first step towards improving the "internal" image within this ethnic group, which encouraged participation particularly among younger Czechs and led to a number of innovations.

In the wake of the political changes in the CSSR in November 1989, contacts between the Czech community in Vienna and the population of the Czech Republic became closer. This ethnic group has gained in importance after the opening up of the East: today about 20,000 Czechs live in Vienna. At the last population census in 2001, 11,035 Austrian nationals stated to use Czech as their language of everyday communication. The estimated number of Czech native speakers ranges between 15,000 and 20,000.

The Slovak minority:

The Austrian Slovaks are a small ethnic group who settled in what is Austria today many centuries ago. The eastern regions of Lower Austria belonged to early state-like entities of the first Slovaks between the 5th and 9th century. Linguistic and ethnographic analyses indicate that these regions

have been populated continuously by Slovaks to the present day. About one quarter of this ethnic group lives in Lower Austria. Today the major part of the minority, i.e. about two thirds, is resident in Vienna. Slovaks live in all districts of the city, there are no areas predominantly inhabited by Slovaks or compact Slovak island. Slovaks live all over Austria, above all in Upper Austria and Styria.

The highest number of Slovaks living in Austria (about 70,000 persons) was recorded around 1900, with most of them living in Vienna and the Marchfeld region (Lower Austria). The Slovak population then declined sharply: around 1914 20,000 Slovaks were registered on what is today Austrian territory. After 1918 some Slovaks settled in the newly founded state of Czechoslovakia; at the 1923 population census still 4,802 Slovaks were counted all over Austria. Since then there has been a steady decline. At the 2001 census a total of 3,343 Austrian nationals stated to use Slovak as their habitual language of communication. Out of this number 1,412 persons lived in Vienna. Their actual number is however estimated to be considerably higher. According to estimates by Slovak organisations, this ethnic group has between 5,000 and 10,000 members.

By amendment of the Ordinance promulgated in the Fed. Law Gazette No. 38/1977 (Fed. Law Gazette 148/1992), an Advisory Council as contemplated in the Ethnic Groups Act (Volksgruppengesetz) was established for this minority on 21 July 1992, which was convened for the first time in 1993.

The Romany minority:

Today five main groups of Roma can be distinguished in Austria; in the order of the duration of their presence in the Central European German-speaking area these are the following: Sinti, Burgenland Roma, Lovara, Kalderash and Arlije. The below table presents an overview of the migration history and geographical parameters of these five groups:

	Sinti	Bgld. Roma	Lovara	Kalderash	Arlije
Country of emigration	<i>southern Germany Czech region</i>	<i>Hungary</i>	<i>Hungary Slovakia</i>	<i>Serbia</i>	<i>Macedonia Kosovo</i>
Period of immigration	<i>around 1900</i>	<i>from 15th century onwards.</i>	<i>2nd half of the 19th century 1956</i>	<i>from 1960s onwards</i>	<i>from 1960s onwards</i>
Settlement area	<i>predominantly urban areas</i>	<i>Burgenland (towns in eastern Austria)</i>	<i>predominantly Vienna area</i>	<i>Vienna area</i>	<i>Vienna area</i>

"Country of emigration" stands for the host country or country of residence before immigration into Austria. It was impossible to include a presentation of accurate figures in this table. Based on this ethnic group's own estimates, currently about 25,000 Roma live in Austria. Since the data for the groups presented above vary significantly, no reliable figures can be provided. However, mention should be made of the fact that the number of Roma who came to Austria as migrant workers from the 1960s onwards – and of whom most are Austrian nationals today – is considerably higher than the number of Sinti, Burgenland Roma and Lovara living longer in Austria.

The stays of varying duration of the individual groups on what is today Austrian territory has given rise to different socio-historical developments. While those Roma who had immigrated as migrant workers were affected by the Nazi genocide only indirectly or almost not at all, the Burgenland

Roma, Sinti and also Lovara have been suffering from its impact to the present day. The grandparents' generation shaping the culture and handing down traditions was almost completely annihilated in the concentration camps and thus also the Romany people's social structures were destroyed (e.g. extended families). To a certain degree, the groups affected have never recovered from this rupture and, in fact, they have hardly been able to do so since after the liberation of the small number of holocaust survivors marginalisation and discrimination by no means came to an end. (In this context, attention has to be drawn to the fact that four Roma from Oberwart were killed for political motives on 4 February 1995 by a convicted individual perpetrator).

The positive attitude of the Austrian public to the Roma is, *inter alia*, due to their self-organisation in 1988 in the context of the memorial year in commemoration of the victims of the Anschluss. More details on this positive development are provided in the comments regarding Article 5.

As mentioned above, the legal basis for an Advisory Council for this ethnic group was established in 1993. This Advisory Council was convened for the first time in 1995.

3. and 4. The numerical strength of the ethnic groups:

The ethnic composition of the Austrian population can be illustrated based on the census results. The data provided below were collected in the 2001 national census. At this census, the 7,322,000 Austrian nationals were asked to state the language(s) used by them for everyday communication. The distribution of Austrians habitually using a minority language is as follows:

<u>Burgenland-Croatian:</u>	19,374 in total
Geographical distribution:	17,241 Burgenland 2,456 Vienna

<u>Slovene:</u>	17,953 in total
Geographical distribution:	12,554 Carinthia 1,412 Vienna 2,192 Styria

<u>Hungarian:</u>	25,884 in total
Geographical distribution:	10,686 Vienna 4,704 Burgenland

<u>Czech:</u>	11,035 in total
Geographical distribution:	5,778 Vienna

<u>Slovak:</u>	3,343 in total
Geographical distribution:	1,775 Vienna

<u>Romany:</u>	4,348
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People stating that they habitually spoke two languages, including "German", were added to the speakers of minority languages. The 2001 census differentiated for the first time between Croatian and Burgenland Croatian; the figure for Burgenland includes both linguistic varieties, while the data for Vienna and the total of speakers indicate only the number of persons stating to habitually speak "Burgenland Croatian".

In accordance with Article 1(3) of the Ethnic Groups Act, everyone is "free to declare their affiliation with an ethnic group..." and nobody can be forced "to provide evidence of his or her affiliation with an ethnic group". Bearing also in mind that according to the legal definition of "ethnic group" (Article 1(2) of the Ethnic Groups Act) the decisive linguistic element is the mother tongue and that in the national censuses conducted at intervals of 10 years pursuant to the National Census Act respondents are asked to state the language habitually used for everyday communication ("Umgangssprache"), there is currently no legal basis for gathering accurate data on how many members an ethnic group has. Since the term "Umgangssprache" may be interpreted differently, the results of national censuses can only be a rough approximation of an ethnic group's numerical strength.

In addition to the results of regular national censuses, the following data are of interest to determine the number of minority members: the use of the respective language as a medium of instruction at school, the existence and reach of local associations of the respective ethnic group, the election results of groups (political parties) or persons addressing minority issues in electoral campaigns (particularly at the local level), the coverage of mass media in minority languages and the use of minority languages at church. As a matter of fact, almost all of the above indicators depend on a variety of factors not necessarily related to minority issues and are not conclusive if considered on an individual basis.

The numerical strength of the Romany people living in Austria is most difficult to assess. However, it can be assumed that the census results regarding the language habitually spoken do not adequately reflect the number of indigenous Roma. Presumably, some ten thousand persons ethnically belonging to the Roma minority live in Austria, predominantly in Vienna and other big cities as well as in Burgenland.

Statistical data of bilingual schools are not a completely reliable source: Frequently monolingual children join bilingual classes, while children of families speaking a minority language may stop attending bilingual courses or may not even enrol for them for various reasons. On the other hand, in Burgenland, where bilingual school instruction has been introduced in all bilingual communities, school statistics indicate the language habitually spoken by the children. In any case, it would be inadmissible to overrate the numerical strength of ethnic groups based on school statistics.

For example, in the school year 2001/2002 1,722 pupils (i.e. 30.06% of all children attending primary school), were registered for bilingual (German/Slovene) instruction at 63 primary schools under the Minority Schools Act for Carinthia, covering the traditional settlement area of the Carinthian Slovenes in the south of the *Land*. In addition, another 116 pupils were provided bilingual instruction at two primary schools in Klagenfurt. "Slovene" as a subject without formal assessment of performance was chosen by 93 pupils in Carinthia. Furthermore, 246 pupils attended Slovene language lessons at 12 lower secondary schools (Hauptschulen) and 1 upper grade of primary school (Volksschuloberstufe). This figure includes 104 pupils registered in accordance with the Minority Schools Act, 39 chose Slovene as a living foreign language instead of English, 103 pupils attended Slovene lessons as an optional subject. The following information can be provided on higher secondary schools (Allgemeinbildende Höhere Schulen) and higher vocational secondary schools (Berufsbildende Höhere Schule): 477 pupils attended the two branches of the Slovene federal grammar school focusing on languages and natural sciences, respectively (Bundesgymnasium / Bundesrealgymnasium) in the school year 2001/2002; compared to the previous year, the number of pupils increased by 24 as the innovative Julius-Kugy Class proved very attractive. In this class four languages are used for instruction, i.e. Slovene, German, Italian and English, from the first grade onwards. 133 pupils attended the Klagenfurt bilingual federal commercial college (Zweisprachige Bundeshandelsakademie). The private bilingual institute for

economic professions (Lehranstalt für wirtschaftliche Berufe) registered 118 pupils. At the remaining higher secondary schools as well as intermediate and higher vocational schools 305 pupils took Slovene as an optional subject or chose the language as an optional or alternative compulsory subject.

In the school year 2001/2002 a total of 11,602 children attended primary schools in Burgenland, out of them 1,424 children were provided bilingual (German/Croat) instruction at bilingual primary schools. In addition, 125 children were registered for Croatian language lessons offered by German-speaking primary schools in addition to the usual range of subjects. In the same period 105 pupils of lower secondary schools signed up for bilingual instruction and another 121 pupils of lower secondary schools chose Croatian as an alternative compulsory subject or optional subject. As far as higher secondary schools are concerned, a total of 329 young people were registered for learning Croatian, including 123 pupils at the bilingual higher secondary school and 206 pupils taught Croatian as a compulsory subject, optional subject or subject without formal assessment of performance. At the higher vocational secondary schools 101 young people took up Croatian as an optional subject or optional compulsory subject. 26 persons chose the optional subject "Croatian" at the Federal Institute for Nursery Teaching ("Bundesanstalt für Kindergartenpädagogik").

In the school year 2001/2002 364 children were taught Hungarian at primary schools in Burgenland, among them 118 were provided bilingual instruction (German/Hungarian) at bilingual primary schools and 246 studied Hungarian as a subject without formal performance assessment, an optional subject and the like. In the same period 82 pupils at lower secondary schools studied Hungarian offered as a subject without formal assessment, as an optional or compulsory subject. In higher secondary schools a total of 199 young people signed up for Hungarian. This figure includes 131 pupils attending the bilingual higher secondary school and 68 pupils who were taught Hungarian as a compulsory subject, optional subject or subject without formal assessment. At the higher vocational secondary schools 40 young people studied Hungarian as an optional subject or as an optional compulsory subject.

5. Statutory organisations of the ethnic groups:

In accordance with Article 3 of the Ethnic Groups Act, Advisory Councils for the individual ethnic groups have to be established in the Federal Chancellery to advise the federal government and federal ministers in matters concerning the ethnic groups. Their task is to safeguard and represent the overall cultural, social and economic interests.

For each ethnic group an Advisory Council was set up. Correspondence to the Advisory Councils may be sent to the mailing address of the Office of the Advisory Councils:

Office of the Advisory Council for the xxx Ethnic Group at the Federal Chancellery, Division V/7, Ballhausplatz 2, 1014 Vienna.

6. Measures in accordance with Article 6 of the Charter:

As a state treaty according to Article 50 B-VG, the Charter was published in the Federal Law Gazette. Furthermore, the Charter and the pertinent Declarations can be downloaded from the Homepage of the Austrian Federal Chancellery:

<http://www.bka.gv.at/bka/minorities/sprachencharta.html>

Moreover, in the ratification procedure the Charter was presented to the Advisory Councils of all ethnic groups. The Charter was also subject to a consultation procedure. For this purpose, the bodies and persons concerned were informed of this Charter.

Part II

Part II: Objectives and principles pursued in accordance with Article 2, paragraph 1

Recognition of regional or minority languages (Article 7, para. 1(a)):

Compliance with this provision is documented by the notification of the two Declarations of the Republic of Austria regarding the scope of application of the Charter and the ratification of the Charter in the light of these Declarations.

Respect of the geographical area (Article 7, para. 1(b)):

The Austrian administrative divisions do not constitute an obstacle to the protection of the minority languages and can be considered at least "neutral" in this respect; the law provides for measures to promote specific languages, e.g. the definition of specific school districts with entitlement to bilingual instruction in the minority school system. In this context, attention should be drawn to the ruling of the Constitutional Court (Constitutional Court Reports 9224/1981) that a re-definition of constituencies to the detriment of a minority is not compatible with the principle of equality.

Resolute action to promote regional or minority languages (Article 7, para. 1(c)):

Under the Austrian legislation on the protection of minorities, rights to promote minority languages have been granted prior to the entry into force of this Charter (cf. comments regarding Part III of the Charter). Concrete (financial) support measures benefiting all the minority languages listed in Austria's Declarations are enshrined above all in the Articles 8ff. of the Ethnic Groups Act. In accordance with the Budget Law, the federal government allocates about €3.8 million annually to the support of ethnic groups.

Facilitation of the use of these languages (Article 7, para 1(d)):

In conformity with Article 66(3) of the State Treaty of St. Germain incorporated into the Austrian Constitution, "the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the press, or in publications of any kind, or at public meetings" is guaranteed in Austria. As described in the chapter on the legal basis of minority languages in Austria, specific provisions govern the use of minority languages as official languages (in addition to German) before administrative authorities and the courts (cf. comments regarding Articles 9 and 10). In Austria mechanisms to facilitate the use and promotion of minority languages are already in place in the field of education and science, culture as well as in the economic and social life. There a varying degrees of support for promoting the use of these languages in education and science since they are not subject to the same conditions. Details on the use of the minority languages in the fields mentioned are provided in the comments regarding Part III of the Charter.

Maintenance and development of links (Article 7, para. 1 (e)):

A great number of Austrian minority language speakers are organised in associations of the respective ethnic group, which are granted financial aid under the support scheme for ethnic groups pursuant to Articles 8ff of the Ethnic Groups Act; assistance (particularly to the cultural sector) also

serves to foster the relations among groups speaking minority languages (but also contacts with the German-speaking population). This provides a basis for promoting cultural exchange, strengthening relations among ethnic groups in general as well as contributing to the preservation and further development of their languages.

Teaching and learning of minority languages (Article 7, para. 1(f), 1(g),1(h)):

The Austrian legislation provides for measures promoting Croatian and Hungarian in the educational system. The Minority Schools Act for Burgenland is of great importance, which also introduced provisions taking account of the Romanes. Regulations concerning the Slovene language are above all included in the Minority Schools Act for Carinthia. The Czech and Slovak languages are mainly subject to Article 68(1) of the State Treaty of St. Germain; see comments regarding Article 8.

In Austria everybody has the opportunity to learn the Austrian minority languages as the measures mentioned above are not limited to the members of the ethnic groups but are available to the general public; the only difference is that basically only the members of the ethnic groups have a legal right to these measures.

Austrian universities teach and conduct research on the languages of the ethnic groups, i.e. Croatian, Slovene, Hungarian, Czech and Slovak; as far as the language of the Roma is concerned, Graz University is funding a project on the codification of Romanes.

Transnational exchanges (Article 7, para.1(i)):

See comments regarding Article 14 describing transnational exchanges for all minority languages.

Elimination of discrimination (Article 7, para. 2):

First and foremost, the general principle of equal rights pursuant to Article 7, para. 1 of the Federal Constitution Act (B-VG) has to be highlighted that is binding on the legislator and the executive branch of government and prohibits in particular any unjustified distinction. Distinction between the majority and minority population is not admissible unless there is a reasonable justification. An analogous provision is Article 14 of the ECHR stipulating that enjoyment of the rights set forth in the convention has to be secured without discrimination any ground, e.g. association with a national minority.

Moreover, there are provisions under constitutional law protecting members of minorities against discrimination and requiring that they be given equal treatment with other nationals; these provisions can be considered a specific form of expression of the principle of equality. The earliest constitutional provisions date back to the State Treaty of St. Germain (Fed. Law Gazette No. 303/1920). Article 66 of the Treaty stipulates that all Austrian nationals are equal before the law and enjoy the same rights without distinction as to race, language or religion; furthermore, the free use of any language in private life, in commerce, in religion, in the press or in publications of any kind, or at public meetings is protected. Article 67 of the Treaty lays down that Austrian nationals who belong to ethnic, religious or linguistic minorities enjoy the same treatment and security "in law and in fact" as the other Austrian nationals; this Article underlines that in particular they have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language freely therein. Another constitutional provision guaranteeing equal treatment is Article 7, para. 4 of the Vienna State Treaty. It stipulates that nationals of the minorities are granted the right to participate in the cultural, administrative and judicial systems on equal terms with other Austrian

nationals; besides, the Federal Constitution Act (B-VG) prohibits all forms of racial discrimination (Fed. Law Gazette No. 390/1973). According to the Constitutional Court Reports 3822/1960 the discrimination of a minority language may never be substantively justified.

Particularly Article 67 of the State Treaty of St. Germain calls for factual equality of the members of minorities as it stipulates that Austrian nationals who belong to racial, religious or linguistic minorities enjoy the same treatment and security "in law and in fact" as the other Austrian nationals; furthermore, positive obligations binding the Austrian state are derived from the interpretation of the provisions on minority protection incorporated into the Austrian Constitution. According to the Constitutional Court Reports 9224/1981, the Constitutional Court emphasised with reference to the aspect of equality that a more or less formal equal treatment of members of minorities and members of other social groups will not always fully honour the ethical commitment to the protection of minorities guaranteed under the Constitution and that therefore the protection of minority members vis-à-vis members of other social groups may substantively justify or even require preferential treatment of minorities in specific matters; thus, it is clear that for example legal measures of "positive discrimination", which could be problematic from the perspective of the principle of equality, are admissible. This objective is also pursued within the constitutional mandate of Article 8, para. 2 of the B-VG.

A provision prohibiting discrimination having the status of an ordinary law is Article 7, para. 1 of the Vienna State Treaty. It stipulates that Austrian nationals belonging to the minorities enjoy the same rights as all other Austrian nationals, including the right to their own organisations, meetings and press in their own language. Article 7, para. 5 of this Treaty has also the status of an ordinary law and prohibits organisations whose aim is to deprive minorities of their minority capacity or rights. Another relevant provision is contained in Article IX, para. 1(3) of the 1991 Act establishing the Administrative Procedures Law (Einführungsgesetz zu den Verwaltungsverfahrensgesetzen / EGVG), Fed. Law Gazette No. 50/1991, which declares it an act liable to persecution under administrative criminal law to unduly discriminate persons in the public or to prevent them from entering places or to deny them access to services conceived for use by the general public, solely on grounds of their national or ethnic origin.

Promotion of the understanding between all the linguistic groups of the country (Article 7, para. 3): Measures to promote the respect, understanding and tolerance of the entire population for all groups living in Austria, their languages and cultures are key objectives of political education and school education. Political education, school education and preventive measures aim at emphasising the values of free democracy and creating an intellectual climate for a co-existence founded on respect, tolerance and non-violence within our social order. In this context, the 1996-1999 research programme of the Federal Ministry for Science and Transport "Xenophobia (research – reasons – counterstrategies)" should be mentioned, which provided special support for research on this subject.

Taking into consideration the needs expressed and establishment of specific bodies (Article 7, para. 4):

Austria construes the obligation arising from first sentence as meaning above all that the needs and wishes expressed by the Advisory Councils for the ethnic groups must be taken into consideration; therefore the government bases its action on the "Memorandum submitted by the Austrian Ethnic Groups to the Austrian federal government and the Nationalrat (lower house of the Austrian Parliament)" on 24 June 1997, which was prepared and adopted jointly by the Advisory Councils of all ethnic groups. Bearing in mind the difficulties mentioned – particularly if there are opposing wishes – this does not preclude the possibility of taking into account the demands of other organisations of the ethnic groups (especially associations).

Austria considers the above-mentioned Advisory Councils for the ethnic groups to be bodies in accordance with the second sentence of this paragraph. As described above, their task defined in Article 3 of the Ethnic Groups Act is to advise the federal government and the federal ministers; on request, they may also advise the governments of the *Länder*.

Non-territorial languages (Article 7, para. 5):

As described above, this provision has little practical relevance for the Republic of Austria.

Part III

Burgenland-Croatian in the Burgenland-Croatian language area in the Land of Burgenland:

Article 8, para. 1(a)(ii):

In accordance with the 1995 Burgenland Act on Nurseries, State Law Gazette No. 63 as amended in Fed. Law Gazette No. 91/2002, Burgenland-Croatian is the compulsory second language in nurseries in specific communities defined in the law. In other communities of the Burgenland the Burgenland-Croatian language has to be used as a medium of instruction in nurseries if at least 25% of the parents/guardians request this upon registration. In these nurseries Burgenland-Croatian has to be used to the extent necessary but no less than six hours weekly.

Article 8, para. 1(b)(ii):

By virtue of the constitutional provision of Article 1, para. 1 of the Minority Schools Act for Burgenland, Austrian nationals belonging to the Burgenland-Croatian minority are granted a constitutional right to Burgenland-Croatian as a language of instruction or to learn Burgenland-Croatian as a compulsory subject (*inter alia* in the primary schools to be defined in accordance with Article 6 of this Act). Article 3 of the Act provides for primary schools or classes at primary schools where instruction is provided in Burgenland-Croatian and German (i.e. bilingual primary schools or primary school classes). The Minority Schools Act for Burgenland also guarantees the continuation of existing bilingual primary schools (Article 6, para. 2) and permits the establishment of additional bilingual primary schools in the event of long-term demand (Article 6, para.3).

Article 6, para. 1 of this Act stipulates that bilingual primary schools have to be available in these communities and, to the extent possible, all members of the Burgenland-Croatian ethnic group registering for attendance of a bilingual school should be able to attend such a school. In accordance with Article 7, para. 1, this principle should be applied to the entire territory of Burgenland by establishing school districts with entitlement to bilingual instruction; this ensures that persons living in this *Land* outside the Burgenland-Croatian language area can also benefit from bilingual instruction.

Article 8, para.1(c)(iii):

In conformity with the Minority Schools Act for Burgenland, the Burgenland-Croatian language is taught in lower secondary schools, a special higher secondary school and in "special language programmes" also at other schools in Burgenland, i.e. generally in all state-run schools of Burgenland.

As far as the criteria for mandatory establishment of a bilingual lower secondary school are concerned, the provisions described under Article 8, para. 1(b)(ii) are applicable. Article 12 of the Minority Schools Act for Burgenland provides for a bilingual higher secondary school. This school is located in Oberwart.

Article 8, para.1(d)(iv):

The legislation on lower secondary schools in Burgenland applies analogously to instruction at polytechnic schools (i.e. 9th grade of compulsory schooling), that have the task of preparing young people for choosing an occupation by offering vocational orientation and of providing basic vocational training. In general, the Minority Schools Act for Burgenland provides for bilingual teaching at all schools in Burgenland, including vocational schools.

Article 8, para.1(e)(iii):

Due to the university autonomy guaranteed under the law, the powers of the government to intervene in university study courses are limited. Croatian is however offered at Austrian universities as a study course.

Article 8, para.1(f)(iii):

Croatian is taught at several adult education centres and in courses offered by organisations of the ethnic group; these programmes are promoted under the federal government's support scheme for ethnic groups.

Article 8, para.1(g):

In Austria this requirement is met in particular by curricula taking into account the history and culture reflected by the minority language (cf. in particular the Ordinance issued by the Federal Ministry for Education that serves as a basis for designing the curricula for minority primary schools and teaching in minority languages in primary and lower secondary schools in Burgenland and Carinthia, Fed. Law Gazette No. 1966/118, as amended in Fed. Law Gazette Vol. II, No. 1998/309). Moreover, the subject "mother tongue education" (offered as an optional subject or subject without formal assessment or in the framework of school autonomy) includes facts and figures on the country of origin of the pupils concerned. This subject aims at fostering biculturalism as well as developing and consolidating bilingualism. A key objective is to support the respective pupils in developing their personality and identity.

Article 8, para.1(h):

Article 13 of the Minority Schools Act for Burgenland provides for bilingual training programmes for pre-school teachers and school teachers at the respective training facilities, which are designed to ensure that the requirements of bilingual instruction at schools and nurseries are met.

Article 8, para.1(i):

In accordance with Article 15 of the Minority Schools Act for Burgenland, specific divisions responsible for bilingual schooling have to be installed at the regional School Board for Burgenland (Landesschulrat für Burgenland). Specialised inspectors qualified to inspect bilingual instruction have to be appointed.

Article 8, para.2:

Article 6, para. 3 as well as Article 10, para. 3 of the Minority Schools Act for Burgenland stipulate that bilingual instruction has to be offered in Burgenland also outside the indigenous settlement area of the ethnic group if required.

Article 9, para.1(a)(ii):

In accordance with the Articles 13ff of the Ethnic Groups Act in conjunction with the Ordinance regarding the Use of Croatian as an Official Language, Croatian is admissible as an official language in addition to German before the district courts of Eisenstadt, Güssing, Mattersburg, Neusiedl am See, Oberpullendorf and Oberwart as well as before the Eisenstadt Regional Court. Everybody may request to use Croatian as the official language in criminal proceedings conducted against him/her before these courts.

Article 9, para.1(a)(iii):

There is no provision under the Austrian law stipulating that documents or evidence in criminal proceedings may be submitted only in a specific language.

Article 9, para.1(b)(ii):

Based on the legislation referred to in the comments regarding Article 9, para.1(a), a party to a civil lawsuit may use Croatian as an official language before the courts listed.

Article 9, para.1(b)(iii):

There is no provision under the Austrian law stipulating that documents or evidence in civil proceedings may be submitted only in a specific language.

Article 9, para.1(c)(ii):

In accordance with the Articles 13ff of the Ethnic Groups Act in conjunction with Article 4 of the Ordinance regarding the Use of Croatian as an Official Language, Croatian is admitted as an additional official language before the Burgenland Independent Administrative Senate (Unabhängiger Verwaltungssenat), i.e. an administrative agency under Austrian law but a tribunal as contemplated by Article 6 of the ECHR. The provisions basically correspond to those described above.

Article 9, para.1(c)(iii):

There is no provision under the Austrian law on administrative proceedings applicable to proceedings before the Independent Administrative Senates stipulating that evidence may be submitted only in a specific language.

Article 9, para.1(d):

In accordance with Article 22 of the Ethnic Groups Act, the costs and fees arising from translations due to use of a language admitted as an additional official language have to be borne *ex officio*.

Article 9, para.2(a):

As mentioned above, the validity of legal documents is not contingent on the language in which there were drawn up.

Article 10, para.1(a)(ii) and para.1(c):

In accordance with the Articles 13ff. of the Ethnic Groups Act in conjunction with the Ordinance regarding the Use of Croatian as an Official Language, Croatian is admitted as an additional official language before administrative authorities within whose district one of the communities listed in the Ordinance is located, provided that the seat of this authority is in Burgenland. This means that a person may apply to such an authority to use Croatian. A person is entitled to submit written and oral applications in this language and to receive decisions and orders of the authorities in German and Croatian. (Article 16 of the Ethnic Groups Act).

Article 10, para.2(b) and para.2(d):

The explanations provided in the above paragraph apply analogously. Furthermore, Article 13, para. 4 of the Ethnic Groups Act authorises the communities listed in the Ordinance regarding the Use of Croatian as an Official Language to publish general official documents in the minority language.

Article 10, para.4(a):

In proceedings before the above-mentioned administrative authorities conducted by using Croatian as the official language, written and oral applications in Croatian have to be translated into German *ex officio* (Article 14, para. 1 Ethnic Groups Act). Pursuant to Article 15 of this Act, the services of interpreters have to be used if necessary. If records of these proceedings are drawn up in German, they have to be translated immediately into Croatian. In accordance with Article 22 of this Act, costs arising from such translations or from interpretation have to be borne *ex officio*.

Article 10, para.5:

Based on Article 21 of the Personal Status Act (Personenstandsgesetz) in conjunction with Article 154 of the Austrian Civil Code (ABGB), a child is in general given his/her first name by the parents. There is no requirement under the Austrian law that a German first name or German surname must be given to the child. This is also implied in Article 5, para. 3 of the Personal Status Ordinance (Personenstandsverordnung) stating that the transcription of names of persons to be registered based on a document in Latin characters has to be true to the characters and marks of the original. This means that diacritical marks not used in the German language have to be reproduced. However, the personal status register has to be kept in German (Article 18 of the Ethnic Groups Act). If documents drawn up in the language of an ethnic group are submitted upon registration, the authority has to procure translation into German. On the other hand, extracts from the register have to be translated into the respective minority language if requested (Article 20 Ethnic Groups Act). Based on a ruling of the Constitutional Court (Constitutional Court Reports 14452/1996), translation is mandatory even if the procedure to be recorded (e.g. wedding ceremony) was not conducted in a minority language because the member of the ethnic group did not submit a request. The Act Amending the Law on Name Changes (Namensrechtsänderungsgesetz) grants people a far-reaching right to change their names. Members of linguistic minorities who adopted a Germanised name have therefore become able to change back to the original name in the minority language. Names may now be changed for any reason.

Name changes are subject to fees unless they are made for an important reason. Members of a minority may invoke the reason pursuant to Article 2 para.1(10) of the Act Amending the Law on Name Changes, stating that the intended change of name is necessary to avoid undue social disadvantages and that these disadvantages cannot be prevented in any other form. In accordance with Article 2, para. 2, this is also a valid reason for changing a first name.

Article 11, para.1(b)(ii) and para.1(c)(ii):

The regional broadcasting station for Burgenland broadcasts daily radio programmes of a duration of approximately 45 minutes in the Burgenland-Croatian language. In addition, TV programmes of 30 minutes' duration are broadcast once a week in the Burgenland-Croatian language by the ORF regional broadcasting station for Burgenland; this TV programme is re-broadcast for reception all over Austria on Monday evenings.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(e)(i):

The weeklies "Hrvatske Novine" and "Glasnik" published in Burgenland-Croatian receive financial aid under the government's support scheme for ethnic groups and from the general press subsidy granted pursuant to the 1985 Press Promotion Act. The periodical publication "Put" was granted financial assistance in the framework of the support scheme for journalism.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in Burgenland-Croatian.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes from Croatia can be received in Burgenland without restrictions.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, numerous cultural facilities and activities committed to the furtherance of the Burgenland-Croatian language are promoted (all cultural facilities and activities listed and referred to in Article 12, para. 1 receive substantial aid under the support scheme for ethnic groups). The fact should be highlighted that the support scheme for ethnic groups has facilitated scientific research and state-of-the-art documentation concerning

the minority language and culture. Moreover, it subsidises a wealth of original productions in the fields of literature and the performing arts by members of the minority.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para.2:

Activities or facilities to be promoted do not have to be located in the indigenous settlement area of the ethnic group in order to be eligible to funds from the support scheme for ethnic groups. For example, the Vienna-based Burgenland-Croatian Centre is granted financial assistance from the support scheme for ethnic groups.

Article 12, para.3:

In pursuing its cultural policy abroad, Austria strives to highlight linguistic diversity as it is also reflected in the languages of Austria's ethnic groups (e.g. see comments regarding Article 14 on the activities of ARGE Alpen-Adria).

Article 13, para.1(d):

Compliance with this provision is ensured by the prohibition of discrimination of the speakers of minority languages (cf. comments regarding Article 7 para. 2) and the constitutional right to the free use of any language in private life and in commerce pursuant to Article 66, para. 3 of the State Treaty of St. Germain.

Article 14(b):

In the context of transfrontier exchanges, ARGE Alpen-Adria is of crucial importance. The activities of and the stimulus provided by ARGE Alpen-Adria made a valuable contribution to a heightened awareness of and a more in-depth approach to minority issues in the Central European region. The exchange of best-practice solutions could help to mitigate conflicts in the member regions. The activities organised by ARGE Alpen-Adria in the past have in general received a positive feedback and enabled members of different minorities to establish direct contacts and get to know one another at these cultural events. Direct co-operation of the regional authorities is ensured by the fact that the *Land* of Burgenland is a member of ARGE Alpen-Adria and that it is represented in this capacity by its Governor.

Cross-border co-operation between Austria and its neighbouring countries was intensified also in the framework of activities of the external offices of the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut). Members of the minorities played a decisive role in these activities. Austria did not "interfere" with contacts pursuant to Article 17 of the Framework Convention for the Protection of National Minorities but promoted them actively.

Slovene in the Slovene language area in the Land of Carinthia:

Article 8, para.1 (a)(iv):

On 1 October 2001 the Carinthian Nursery Funds Act (Kärntner Kindergartenfondsgesetz / K-KGFG), State Law Gazette No. 74/2001, entered into force. The aim of this Act is to promote private bilingual or multilingual nurseries in the settlement area of the Slovene minority in Carinthia.

To achieve this aim, a fund was set up that has the following tasks: to grant financial assistance to organisations supporting bilingual or multilingual nurseries in order to cover operational losses, to advise these organisations in all linguistic-pedagogical matters concerning the education and care of children as well as to evaluate the linguistic-pedagogical concepts of these organisations.

This Act grants private bilingual or multilingual nurseries a legal right to financial aid to cover operational losses.

In addition, bilingual nurseries receive financial assistance in the framework of the federal government's support scheme for ethnic groups.

Article 8, para.1 (b)(ii):

The constitutional provision of Article 7 of the Minority Schools Act for Carinthia, Fed. Law Gazette No. 101/1959 entitles pupils of the area defined in this Federal Act to Slovene as a language of instruction. This right guaranteed under the Austrian Constitution is derived from Article 7(2) of the State Treaty of Vienna, Fed. Law Gazette No. 152/1955 granting Austrian nationals of the Slovene minority a right to elementary education in Slovene and to a proportional number of special higher secondary schools.

Based on the ruling of the Constitutional Court (Constitutional Court Reports 12245/1989) all members of the Slovene ethnic group in Carinthia enjoy this right irrespective of the fact whether they reside in the indigenous settlement area or not.

In accordance with Article 10, para. 1 of the Minority Schools Act for Carinthia, primary schools catering mainly for the Slovene minority have to be located in communities where bilingual elementary instruction was provided at the beginning of the school year 1958/59. Pursuant to para. 2, legislation at the level of the *Land* has been adopted to ensure that all pupils of primary schools in the above-mentioned regions may receive instruction in Slovene or bilingual instruction.

Furthermore, additional primary schools outside this area have to cater for this ethnic group where a sustained demand to satisfy the right granted under Article 7(2) of the Vienna State Treaty is identified. The school districts have to be defined so as to guarantee that the entire area of Carinthia outside the region described in the above paragraph is covered. This measure aims at implementing the above-cited ruling of the Constitutional Court.

The parents/guardians of the pupils have to register the children for Slovene or bilingual instruction. In the grades 1 to 4 of bilingual primary schools instruction has to be provided by using both German and Slovene to the same extent. From grade 5 onwards the language of instruction is German but the syllabus has to provide for four lessons a week of Slovene (having the status of a compulsory subject). Religious instruction has to be offered in Slovene and German in all bilingual grades.

To support bilingual teaching, a second teacher has to be appointed for mixed classes of pupils registered for bilingual education and those not registered. If children enrol for bilingual instruction who do not have an adequate command of the Slovene language, remedial teaching in Slovene has to be offered. Slovene can be learned as a subject without formal assessment at German-only primary schools in Carinthia.

Article 8, para.1 (c)(iii):

In conformity with the Minority Schools Act for Carinthia, the Slovene language is taught in lower secondary schools, a special higher secondary school and in "special language programmes" also at other schools in Carinthia, i.e. generally in all state-run schools of Carinthia.

As far as the criteria for mandatory establishment of a bilingual lower secondary school are concerned, the provisions described under Article 8, para. 1(b)(ii) are applicable.

Article 24 of the Minority Schools Act for Carinthia provides for a bilingual higher secondary school. This school is located in Klagenfurt. At this school Slovene is used as a medium of instruction, use of the German language in all subjects is compulsory. It is also a mandatory subject of examination in the final school leaving exam. Pupils have to have adequate command of the Slovene language to be admitted to this school.

Article 8, para.1(d)(iv):

The legislation for lower secondary schools in Carinthia applies analogously to instruction at polytechnic schools (i.e. 9th grade of compulsory schooling), that have the task of preparing young people for choosing an occupation by offering vocational orientation and of providing basic vocational training. Furthermore, the Minority Schools Act for Carinthia in general provides for bilingual teaching at all schools in Carinthia, including vocational schools.

In addition, there is a bilingual commercial college (Handelakademie) in Klagenfurt and a bilingual institute for economic professions in St. Peter near St. Jakob/Rosental.

Article 8, para.1(e)(iii):

Due to the university autonomy guaranteed under the law, the powers of the government to intervene in university study courses are limited. Slovene is however offered at Austrian universities as a study course.

Article 8, para.1(f)(iii):

Slovene is taught at several adult education centres and in courses offered by organisations of the ethnic group; these programmes are promoted under the federal government's support scheme for ethnic groups.

Article 8, para.1(g):

In Austria this requirement is met in particular by curricula taking into account the history and culture reflected by the minority language (cf. in particular the Ordinance issued by the Federal Ministry for Education that serves as a basis for designing the curricula for minority primary schools and teaching in minority languages in primary and lower secondary schools in Burgenland and Carinthia, Fed. Law Gazette No. 1966/118, as amended in Fed. Law Gazette Vol. II, No.

1998/309). Moreover, the subject "mother tongue education" (offered as an optional subject or subject without formal assessment or in the framework of school autonomy) includes facts and figures on the country of origin of the pupils concerned. This subject aims at fostering biculturality as well as developing and consolidating bilingualism. A key objective is to support the respective pupils in developing their personality and identity.

Article 8, para.1(h):

Article 21 of the Minority Schools Act for Carinthia provides for bilingual training programmes for school teachers at the respective training facilities, which are designed to ensure that the requirements of bilingual instruction at schools are met.

Article 8, para.1(i):

In accordance with Article 31 of the Minority Schools Act for Carinthia, specific divisions responsible for bilingual schooling have to be installed at the regional School Board for Carinthia (Landesschulrat für Kärnten). Specialised inspectors qualified to inspect bilingual instruction have to be appointed.

Article 8, para.2:

Article 11, para. 1 of the Minority Schools Act for Carinthia stipulates that bilingual instruction has to be offered in Carinthia also outside the indigenous settlement area of the ethnic group if required (see also comments regarding Article 8, para. 1(b)(ii).

Article 9, para.1(a)(ii):

In accordance with the Articles 13ff of the Ethnic Groups Act in conjunction with the Ordinance regarding the Use of Slovene as an Official Language, Slovene is admissible as an official language in addition to German before the district courts of Ferlach, Eisenkappel and Bleiburg as well as before the Klagenfurt Regional Court. Any resident of the indigenous settlement area may request to use Slovene as the official language in criminal proceedings conducted against him/her before these courts.

Article 9, para.1(a)(iii):

There is no provision under the Austrian law stipulating that documents or evidence in criminal proceedings may be submitted only in a specific language.

Article 9, para.1(b)(ii):

Based on the legislation referred to in the comments regarding Article 9, para.1(a), a party to a civil lawsuit may use Slovene as an official language before the courts listed.

Article 9, para.1(b)(iii):

There is no provision under the Austrian law stipulating that documents or evidence in civil proceedings may be submitted only in a specific language.

Article 9, para.1(c)(ii):

In accordance with the Articles 13ff of the Ethnic Groups Act in conjunction with Article 4 of the Ordinance regarding the Use of Slovene as an Official Language, Slovene is admitted as an additional official language before the Carinthia Independent Administrative Senate (Unabhängiger Verwaltungssenat), i.e. an administrative agency under Austrian law but a tribunal as contemplated by Article 6 of the ECHR. The provisions basically correspond to those described above.

Article 9, para.1(c)(iii):

There is no provision under the Austrian law on administrative proceedings applicable to proceedings before the Independent Administrative Senates stipulating that evidence may be submitted only in a specific language.

Article 9, para.1(d):

In accordance with Article 22 of the Ethnic Groups Act, the costs and fees arising from translations due to use of a language admitted as an additional official language have to be borne *ex officio*.

Article 9, para.2(a):

As mentioned above, the validity of legal documents is not contingent on the language in which there were drawn up.

Article 10, para.1(a)(ii) and para.1(c):

In accordance with the Articles 13ff. of the Ethnic Groups Act in conjunction with the Ordinance regarding the Use of Slovene as an Official Language, Slovene is admitted as an additional official language before administrative authorities within whose district one of the communities listed in the Ordinance is located provided that the seat of this authority is in Carinthia. This means that a person may apply to such an authority to use Slovene. A person is entitled to submit written and oral applications in this language and to receive decisions and orders of the authority in German and Slovene (Article 16 of the Ethnic Groups Act).

Based on the decision of the Constitutional Court of 4 October 2000, V 91/99-11, specific provisions are applicable in the political district of Völkermarkt, where – due to the direct applicability of the State Treaty of Vienna – every public authority has to examine on its own initiative whether it has to use Slovene as an official language.

Article 10, para.2(b) and para.2(d):

The explanations provided in the above paragraph apply analogously. Furthermore, Article 13, para. 4 of the Ethnic Groups Act authorises the communities listed in the Ordinance regarding the Use of Slovene as an Official Language to publish general official documents in the minority language.

Article 10, para.4(a):

In proceedings before the above-mentioned administrative authorities conducted by using Slovene as the official language, written and oral applications in Slovene have to be translated into German *ex officio* (Article 14, para. 1 Ethnic Groups Act). Pursuant to Article 15 of this Act, the services of interpreters have to be used if necessary. If records of these proceedings are prepared in German,

they have to be translated immediately into Slovene. In accordance with Article 22 of this Act, costs arising from such translations or from interpretation have to be borne *ex officio*.
Article 10, para.5:

Based on Article 21 of the Personal Status Act (Personenstandsgesetz) in conjunction with Article 154 of the Austrian Civil Code (ABGB), a child is in general given his/her first name by the parents. There is no requirement under the Austrian law that a German first name or German surname must be given to the child. This is also implied in Article 5, para. 3 of the Personal Status Ordinance (Personenstandsverordnung) stating that the transcription of names of persons to be registered based on a document in Latin characters has to be true to the characters and marks of the original. This means that diacritical marks not used in the German language have to be reproduced.

However, the personal status register has to be kept in German (Article 18 of the Ethnic Groups Act). If documents drawn up in the language of an ethnic group are submitted upon registration, the authority has to procure translation into German. On the other hand, extracts from the register have to be translated into the respective minority language if requested (Article 20 Ethnic Groups Act). Based on a ruling of the Constitutional Court (Constitutional Court Reports 14452/1996), translation is mandatory even if the procedure to be recorded (e.g. wedding ceremony) was not conducted in a minority language because the member of the ethnic group did not submit a request.

The Act Amending the Law on Name Changes (Namensrechtsänderungsgesetz) grants people a far-reaching right to change their names. Members of linguistic minorities who adopted a Germanised name have therefore become able to change back to the original name in the minority language. Names may now be changed for any reason.

Name changes are subject to fees unless they are made for an important reason. Members of a minority may invoke the reason pursuant to Article 2 para.1(10) of the Act Amending the Law on Name Changes, stating that the intended change of name is necessary to avoid undue social disadvantages and that these disadvantages cannot be prevented in any other form. In accordance with Article 2, para. 2, this is also a valid reason for changing a first name.

Article 11, para.1 (b)(ii):

The regional broadcasting station for Carinthia broadcasts radio programmes in Slovene of a duration of approximately 50 minutes daily between Monday and Friday and an additional programme of 60 minutes on Wednesdays. It broadcasts a radio programme of 60 minutes on Saturdays and a radio programme of 30 minutes on Sundays. In addition a bilingual programme of 54 minutes duration per week is to be broadcast by the ORF regional broadcasting station for Carinthia; furthermore, a trilingual programme in German, Slovene and Italian will be broadcast from Monday to Friday.

In cooperation with private radio station operators (Radio dva), a Slovene radio programme is offered daily from 6 am to 6 pm on the frequency 105.5; in addition, the multilingual part (German, Slovene, Croatian, Serbian and Spanish) of the private ethnic group radio programme can be received between 6 pm and 6 am.

Article 11, para.1(c)(ii):

The ORF broadcasts the programme "Dober dan Koroska" in Slovene language in Carinthia every Sunday from 1.30 pm to 2 pm.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(e)(i):

The Carinthian weeklies "Nas tednik", "Slovenski Vestnik" and "Nedelja" published in Slovene received financial aid under the government's support scheme for ethnic groups and from the general press subsidy granted pursuant to the 1985 Press Promotion Act. The weeklies "Nas tednik" and "Slovenski Vestnik" were subsidised under the government's support scheme for ethnic groups. The periodical publication "Punt" received financial assistance in the framework of the support scheme for journalism.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in Slovene.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes from Slovenia can be received in Carinthia without restrictions.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, various cultural facilities and activities committed to the furtherance of the Slovene language are promoted.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from this budget.

Article 12, para.1(f):

As a highly positive example the Carinthian Cultural Week has to be mentioned that took place for the tenth time in 2002. This series of events is organised by the Carinthian Ethnic Group Office in cooperation with the respective host city outside the indigenous settlement area. The Cultural Week offers daily cultural events of the Slovene ethnic group in various cultural fields, e.g. theatre, cinema, choirs, concerts and the like.

Article 12, para.2:

Activities or facilities to be promoted do not have to be located in the indigenous settlement area of the ethnic group in order to be eligible to funds from the support scheme for ethnic groups. For example, Vienna-based Slovene-speaking organisations for the ethnic group are granted financial assistance from the support scheme for ethnic groups.

Article 12, para.3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the ethnic groups (e.g. see activities regarding Article 14).

Article 13, para.1(d):

Compliance with this provision is ensured by the prohibition of discrimination of the speakers of minority languages (cf. comments regarding Article 7, para. 2) and the constitutional right to the free use of any language in private life and in commerce pursuant to Article 66, para. 3 of the State Treaty of St. Germain.

Article 14, para.1(b):

In the context of transfrontier exchanges, ARGE Alpen-Adria is of crucial importance. The activities of and the stimulus provided by ARGE Alpen-Adria made a valuable contribution to a heightened awareness of and a more in-depth approach to minority issues in the Central European region. The exchange of best-practice solutions could help to mitigate conflicts in the member regions. The activities organised by ARGE Alpen-Adria in the past have in general received a positive feedback and enabled members of different minorities to establish direct contacts and get to know one another at these cultural events. Direct co-operation of the regional authorities is ensured by the fact that the *Land* of Carinthia is a member of ARGE Alpen-Adria and that it is represented in this capacity by its Governor.

Cross-border co-operation between Austria and its neighbouring countries was intensified also in the framework of activities of the external offices of the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut). Members of the minorities played a decisive role in these activities. Austria did not "interfere" with contacts pursuant to Article 17 of the Framework Convention for the Protection of National Minorities but promoted them actively.

Hungarian in the Hungarian language area of the Land of Burgenland:

Article 8, para.1(a)(ii):

In accordance with Article 2(a) of the 1995 Burgenland Act on Nurseries, State Law Gazette No. 63 as amended in Fed. Law Gazette No. 91/2002, Hungarian is the compulsory second language in nurseries in specific communities defined in the law. In other communities of the Burgenland Hungarian has to be used as a medium of instruction in nurseries if at least 25% of the parents/guardians request this upon registration. In these nurseries Hungarian has to be used to the extent necessary but no less than six hours weekly.

Article 8, para.1(b)(ii):

By virtue of the constitutional provision of Article 1, para. 1 of the Minority Schools Act for Burgenland, Austrian nationals belonging to the Hungarian minority are granted a constitutional right to Hungarian as a language of instruction or to learn Hungarian as a compulsory subject (*inter alia* in the primary schools to be defined in accordance with Article 6 of this Act). Article 3 of the Act provides for primary schools or classes at primary schools where instruction is provided in Hungarian and German (i.e. bilingual primary schools or primary school classes). The Minority Schools Act for Burgenland also guarantees the continuation of existing bilingual primary schools (Article 6, para. 2) and permits the establishment of additional bilingual primary schools in the event of long-term demand (Article 6, para.3).

Article 6, para. 1 of this Act stipulates that bilingual primary schools have to be available in these communities and that, to the extent possible, all members of the Hungarian ethnic group registering for attendance of a bilingual school should be able to attend such a school. In accordance with Article 7, para. 1, this principle should be applied to the entire territory of Burgenland by establishing school districts with entitlement to bilingual instruction; this ensures that persons living in this *Land* outside the Hungarian language area can also benefit from bilingual instruction.

Article 8, para.1(c)(iii):

In conformity with the Minority Schools Act for Burgenland, the Hungarian language is taught in lower secondary schools, a special higher secondary school and in "special language programmes" also at other schools in Burgenland, i.e. generally in all state-run schools of Burgenland.

As far as the criteria for mandatory establishment of a bilingual lower secondary school are concerned, the provisions described under Article 8, para. 1(b)(ii) are applicable.

Article 12 of the Minority Schools Act for Burgenland provides for a bilingual higher secondary school. This school is located in Oberwart.

Article 8, para.1(d)(iv):

The legislation for lower secondary schools in Burgenland applies analogously to instruction at polytechnic schools (i.e. 9th grade of compulsory schooling), that have the task of preparing young people for choosing an occupation by offering vocational orientation and of providing basic vocational training. Furthermore, the Minority Schools Act for Burgenland in general provides for bilingual teaching at all schools in Burgenland, including vocational schools.

Article 8, para.1(e)(iii):

Due to the university autonomy guaranteed under the law, the powers of the government to intervene in university study courses are limited. Hungarian is however offered at Austrian universities as a study course.

Article 8, para.1(f)(iii):

Hungarian is taught at several adult education centres and in courses offered by organisations of the ethnic group; these programmes are promoted under the federal government's support scheme for ethnic groups.

Article 8, para.1(g):

In Austria this requirement is met in particular by curricula taking into account the history and culture reflected by the minority language (cf. in particular the Ordinance issued by the Federal Ministry for Education that serves as a basis for designing the curricula for minority primary schools and teaching in minority languages in primary and lower secondary schools in Burgenland and Carinthia, Fed. Law Gazette No. 1966/118, as amended in Fed. Law Gazette Vol. II, No. 1998/309). Moreover, the subject "mother tongue education" (offered as an optional subject or subject without formal assessment or in the framework of school autonomy) includes facts and figures on the country of origin of the pupils concerned. This subject aims at fostering biculturalism as well as developing and consolidating bilingualism. A key objective is to support the respective pupils in developing their personality and identity.

Article 8, para.1(h):

Article 13 of the Minority Schools Act for Burgenland provides for bilingual training programmes for pre-school teachers and school teachers at the respective training facilities, which are designed to ensure that the requirements of bilingual instruction at schools and nurseries are met.

Article 8, para.1(i):

In accordance with Article 15 of the Minority Schools Act for Burgenland, specific divisions responsible for bilingual schooling have to be installed at the regional School Board for Burgenland (Landesschulrat für Burgenland). Specialised inspectors qualified to inspect bilingual instruction have to be appointed.

Article 8, para.2:

Article 6, para. 3 as well as Article 10, para. 3 of the Minority Schools Act for Burgenland stipulate that bilingual instruction has to be offered in Burgenland also outside the indigenous settlement area of the ethnic group if required.

Article 9, para.1(a)(ii):

In accordance with the Articles 13ff of the Ethnic Groups Act in conjunction with the Ordinance regarding the Use of Hungarian as an Official Language, Hungarian is admissible as an official language in addition to German before the district courts of Oberpullendorf and Oberwart as well as before the Eisenstadt Regional Court. Everybody may request to use Hungarian as the official language in criminal proceedings conducted against him/her before these courts.

Article 9, para.1(a)(iii):

There is no provision under the Austrian law stipulating that documents or evidence in criminal proceedings may be submitted only in a specific language.

Article 9, para.1(b)(ii):

Based on the legislation referred to in the comments regarding Article 9, para.1(a), a party to a civil lawsuit may use Hungarian as an official language before the courts listed.

Article 9, para.1(b)(iii):

There is no provision under the Austrian law stipulating that documents or evidence in civil proceedings may be submitted only in a specific language.

Article 9, para.1(c)(ii):

In accordance with the Articles 13ff of the Ethnic Groups Act in conjunction with Article 4 of the Ordinance regarding the Use of Hungarian as an Official Language, Hungarian is admitted as an additional official language before the Burgenland Independent Administrative Senate (Unabhängiger Verwaltungssenat), i.e. an administrative agency under Austrian law but a tribunal as contemplated by Article 6 of the ECHR. The provisions basically correspond to those described above.

Article 9, para.1(c)(iii):

There is no provision under the Austrian law on administrative proceedings applicable to proceedings before the Independent Administrative Senates stipulating that evidence may be submitted only in a specific language.

Article 9, para.1(d):

In accordance with Article 22 of the Ethnic Groups Act, the costs and fees arising from translations due to use of a language admitted as an additional official language have to be borne *ex officio*.

Article 9, para.2(a):

As mentioned above, the validity of legal documents is not contingent on the language in which there were drawn up.

Article 10, para.1(a)(ii) and para.1(c):

In accordance with the Articles 13ff. of the Ethnic Groups Act in conjunction with the Ordinance regarding the Use of Hungarian as an Official Language, Hungarian is admitted as an additional official language before administrative authorities within whose district one of the communities listed in the Ordinance is located provided that the seat of this authority is in Burgenland. This means that a person may apply to such an authority to use Hungarian. A person is entitled to submit written and oral applications in this language and to receive decisions and orders of the authority in German and Hungarian. (Article 16 of the Ethnic Groups Act).

Article 10, para.2(b) and para.2(d):

The explanations provided in the above paragraph apply analogously. Furthermore, Article 13, para. 4 of the Ethnic Groups Act authorises the communities listed in the Ordinance regarding the Use of Hungarian as an Official Language to publish general official documents in the minority language.

Article 10, para.4(a):

In proceedings before the above-mentioned administrative authorities conducted by using Hungarian as the official language, written and oral applications in Hungarian have to be translated into German *ex officio* (Article 14, para. 1 Ethnic Groups Act). Pursuant to Article 15 of this Act,

the services of interpreters have to be used if necessary. If records of these proceedings are drawn up in German, they have to be translated immediately into Hungarian. In accordance with Article 22 of this Act, costs arising from such translations or from interpretation have to be borne *ex officio*.

Article 10, para.5:

Based on Article 21 of the Personal Status Act (Personenstandsgesetz) in conjunction with Article 154 of the Austrian Civil Code (ABGB), a child is in general given his/her first name by the parents. There is no requirement under the Austrian law that a German first name or German surname must be given to the child. This is also implied in Article 5, para. 3 of the Personal Status Ordinance (Personenstandsverordnung) stating that the transcription of names of persons to be registered based on a document in Latin characters has to be true to the characters and marks of the original. This means that diacritical marks not used in the German language have to be reproduced. However, the personal status register has to be kept in German (Article 18 of the Ethnic Groups Act). If documents drawn up in the language of an ethnic group are submitted upon registration, the authority has to procure translation into German. On the other hand, extracts from the register have to be translated into the respective minority language if requested (Article 20 Ethnic Groups Act). Based on a ruling of the Constitutional Court (Constitutional Court Reports 14452/1996), translation is mandatory even if the procedure to be recorded (e.g. wedding ceremony) was not conducted in a minority language because the member of the ethnic group did not submit a request. The Act Amending the Law on Name Changes (Namensrechtsänderungsgesetz) grants people a far-reaching right to change their names. Members of linguistic minorities who adopted a Germanised name have therefore become able to change back to the original name in the minority language. Names may now be changed for any reason.

Name changes are subject to fees unless they are made for an important reason. Members of a minority may invoke the reason pursuant to Article 2 para.1(10) of the Act Amending the Law on Name Changes, stating that the intended change of name is necessary to avoid undue social disadvantages and that these disadvantages cannot be prevented in any other form. In accordance with Article 2, para. 2, this is also a valid reason for changing a first name.

Article 11, para.1(b)(ii) and para.1(c)(ii):

The regional broadcasting station for Burgenland broadcasts radio programmes in Hungarian daily from 6.55 pm to 7 pm. Moreover, a Hungarian programme is broadcast on Sundays from 6.30 pm to 8 pm and a programme focusing on ethnic group issues is broadcast on Mondays from 8.50 pm to 9 pm. TV programmes in Hungarian language are broadcast by the ORF regional broadcasting station for Burgenland on six Sundays per year; furthermore, a joint programme of the ethnic groups is broadcast on four Sundays a year.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(e)(i):

The periodical magazine "Örseg" published in Hungarian as well as other informative publications in Hungarian language are granted financial assistance from the government's support scheme for ethnic groups. In general, the fact has to be highlighted that the aid granted to newspapers and other print productions are of crucial importance in the context of the policy on ethnic groups.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in Hungarian.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes from Hungary can be received in Burgenland without restrictions.

Article 12, para.1(a) and (d):

Under the government's support scheme for ethnic groups, various cultural facilities and activities committed to the furtherance of the Hungarian language are promoted (most of the cultural facilities and activities listed and referred to in Article 12, para. 1 are offered by organisations of the ethnic group and therefore receive substantial aid under the government's support scheme for ethnic groups). In this context, the newly built library and archives centre equipped with state-of-the-art technology deserves special mention; furthermore, the sector of adult education and advanced training addressing the needs of the ethnic group is expanding.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para.2:

Activities or facilities to be promoted do not have to be located in the indigenous settlement area of the ethnic group in order to be eligible to funds from the support scheme for ethnic groups. For example, language-specific projects of Hungarian-speaking organisations located in the *Länder* of Tyrol, Upper Austria and Styria are granted financial assistance from the support scheme for ethnic groups.

Article 12, para.3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the ethnic groups (e.g. see activities regarding Article 14).

Article 13, para.1(d):

Compliance with this provision is ensured by the prohibition of discrimination of the speakers of minority languages (cf. comments regarding Article 7 para. 2) and the constitutional right to the free use of any language in private life and in commerce pursuant to Article 66, para. 3 of the State Treaty of St. Germain.

Article 14(b):

In the context of transfrontier exchanges, ARGE Alpen-Adria is of crucial importance. The activities of and the stimulus provided by ARGE Alpen-Adria made a valuable contribution to a heightened awareness of and a more in-depth approach to minority issues in the Central European region. The exchange of best-practice solutions could help to mitigate conflicts in the member regions. The activities organised by ARGE Alpen-Adria in the past have in general received a positive feedback and enabled members of different minorities to establish direct contacts and get to know one another at these cultural events. Direct co-operation of the regional authorities is ensured by the fact that the *Land* of Burgenland is a member of ARGE Alpen-Adria and that it is represented in this capacity by its Governor.

Cross-border co-operation between Austria and its neighbouring countries was intensified also in the framework of activities of the external offices of the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut). Members of the minorities played a decisive role in these activities. Austria did not "interfere" with contacts pursuant to Article 17 of the Framework Convention for the Protection of National Minorities but promoted them actively.

Czech in the Land of Vienna:

Article 8, para.1(a)(iv):

A nursery group using the Czech language is granted aid from the government's support scheme for ethnic groups.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in the Czech language.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes from the Czech Republic can be received in Vienna without restrictions.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, various cultural facilities and activities committed to the furtherance of the Czech language are promoted (most of the facilities and activities listed and referred to in Article 12, para.1 are offered by organisations of the ethnic group and therefore receive substantial aid under the government's support scheme for ethnic groups). In this context, the Komensky school centre (providing continuous bilingual education from the nursery to the final exam at the higher secondary school) deserves special mention. This centre also manages very comprehensive archives and libraries and houses a theatre and rooms for events available to the entire ethnic group.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para.3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the ethnic groups (e.g. see activities regarding Article 14).

Article 14(b):

Relevant projects launched by organisations of the ethnic group are subsidised from funds of the government's support scheme for ethnic groups to the extent possible. Programmes co-financed by the EU (e.g. INTERREG III/A) are of increasing relevance in this context.

Slovak in the Land of Vienna:

Article 8, para.1(a)(iv):

A nursery group using the Slovakian language is granted aid from the government's support scheme for ethnic groups.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in the Slovakian language.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of

ensorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes from the Slovak Republic can be received in Vienna without restrictions.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, various cultural facilities and activities committed to the furtherance of the Slovakian language are promoted (many facilities and activities listed in Article 12, para.1 are offered by organisations of the ethnic group and therefore receive substantial aid under the government's support scheme for ethnic groups). In this context, the activities of the Komensky school centre involving all the ethnic groups (i.e. continuous bilingual education from the nursery to the final exam at the higher secondary school that also takes account of the Slovakian language) deserve special mention.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para.3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the ethnic groups (e.g. see activities regarding Article 14).

Article 14(b):

Funds from the government's support scheme for ethnic groups can be made available for these activities.

Romanes in the Land of Burgenland:

Article 8, para.1(f)(iii):

Various organisations of the Roma ethnic group offer Romanes courses in the framework of the adult education and further training programme and are granted financial aid from the government's support scheme for ethnic groups.

Article 11, para.1(b)(ii):

Funds provided from the government's support scheme for ethnic groups enabled a Roma organisation, that is a partner of a private local radio station and produces programmes in Romanes, to buy production and broadcasting equipment.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in Romanes.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes can be received in Burgenland without restrictions.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, various cultural facilities and activities committed to the furtherance of Romanes in Burgenland (Burgenland Romanes) are promoted (the ethnic group engages in many of the activities listed in Article 12, para. 1, which are therefore granted substantial aid under the support scheme for ethnic groups). In this context, the fact should be highlighted that the codification of Romanes and the creation of a didactic system for this language became possible as a result of aid under the support scheme for ethnic groups; hence a standardised system of writing this language handed down orally in the past was established and the cultural expression of the ethnic group now also extends to written forms (e.g. publication of bilingual magazines of Roma associations, Romanes learning aids that are available also electronically, a children's magazine in Romanes and traditional narration).

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para. 3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the ethnic groups (e.g. see activities regarding Article 14).

Article 14(b):

By granting assistance to the organisations of the Roma ethnic group transfrontier cooperation projects become possible from time to time.

Slovene in the Land of Styria:

Article 8, para.1(a)(iv):

Assistance from funds of the government's support scheme for ethnic groups could be granted anytime to private nursery groups offering pre-school education also in the language of the ethnic group.

Article 8, para.1(e)(iii):

Due to the university autonomy guaranteed under the law, the powers of the government to intervene in university study courses are limited. Slovene is however offered at Austrian universities as a study course.

Article 8, para.1(f)(iii):

Slovene is taught at several adult education centres and in courses offered by organisations of the ethnic group; these programmes are promoted under the federal government's support scheme for ethnic groups.

Article 11, para.1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para.1(e)(i):

The weeklies "Nas tednik" and "Slovenski vestnik" published in Slovene are subsidised from the federal government budget and are available also in Styria.

Article 11, para.1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the frame work of programmes promoting the arts, are available for audiovisual productions in Slovene.

Article 11, para.2:

The freedom of communication is fully guaranteed under the Austrian Constitution. In this context, the following legal provisions are of relevance: Article 10 ECHR incorporated into the Austrian Constitution; Article 13, para. 1 of the Basic Law on the General Rights of Citizens (Staatsgrundgesetz über die allgemeinen Rechte der Staatsbürger), Law Gazette of the Reich No. 142/1867, the resolution of the Provisional National Assembly of 1918 on the abolition of censorship, National Law Gazette No. 3/1918, as well as the Federal Constitution Act Guaranteeing the Independence of Broadcasting, Fed. Law Gazette No. 396/1974. Cable TV and satellite programmes can be received in Styria without restrictions.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, cultural activities committed to the furtherance of the Slovene language are promoted. The support of a "house of culture" located in the south of Styria organising cultural events (readings, exhibitions, etc. that are also subsidised by the government's support scheme for ethnic groups) on a regular basis should be highlighted in this context.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para.2:

Activities or facilities to be promoted do not have to be located in the indigenous settlement area of the ethnic group in order to be eligible to funds from the support scheme for ethnic groups.

Article 12, para. 3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the minority languages (e.g. see activities regarding Article 14).

Article 13, para. 1(d):

Compliance with this provision is ensured by the prohibition of discrimination of the speakers of minority languages (cf. comments regarding Article 7 para. 2) and the constitutional right to the free use of any language in private life and in commerce pursuant to Article 66, para. 3 of the State Treaty of St. Germain.

Article 14(b):

In the context of transfrontier exchanges, ARGE Alpen-Adria is of crucial importance. The activities of and the stimulus provided by ARGE Alpen-Adria made a valuable contribution to a heightened awareness of and a more in-depth approach to minority issues in the Central European region. The exchange of best-practice solutions could help to mitigate conflicts in the member regions. The activities organised by ARGE Alpen-Adria in the past have in general received a positive feedback and enabled members of different minorities to establish direct contacts and get to know one another at these cultural events. Direct co-operation of the regional authorities is ensured by the fact that the *Land* of Styria is a member of ARGE Alpen-Adria and that it is represented in this capacity by its Governor.

Cross-border co-operation between Austria and its neighbouring countries was intensified also in the framework of activities of the external offices of the Austrian Institute of East and Southeast European Studies (Österreichisches Ost- und Südosteuropa Institut). Members of the minorities played a decisive role in these activities. Austria did not "interfere" with contacts pursuant to Article 17 of the Framework Convention for the Protection of National Minorities but promoted them actively.

Hungarian in the Land of Vienna:

Article 8, para. 1(a)(iv):

Assistance from funds of the government's support scheme for ethnic groups could be granted anytime to a private nursery group offering pre-school education also in the language of the ethnic group.

Article 8, para. 1(e)(iii):

Due to the university autonomy guaranteed under the law, the powers of the government to intervene in university study courses are limited. Hungarian is however offered at Austrian universities as a study course.

Article 8, para. 1(f)(iii):

Hungarian language lessons are offered by several organisation of the ethnic group and financial aid is granted from the federal government's support scheme for ethnic groups.

Article 11, para. 1(d):

The federal government's support scheme for ethnic groups subsidises CDs with language courses in minority languages, video productions, theatre productions and the like.

Article 11, para. 1(e)(i):

The bi-monthly magazine "Béci Napló" published in Hungarian is subsidised from the support scheme for ethnic groups.

Article 11, para. 1(f)(ii):

In addition to the funds granted under the support scheme for ethnic groups mentioned under Article 11, para.1(d), general support measures, e.g. in the framework of programmes promoting the arts, are available for audiovisual productions in Hungarian.

Article 12, para.1(a) and para.1(d):

Under the government's support scheme for ethnic groups, Vienna-based organisations of the ethnic group are granted assistance, that are engaged in many of the activities mentioned in para. 1.

The decisive criterion of eligibility to aid under the support scheme for ethnic groups is the promotion of the minority language. Hence, promotion of the language of an ethnic group is a *sine qua non* for the provision of funds from the support scheme for ethnic groups.

Article 12, para.2:

Activities or facilities to be promoted do not have to be located in the indigenous settlement area of the ethnic group in order to be eligible to funds from the support scheme for ethnic groups.

Article 12, para.3:

In pursuing its cultural policy abroad, Austria strives to highlight Austria's linguistic diversity as it is also reflected in the ethnic groups (e.g. see activities regarding Article 14).

Article 13, para.1(d):

Compliance with this provision is ensured by the prohibition of discrimination of the speakers of minority languages (cf. comments regarding Article 7 para. 2) and the constitutional right to the free use of any language in private life and in commerce pursuant to Article 66, para. 3 of the State Treaty of St. Germain.

Article 14(b):

By granting assistance to the organisations of the Hungarian ethnic group transfrontier cooperation projects become possible from time to time.