

**Resolution CM/ResCMN(2012)7
on the implementation of the Framework Convention for the Protection of National Minorities
by Austria**

*(Adopted by the Committee of Ministers on 13 June 2012
at the 1145th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities (hereinafter referred to as "the Framework Convention"),

Having regard to Resolution Res(97)10 of 17 September 1997 setting out rules adopted by the Committee of Ministers on the monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the voting rule adopted in the context of adopting Resolution Res(97)10;¹

Having regard to the instrument of ratification submitted by Austria on 31 March 1998;

Recalling that the Government of Austria transmitted its state report in respect of the third monitoring cycle under the Framework Convention on 23 August 2010;

Having examined the Advisory Committee's third opinion adopted on 28 June 2011, as well as the written comments of the Government of Austria received on 20 December 2011;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Austria:

a) Positive developments

Austria has maintained a generally positive approach towards the Framework Convention and its monitoring system. Levels of inter-ethnic tolerance and understanding appear overall improved, including in Carinthia, following extensive efforts from the federal authorities and academia as well as private initiatives. A compromise between the Carinthian local authorities and Slovene minority representatives with regard to bilingual topographical signs and the use of Slovenian as an official language in areas with a mixed population was reached in June 2011, with the assistance of the federal authorities.

Austria continues to develop an advanced and successful system of bilingual primary education in Burgenland and Carinthia which is increasingly attractive also to pupils belonging to the majority population. Bilingual kindergartens are equally gaining appeal and some are also opening in Vienna as a result of private initiatives that receive some public support. As regards the integration of foreigners, the city of Vienna continues to develop innovative strategies, including successful educational and community relation initiatives. Training and human rights awareness courses for police forces continue to be offered and the Human Rights Advisory Board within the Ministry of the Interior is actively implementing its mandate to provide independent advice and promote the protection of human rights in law enforcement.

Some progress has been made with regard to the availability and quality of minority language TV and radio broadcasting. A lively private media environment contributes to a dynamic and diversified offer for persons belonging to national minorities, particularly in Vienna.

¹ In the context of adopting Resolution Res(97)10 on 17 September 1997, the Committee of Ministers also adopted the following rule: "Decisions pursuant to Articles 24.1 and 25.2 of the Framework Convention shall be considered to be adopted if two-thirds of the representatives of the Contracting Parties casting a vote, including a majority of the representatives of the Contracting Parties entitled to sit on the Committee of Ministers, vote in favour".

b) Issues of concern

There has been no visible progress towards a more consistent and inclusive application of the Framework Convention, as persons belonging to national minorities living outside their areas of traditional settlement still lose the benefit of substantial minority rights when moving away from the areas. Overall, the approach of the authorities with regard to the application of minority rights appears linked to statistical considerations, particularly as regards the recognition of a group as a national minority and the implementation of certain minority linguistic and educational rights.

The financial support of the Federal Chancellery for activities aiming at the preservation and development of national minority cultures and languages has not increased since 1995 and has not been adjusted to inflation which results in an actual decrease of the support. While additional sources of funding are available from other relevant ministries, as well as at *Länder* level, allocations are usually short-term and project-based, which limits opportunities for minority groups to engage in more comprehensive or sustainable initiatives. These, however, are essential as all groups express concern at the ongoing process of losing their distinct identity.

There is no comprehensive system to obtain reliable data on the situation of persons belonging to national minorities which hampers the development of targeted and efficient policies for the promotion of equal opportunities. In the absence of reliable data on the situation of Roma, for instance, perceptions of their access to education and employment among minority representatives and relevant authorities differ greatly.

Despite concerted efforts by the authorities, racist or xenophobic incidents continue to be reported with some regularity, as are statements from within the political spectrum that incite inter-ethnic hostility. The available legal remedies against discrimination and criminal law provisions sanctioning racial or ethnically-motivated violence are reportedly applied only seldom and appear not to be widely known. The capacity of the Ombudspersons for Equal Treatment and the Equality Commission must be further strengthened to enable them to more effectively address discrimination and raise awareness in society.

National minority representatives consider that their history and culture remain underrepresented in textbooks and school curricula; information reveals little about the positive contributions of national minorities to the Austrian culture and seems often to be based on stereotypes. The persecution and deportation of persons belonging to national minorities between 1938 and 1945 are reportedly not sufficiently addressed.

Apart from radio coverage in the Slovenian language in Carinthia, the overall offer in minority language TV and radio programmes as well as print media is limited and insufficient to enable an adequate presence of national minority languages in the media. The Austrian Press Promotion system in practice disadvantages smaller editions without supra-regional coverage (including minority language newspapers), paying insufficient attention to the essential role played by the media in the promotion of the cultural and linguistic identity of minorities.

The Constitutional Court decisions of 13 December 2001 (on bilingual topographical signs in Carinthia) as well as of 4 October 2000 (on the use of the Slovenian language with local authorities) remain insufficiently implemented. Minority representatives report limited willingness by civil servants to accommodate minority languages in official dealings, even in the municipalities where minority language use is formally admitted. The compromise regarding the municipalities where bilingual signs should be displayed and the Slovenian language admitted to be used with authorities, lies below the standard of protection referred to as adequate by the Constitutional Court in 2001.

The positive results of bilingual education in primary school can often not be built upon due to the fact that only limited opportunities for bilingual higher education exist. The quality and quantity of bilingual education is not always satisfactory, particularly in Burgenland. More efforts should be made to increase the availability of adequate teacher training for bilingual and minority language education. The educational needs of persons belonging to national minorities in Vienna are still not adequately met despite an increasing demand for education in minority languages. The support allocated to private institutions teaching minority languages is insufficient to secure their longer-term existence.

There have been no significant improvements as regards the promotion of effective participation of national minorities in decisions that affect them. Neither the appointment procedures to the advisory councils nor their composition have been reviewed, and their competency remains limited to the distribution of the federal funds for minority cultural activities. A proposal for amendments to the 1976 Law on Ethnic Groups concerning linguistic rights was introduced to parliament without prior consultation with representatives of all affected national minority groups. Despite some notable exceptions, persons belonging to the Roma minority continue to face substantial difficulties, particularly as regards access to education and formal employment. Efforts continue to be made by the federal as well as *Länder* authorities but there is still no comprehensive, long-term programme designed and implemented in close co-operation with Roma representatives to promote their effective equality and participation in public life.

2. Adopts the following recommendations in respect of Austria:

In addition to the measures to be taken to implement the detailed recommendations contained in sections I and II of the opinion of the Advisory Committee, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

Issues for immediate action²

- take resolute steps towards amending the national minority legislation with a view to ensuring consistent and inclusive protection of national minority rights throughout Austria; ensure comprehensive and effective consultation with national minority representatives before adopting any amendments to relevant legislation;
- ensure effective and consistent enjoyment throughout Austria of the linguistic rights of persons belonging to national minorities in line with Articles 10 and 11 of the Framework Convention and relevant Constitutional Court decisions; ensure that due flexibility is introduced when applying thresholds in relevant national legislation to avoid arbitrary distinctions being made;
- review the current system for the appointment and composition of the advisory councils for national minorities to ensure that they are representative of the views and concerns of persons belonging to national minorities; substantially broaden the competencies of the councils and ensure that they are effectively consulted on all issues that affect them and have an impact on the relevant decision making.

Other recommendations²

- design, implement and regularly monitor, in close consultation and co-operation with Roma representatives, comprehensive long-term programmes to promote the effective equality and participation of persons belonging to the Roma minority in all spheres of public life;
- increase the financial support aimed at the preservation and development of national minority culture, language and identity and review the payment modalities to ensure that longer-term initiatives can be planned and implemented effectively;
- reinforce ongoing efforts to address racism and xenophobia in society, including by strongly condemning all manifestations of intolerance and populism in the political arena and the media, and continue to raise awareness on the available legal remedies; strengthen the capacity of the Ombudspersons for Equal Treatment and the Equality Commission to more effectively combat discrimination in society;
- enhance the presence of minority languages in radio and TV broadcasts as well as print media and consider making available special press subsidies for minority languages;

² The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

- ensure that national minority history and culture, including their positive contributions to Austrian society, are adequately reflected in school curricula and history textbooks, and that tolerance and mutual understanding between different groups in society is further promoted in all education institutions;
 - consider all options to increase the availability of bilingual education beyond primary school as an essential tool to preserve the presence of minority languages in Austria.
3. Invites the Government of Austria, in accordance with Resolution Res(97)10:
- a.* to continue the dialogue in progress with the Advisory Committee;
 - b.* to keep the Advisory Committee regularly informed of the measures it has taken in response to the conclusions and recommendations set out in sections 1 and 2 above.