

Appendix ...
(Item 4.2a)

Resolution CM/ResCMN(2008)3
on the implementation of the Framework Convention for the Protection of National Minorities
by Austria

*(Adopted by the Committee of Ministers on 11 June 2008
at the 1029th 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 (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 (97) 10;¹

Having regard to the instrument of ratification submitted by Austria on 1 July 1998;

Recalling that the Government of Austria transmitted its state report in respect of the second monitoring cycle under the Framework Convention on 1 December 2006;

Having examined the Advisory Committee’s second opinion on Austria, adopted on 8 June 2007, and the written comments of the Government of Austria, received on 26 October 2007;

Having also taken note of comments by other governments,

1. Adopts the following conclusions in respect of Austria:

a) Positive developments

Austria has taken a number of steps to improve the implementation of the Framework Convention following the adoption of the first opinion of the Advisory Committee in May 2002 and the Committee of Ministers’ resolution in February 2004. This has entailed changes in the legislation and in practice.

Since 2004, Austria has significantly strengthened its anti-discrimination legislation at federal and *Länder* level and the new legal guarantees are reinforced by the setting up of a new institutional framework to tackle discrimination, including on grounds of ethnicity. Initiatives to combat racism and xenophobia continue to be developed, especially in response to far-right extremism.

Further efforts have been made to improve community relations, promote the integration of immigrants and expand intercultural dialogue in society, notably in the city of Vienna.

Since the first opinion of the Advisory Committee, measures have been taken to enhance the preservation and development of the cultural heritage and identity of persons belonging to the Slovene minority in Styria. They are now represented in the minorities’ advisory councils to the Federal Chancellery.

Measures have been taken to improve further the operation of the unique system of bilingual education in Carinthia and Burgenland, which attracts an increasing number of pupils from the majority population.

¹ In the context of adopting Resolution (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”.

The new Austrian Broadcasting Corporation Act (ORF) has widened possibilities for broadcasting in the national minority languages. Radio broadcasting in various minority languages has increased.

Valuable initiatives regarding cross-border co-operation on issues related to national minorities continue to be developed within the Alpe-Adria regional co-operation.

b) Issues of concern

The Constitutional Court's decision of 13 December 2001 on bilingual topographical signs has still to be implemented. The unresolved conflict around bilingual signs in Carinthia is creating an atmosphere that is not conducive to harmonious relations and may hamper the effective implementation of other rights of persons belonging to national minorities. The full implementation of the legislation on the use of minority languages in relations with the authorities continues to face obstacles in Carinthia and Burgenland.

Greater attention is required to address the needs of persons belonging to national minorities living outside their autochthonous settlement area.

The capacity of the Ombudspersons for Equal Treatment, as well as the capacity of the Equality Commission, needs to be strengthened to enable them to tackle discrimination effectively.

Although valuable initiatives have been implemented to improve the situation of the Roma, there are no comprehensive policies, programmes and resources to promote equal opportunities for them or for their effective participation in society.

Instances of racially-motivated incidents and intolerance against persons belonging to some minorities and immigrants continue to be reported. Xenophobic rhetoric is still used by some politicians and is also at times fuelled by some media reports disseminating negative stereotypes about persons belonging to minorities and immigrants.

The presence of minorities and of minority languages in the media remains limited, despite opportunities opened up by the new ORF Act of 2001.

The level of federal financial support for the activities of the national minority has remained static and is not inflation-adjusted. Furthermore, greater transparency is needed in the system of distribution of federal funds.

The educational needs of persons belonging to national minorities living in Vienna are often not adequately met.

Concerns regarding the composition and the appointment procedure to the minority advisory councils, as well as regarding the scope for consultation of these advisory councils, continue to be expressed by representatives of national minorities.

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 Advisory Committee's opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- ensure swift and full implementation of the Constitutional Court's decision of 13 December 2001 on bilingual signposting; take immediate steps to remove obstacles to the full implementation of the legislation on the use of minority languages in relations with the authorities;
- make efforts to ensure a consistent and inclusive approach to protecting the rights of persons belonging to national minorities;
- provide further support and reinforce the capacity of the Ombudspersons for Equal Treatment and of the Equality Commission;

- develop and implement comprehensive measures to promote equal opportunities for persons belonging to the Roma minority, in close consultation with their representatives; pay particular attention to the situation of Roma women and youth;
 - pursue and expand on-going efforts to tackle racism and xenophobia, especially within the political arena and in the media;
 - take steps to enhance the presence of minority languages in the media, particularly by making greater use of opportunities made available by the Austrian Broadcasting Company (ORF) amended Act of 2001;
 - identify possibilities to increase the support allocated to the activities of national minorities; complete the process of adoption of guidelines for the distribution of federal financial support to the national minorities;
 - strengthen the response to the educational needs of persons belonging to national minorities living in Vienna;
 - take steps to strengthen the role of the minorities' advisory councils.
3. Invites the Government of Austria, in accordance with Resolution (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 section 1 and 2 above.