

# **Comments by the Republic of Austria**

**on the Opinion of the Advisory  
Committee obtained during the third  
monitoring process pursuant to the  
Framework Convention on the  
Protection of National Minorities**

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**Publisher' information:**

*Media owner, publisher and editor:*  
Federal Chancellery, Constitutional Service  
Ballhausplatz 2, 1014 Vienna, Austria

Project managed by Department V/6

*Vienna, 2011*

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Austria thanks the Advisory Committee for communicating the Opinion which it obtained during the third monitoring process pursuant to the Framework Convention on the Protection of National Minorities, and would like to submit the following comments in this connection:

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**Ad margin notes 9, 11, 12 and 48**

The following information is provided on the issue of legislative changes and the implementation of major decisions by the Constitutional Court:

To launch the implementation of these items in the Government Programme, a hearing was held in Vienna on 3 December 2009 on the reform of the National Minorities Act, which was attended by members of the national minorities' advisory councils, as well as scientists, politicians and staff members of the administrative entities. In a next step three working groups were set up at a further conference on 14 April 2010, with the remit to work on specific issues of the national minority groups, i.e. "Education and Language", "Regional and Economic Policies" and "Structural and Legal Issues". The goals were to prepare modern elements of a law pertaining to the national minority groups, including legislation on the national minorities' schools, as well as further measures in the area of language teaching and regional and economic politics. The results of the three working groups will be the subject of further reforms of the legislation concerning national minority groups as well as other political and administrative measures.

The arrangements on topographical signs under the National Minorities Act and in the implementing ordinances were repeatedly the subject of proceedings before the Constitutional Court, as well as of Constitutional Court decisions with nullifying effect. Acting upon instructions by the Federal Chancellor, the State Secretary in the Federal Chancellery, together with the Governor of the Federal Province of Carinthia, engaged in negotiations with all parties involved, i.e. the mayors of the municipalities concerned, the local-heritage societies, the political parties and the organisations of the Slovene population in Carinthia (i.e. the Central Association of Slovene Organisations, the Council of Slovenes in Carinthia and the Community of Slovenes in Carinthia), in order to obtain a comprehensive and lasting legal solution to the so-called "topographical signs' issue", which would in essence be covered by constitutional law. On 26 April 2011 the aforementioned partners in this dialogue reached agreement on an overall package, for which the negotiating parties signed a "Memorandum" that serves as a basis for the new legislative provisions that have now been enacted:

It should be mentioned, by way of introduction, that no unambiguous answer can be obtained by way of interpreting this provision concerning the question when an administrative district with mixed population falls under the definition in Article 7 item 3 of the State Treaty of Vienna. In particular, neither Article 7 item 3 of the State Treaty of Vienna, nor any practical application of international law help to obtain a specific percentage for the minority population that is decisive in order to speak of a "mixed population". The bandwidth in international practice ranges from approximately 5 to 25 %. In view of the broad range of opinions concerning the percentage that is decisive for a minority, a clarification was provided by the constitutional legislator, which was based on a broad political consensus. The amendment of

the National Minorities Act, which entered into force in July 2011, made it possible to achieve a lasting and stable solution for an issue that was a challenge during many years.

This amendment of the National Minorities Act first contains a list, incorporated under constitutional law, of those municipalities in the Federal Provinces of Burgenland and Carinthia where bilingual topographical signs and inscriptions must be put up. Moreover, constitutional-law provisions determine which authorities and service units must ensure that the Croatian, Slovene or Hungarian language may be used as an official language, in addition to the German language.

The list of municipalities where bilingual topographical signs and inscriptions must be put up comprises essentially three elements: first, the municipalities contained in the valid Ordinance on Topographical Signs in Carinthia, Federal Law Gazette II No. 245/2006; secondly, all municipalities that were the subject of decisions by the Constitutional Court; thirdly, municipalities where the share of the mixed-language population reaches a minimum level of 17.5 %, as a result of which also those municipalities are covered that were shown to have a percentage range between 15 and 20 % in the census conducted by Statistics Austria (Special Census Evaluation of the results 1971 to 2001, everyday language in Carinthia). The sections of regions in Burgenland which are included in the annex correspond to the territorial sections that were already laid down in the Ordinance on Topographical Signs in Burgenland, Federal Law Gazette II No. 170/2000. Changes in municipal territory that have occurred in the meantime were taken into account. The names in the languages of the national minority groups have also been specified in the annex. They correlate with the names in the Ordinance on Topographical Signs in Burgenland for the territorial sections located in Burgenland.

Concerning the financial means available to promote the national minorities, it should be pointed out, first of all, that Austria's public authorities also intended to follow a strict cost-cutting course. However, promotion of the national minorities – in addition to specific measures for the promotion of women – is one of the few budget sections of the Federal Chancellery which has been spared any reductions under this savings plan.

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#### **Ad margin note 10**

It should be mentioned, by way of introduction, that the Framework Convention as such contains distinguishing standards with regard to the areas where protective measures are to be applied. These standards take account of the actual circumstances. This can be gathered from various phrases. Article 10 (2), Article 11 (3) and Article 14 (2), for example refer to “areas inhabited by persons belonging to national minorities traditionally or *in substantial numbers*”; the Framework Convention also stipulates that there must “a real need” (Article 10 (2)) or “a sufficient demand” (Article 11 (3); Article 14 (2)).

Moreover, modern living circumstances, especially the relocation of members of the national minorities from the autochthonous settlement areas to urban centres, particularly Vienna, constitute a particular challenge for the protection of the national minorities. The low settlement density outside the traditional settlement areas makes it difficult to offer educational facilities

within the standard school system. In consequence, private organisations of the national minorities are promoted, inter alia, so that they can provide cultural and educational options. There are no statutory provisions to put up bilingual topographical signs or to use the language of a national minority group as an official language outside the autochthonous settlement areas and especially in Vienna, the metropolis, given the relatively small number of local residents belonging to the national minorities.

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**Ad margin note 12**

Funding of the Federal Chancellery for the promotion of the national minorities is regularly provided for one calendar year and allocated, to a substantial extent, to the preservation of the infra structure of the organisations of the national minority groups, i.e. the premises used by the organisations, their office and staff expenses.

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**Ad margin note 13**

Please refer to the comments in connection with margin note 62 concerning the collection of data on criminal offences motivated by racism.

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**Ad margin note 14**

One can never completely rule out isolated incidents of racism, xenophobia or police violence. However, it appears to be important that there are measures in place that ensure actions against them in a state under the rule of law.

Police intervention is based on clearly defined statutory mandates and regulations. Comprehensive arrangements are in place for procedures to investigate allegations of ill-treatment by police officers. In this connection, utmost attention is paid to conducting swift and unprejudiced investigations. One should mention, in particular, the new Federal Bureau of Anti-Corruption, which began operating on 1 January 2010 and is an independent investigative unit separate from the General Directorate for Public Security. Any allegations against law-enforcement officers concerning ill-treatment must be reported immediately to this unit. Moreover, reference is made to a broad range of sensitization programmes and related training measures. In-depth human rights education is mandatory for the training and further training of federal police officers. Sensitization measures and the promotion of an inter-cultural dialogue are integral components of a multitude of programmes to fight racism and intolerance.

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**Ad margin note 15**

Please refer to the comments on margin note 101

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**Ad margin notes 16, 42 and 140**

Concerning the situation of the Roma population in Austria, one should first of all mention that the national minority group of the autochthonous Roma has been recognized in Austria for many years, that an advisory council has been set up for this national minority to advise the Federal Government, and that numerous associations and projects receive funding from the budget for the promotion of the national minorities.

In addition, Austria – like all other member states of the European Union – has been asked to develop a national strategy for the integration of the Roma population by the year 2020, on the basis of a decision taken by the European Council on 23 June 2011. Austria is working on this issue in cooperation with the competent federal and regional authorities, as well as the associations and organisations of the Roma. EU documents have identified access to education, employment, health care and housing as the priority areas of such strategies.

One should also mention in this context that the overwhelming majority by far of the Roma on Austrian territory do not belong to the autochthonous national minority but are migrants. Whenever there are deficits in the areas of education, health, housing, and employment, these are often related to a low socio-economic background existing already at the time of arrival; they need not be regarded as specific Roma issues. Austria is aware of the need to take resolute action in the field of integration, as is documented by the development of the National Action Plan for Integration and, most recently, in the creation of a State Secretariat for Integration. One may depart from the assumption that all measures to promote integration, as well as all measures supporting socially or educationally disadvantaged groups benefit especially the Roma population.

Moreover, there are also multi-year measures to promote the Roma population in various areas, for example learning support and labour-market counselling.

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**Ad margin note 17**

Please refer to the comment on margin note 79

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**Ad margin note 18**

The new arrangements, stipulated with constitutional status, on the issue of bilingual topographical signs (amendment to the National Minorities Act of 26 July 2011, Federal Law Gazette I No. 46/2011) takes account of all villages for which the Constitutional Court has issued a positive ruling. The amendment also lists all those villages that were comprised in the previous legal regime, independent of whether the share of the Slovene or bilingual population has perhaps declined in the meantime.

With regard to the question of bilingual and multilingual nursery schools, as well as the Slovene Music School, one needs to refer to the Federal law on allocating a federal grant and other promotional funding on the occasion of the 90<sup>th</sup> anniversary of the referendum in Carinthia, Federal Law Gazette I No. 48/2011, as a result of which the Federal Province of Carinthia received €4 million to support the Slovene-speaking population in implementing projects that serve harmonious co-habitation and are confidence-building measures, as well as projects

promoting community life and the economic and cultural development of municipalities. This law does not only create an explicit statutory basis for the promotion of bilingual and multilingual nursery schools but also grants the Slovene Music School in Carinthia an amount of € 500,000 up to the year 2015.

An additional amount of €4 million for similar purposes has also been granted to the Federal Province of Burgenland on the occasion of the 90-year anniversary of Burgenland's affiliation to Austria (see Federal Law Gazette I No. 47/2011).

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#### **Ad margin note 19**

If the Advisory Committee regrets that the rights of persons belonging to national minorities, which are enshrined in international treaties, are made the subject of local politics and compromise negotiations, one needs to reply that the term "administrative and court districts .... with a Slovene, Croatian or mixed population", as used in Article VII (3) of the State Treaty of Vienna requires interpretation and thus provides scope for creative legal policies. With regard to the decisions of the Constitutional Court one needs to mention that it is only the verdict in the decision and not the reasons underlying the decision that can be enforced. Please also refer to the comments on margin note 9 for further comments.

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#### **Ad margin note 20**

It is possible to obtain the qualification of a Slovene-bilingual nursery-school teacher at the Training Institute for Nursery-School Pedagogy in Klagenfurt. It is possible to obtain a qualification as a bilingual Croatian or Hungarian nursery-school teacher at the Training Institute for Nursery-School Pedagogy at Oberwart.

The legal basis for the respective language training of the nursery-school staff was laid down in the curriculum for Training Institute for Nursery-School Pedagogy, Federal Law Gazette No. 1992/514, as last amended by Federal Law Gazette II No. 2006/256: Item 7 of the course schedule (section V of the curriculum) provides that a "living foreign language/national minority language" is a *compulsory subject*, in an amount of 3 hours per week for the first and second grade, and in an amount of 2 hours per week for the third to fifth grades. Pursuant to section IV *schools have the autonomy* to offer any national minority language, which means that the law provides the possibility to offer all national minority languages as living foreign languages and thus as compulsory subjects.

A topical piece of information is that, starting in the autumn 2011, the Teacher-Training College in Eisenstadt is launching a course for nursery-school teachers to obtain an additional qualification for Croatian. The course can be attended parallel to working in an employment relation.

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#### **Ad margin notes 22 and 134**

Please refer, first of all, to the comments on margin note 9 with regard to the issue of composition of the national minority advisory councils. The additional amendment of the

National Minorities Act, which was drafted in the framework of the working group on “Legal and Structural Issues” in cooperation with representatives from all national minorities as well as representatives of the administrative units and of academe, will also contain new provisions on the composition and appointment procedure applicable to advisory council members. This additional amendment is currently being prepared by the legislative experts and will soon be sent out for comments and consultations.

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**Ad margin note 30**

The Advisory Committee is obviously departing from the assumption that the most recent amendment to the Equal Treatment Act of March 2011 consolidated the Equal Treatment Act into two parts. In fact, though, it was only the area outside the working environment, which was previously covered by two separate chapters (Part III and Part IIIa), that was integrated into a new Part III.

As to the issue whether and how many victims of discrimination resort to court and/or other proceedings to assert their rights, one needs to point out that this question depends on many factors which are linked to awareness-raising in society and the courts, on the one hand, and on the individual psychological circumstances on the other hand.

Within the limits of their human resources the Equal Treatment Ombudspersons inform the persons concerned, specific target groups, multipliers, as well as the general public in the best-possible manner about the options available to obtain advice and assistance, about the Equal Treatment Act and on the available legal remedies, in order to promote awareness-raising. The information is provided in presentations and workshops, by publishing the brochure “Vielfalt.Respekt.Recht” (Diversity. Respect. Rights) and folders, as well as by publishing information on their website.

Moreover, § 62 of the Equal Treatment Act stipulates third-party intervention rights for the “*Klagsverband zur Durchsetzung der Rechte von Diskriminierungsopfern*” (Association assisting victims of discrimination in court actions to enforce their rights) which is meant to support such persons in court proceedings.

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**Ad margin note 31**

In keeping with the Equal Treatment Act persons, who regard themselves as having been adversely affected due to the non-application of the equal-treatment principle, must establish a credible case of the facts that may lead one to regard an act as discrimination. “Establishing a credible case” entails less of a claim to probability than when demanding “evidence”. Whenever a credible case is successfully established, the defendant is responsible for proving that another motif than the credibly established motif was decisive for the discriminating treatment. This is achieved by submitting evidence that dispels suspicions of discrimination. The footnote in the Opinion in connection with margin note 31 is ambiguous, as it states that the defendant has the following obligation, i.e. “to show that it is more likely ...”. From the Austrian perspective the wording should read “to prove that it is more likely”. In summary, the provisions on the distribution of the burden of proof, as stipulated in the Equal Treatment Act,

appears to be not only in compliance with European Union legislation but also commensurate and practicable.

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**Ad margin note 32**

It needs to be mentioned here that further human resources have been provided in the form of one additional position that has been set up with the Equal Treatment Commission, which comes under the domain of the Federal Chancellery.

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**Ad margin note 35**

It needs to be noted here that the currently applicable 2001 census provided the possibility of ticking several options for one's everyday language, and that it was also possible to add one further language by writing it into a blank space.

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**Ad margin note 48**

Given the general demand for budget cuts, one must regard it as a success that the funds to promote the national minorities were not reduced. In the current situation the money needs to be focussed on projects that are closest to the objectives of the National Minorities Act and that promise a high level of sustainability. The recommendations on the promotion of projects, as made by the national minorities advisory councils, are of particular significance in this context. As a rule, almost the same group of associations applies for grants every year, requesting funding to continue projects of the same content. It is therefore highly foreseeable what kind of promotion will ultimately be awarded. In many cases, the funding from the budget of the Federal Chancellery for the promotion of the national minorities is allocated as basic funding and facilitates the continuity of activities. The calendar year is the common period for promotional funding. Multi-year projects can also be funded, provided the projects is broken down into annual sub-steps and a new (updated) application is filed every year.

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**Ad margin note 57**

Notwithstanding the fact that further improvements must always be welcomed, one needs to state that Carinthia is carrying out numerous measures to promote the positive relationship between the national minority and the majority population. One should highlight the activities of the National Minority Office which provides translations and documentations, offers a specialized library and organises events such as, in particular, the annual National Minority Congress and the Culture Week of the Slovene Population in Carinthia. Please also refer to: <http://www.volksgruppenbuero.at/slowenen/C19/>

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**Ad margin note 61**

Austria's police authorities have been appropriately sensitized, especially of the potential for possible discriminations when drawing up personal profiles. In the course of checks,

surveillance operations or investigations it is not admissible for the police forces to indicate characteristics such as race, colour of skin, language, religion, nationality or national or ethnic origin, unless there is an objective need.

The following is stated in connection with the view held by the Advisory Committee, i.e. that police staff recruitment procedures have not been adjusted to efforts to hire persons with a migration background: The campaign “Vienna needs you” (*Wien braucht dich*) was addressed to Austrian citizens with a migration background. It is planned in the current government programme to increase the share of migrants in the police forces, so as to reflect the conditions in society in the composition of the police forces, which will achieve a maximum of acceptance and working efficiency. Information campaigns and events where persons with a migration background were invited to submit their applications were quite successful. Irrespective of ethnic origin, the law-enforcement services will only admit Austrian citizens who have successfully completed the respective recruitment procedure.

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### Ad margin notes 62 and 63

In the course of transposing Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, and in reaction to the criticism expressed by the European Commission against Racism and Intolerance (ECRI; General policy recommendation no. 7 of 13 December 2002 [CRI(2003)98]), as well as of the Committee on the Elimination of Racial Discrimination (CERD) which states that the provisions of § 283 of the Austrian Criminal Law Code do not offer any protection against incitement to persons who belong to one of the groups listed there, on the one hand, and is subject to the restriction of causing a threat to public order, the plenary of the Austrian National Council adopted the following modifications in § 283 of the Austrian Criminal Law Code:

#### § 283 of the Austrian Criminal Law Code - Incitement

(1) A person who solicits or excites publicly – in a manner which is suited to jeopardize public order or which a general public can perceive – the use of violence against a church or religious denomination or any other group of persons defined according to criteria of race, colour of skin, language, religion or ideology, nationality, descent or national or ethnic origin, sex, a disability, age or sexual orientation, or against any person belonging to such a group, explicitly on account of his/her belonging to such a group, shall be punished by a maximum of two years of imprisonment.

(2) By the same token, a person shall be punished if he/she agitates against one of the groups defined in paragraph (1) in a manner perceivable to the general public, or who verbally harasses such groups in a manner infringing their human dignity and who thereby tries to disparage them.

The new paragraph (1) thus lowers the criteria required for committing an act in public in connection with an act of soliciting violence. Henceforth such an act is also punishable when it is perceivable for the general public. Moreover, from now onwards also individual persons, who

belong to one of the groups defined in § 283 of the Austrian Criminal Law Code are protected against any soliciting of violence. The list of groups protected against incitement was adapted and expanded (church or religious denomination, or any other group of persons defined according to criteria of race, colour of skin, language, religion or ideology, nationality, descent or national or ethnic origin, sex, a disability, age or sexual orientation). As of now, agitating in a manner perceivable by the general public, or any verbal harassment infringing human dignity in connection with the groups listed in paragraph (1) is now punishable pursuant to paragraph (2).

The following can be reported in connection with the complaint that data about racially motivated offences and their prosecution by the judicial authorities are not collected systematically: Both the public-security and the judicial authorities have improved their systematic recording of racial offences in recent years. However, there is no separate evaluation as to whether the victims of such offences belong to one of the Austrian national minority groups.

At the beginning of 2007 the public-security authorities modified their statistical information collection by switching from purely quantitative records to an "incident-related" evaluation. Ever since the following data have been statistically recorded of xenophobic, anti-Semitic, islamophobic and other racist incidents with right-wing extremist motivation which are brought to the attention of the public-security authorities:

- ▶ Place of the offence (region/district/place)
- ▶ Date and time of the offence
- ▶ Facts (motifs/description of the offence/incident)
- ▶ Reported suspects (unknown offenders/suspects – male, female, juveniles; community/environment to which suspects can be attributed; affiliation with an organisation)
- ▶ Measures taken by the authorities (detentions, searches of premises, seizures/confiscations, dissolution/prohibition of gatherings, other measures)
- ▶ Number of reports to the police (Prohibited Actions Act, §283 of the Austrian Criminal Law Code/incitement, other provisions of Austrian Criminal Law Code, Insignia Act, Introductory Act to the Administrative Procedures Acts)

On the basis of a decree by the Federal Ministry of Justice dated 23 January 2009 on a new regime for the reporting obligations of public prosecutors (Reporting Duties Decree), public prosecutors must report the following cases, inter alia, to the Federal Ministry of Justice: criminal cases in connection with § 283 of the Austrian Criminal Law Code (incitement) and the Prohibited Actions Act – obviously unfounded allegations or discontinued investigative procedures against unknown offenders are exempt – and, moreover, all cases in which § 117 (3) of the Austrian Criminal Law Code was invoked, or the special aggravating circumstance pursuant to § 33 item 5 of the Austrian Criminal Law Code was applied. As a result, it has become possible to analyze the quantitative evolution of racist offences.

In keeping with § 6 and following of the Media Act, Federal Law Gazette I No. 49/2005, the person affected has the right, under specific circumstances, to obtain compensation from the media owner for any insult suffered, provided that the objective facts of defamation, insult, mockery, or libel and slander prevail (§ 6), or the intimate personal sphere of a person is discussed or presented in a manner that is suited to compromise him/her in public (§ 7). Moreover, the Media Act also provides protection against the disclosure of a person's identity (§ 7a), infringements of the assumption of innocence (§ 7b), as well as against prohibited publications (§ 7c).

As far as the Austrian Broadcasting Corporation (ORF) is concerned, § 10 (2) of the ORF Act stipulates under the heading of "Programme Principles" that broadcasts must not incite to hatred based on race, sex, age, disability, religion or nationality. A similar provision is contained in § 30 (2) of the Audiovisual Media Act.

Furthermore, the Austrian Press Council was re-constituted in 2010; ever since a voluntary control mechanism for the media has again been in place. On the basis of a code of ethics for journalists, the Council puts up barriers against racist soliciting and discriminatory reporting.

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**Ad margin note 69**

It should be mentioned that the legislation on establishment and domicile, as well as on nationality, which falls under the competencies of the Federal Ministry of the Interior, has a close relationship in terms of content to the agenda of the State Secretariat for Integration, which speaks in favour of accommodating the State Secretariat within the Federal Ministry of the Interior. To the extent that this is already noticeable, one can say that the establishment of a State Secretariat for Integration has improved the reactions commonly associated with the terms "migration" and "integration", as perceived by the public and the media.

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**Ad margin note 71**

As the subject of the Framework Convention is the protection of autochthonous minorities, alien and asylum legislation do not appear to fall within the scope of the application of the Framework Convention.

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**Ad margin note 78**

It is not without overcoming certain technical difficulties (scarcity of resources) that the technical range of radio broadcasting can be expanded. Protective distances must be kept for VHF radio broadcasting, so as not to cause interferences to other broadcasting stations (in Austria and abroad). An "expansion" of the terrestrial radio and television programmes is therefore only possible to a limited extent. However, by using satellite broadcasting it has been possible for some time to receive all radio broadcasts and regional television programmes of the Austrian Broadcasting Corporation via satellite.

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**Ad margin note 79**

To the extent that the special promotion of national minority print media is concerned, it can be mentioned that a general evaluation of the press promotion regime is currently being prepared in order to pinpoint any possible deficits of the subsidizing mechanism. The Federal Government has agreed to embark on an amendment in the course of the year 2012, based on the result of the evaluation. As a matter of principle, relaxed provisions apply to the press promotion granted to national minority newspapers (see § 2 (2) of the 2004 Press Promotion Act). Certain pre-conditions such as minimum number of sold copies, minimum number of full-time staff journalists, or lower limits for sales prices, which other newspapers must observe in order to be able to obtain any possible promotional funding, do not apply to daily and weekly newspapers published in one of the minority languages. By the same token, periodic publications for the national minorities may also receive promotional funding (1984 Publications Promotion Act).

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**Ad margin note 82**

On account of the small number of cases in which the use of the national minority language as an official language is requested, it cannot be ensured, when considering practical and economic necessities, that all authorities and service units, to which the official language regime applies, have staff members at their disposal at all times who are fully proficient in two languages. It is therefore often necessary to have translations made by translators or regional translation services.

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**Ad margin note 91**

It can be stated by way of retrospective that the opinion poll among Carinthians on the reached signpost compromise, which resulted in a clear vote in favour, contributed to a calming of the situation.

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**Ad margin note 94**

The new provisions in the 2011 National Minorities Act do not prevent any decision by the competent municipal bodies in favour of additional bilingual topographical signs (in addition to place-name signs under the Road Traffic Code).

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**Ad margin note 101**

The following can be reported in connection with the reference by the Advisory Committee that it would be desirable to develop more content concerning the national minorities in educational materials: School textbooks are written by private authors and are only subject to an approval procedure, so that there are no provisions that the authorities should be directly involved in their content. However, the Federal Ministry of Education, Arts and Culture is planning to approach the persons responsible for approving textbooks – and thus also the authors of textbooks – and to mention this request so that it appears to be possible that future editions of

textbooks will pay more attention to Austria's national minorities, their history and their achievements.

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**Ad margin notes 106 and 122**

In connection with the concern of the Advisory Committee, i.e. to improve the quality of bilingual education, it can be reported that working groups were set up on 13 October 2011 in a cooperation between the Federal Ministry of Education, Arts and Culture and the regional school boards for the Federal Provinces of Burgenland and Carinthia, as well as with the Teacher-Training College in Eisenstadt in order to develop the profile of competences in the national minority languages Croatian, Slovene and Hungarian for the fourth and eighth grades, as well as to develop a European language portfolio for these languages. Teachers from various school types from the aforementioned three national minorities are represented in these working groups.

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**Ad margin notes 109, 127 and 128**

Austria attaches great importance to quality assurance in its school system. As part of the integration measures for Roma, which need to be developed, questions concerning a completed school education among Roma play a special role. It should be stated in any event that the mere lack of command of the language used by teachers certainly must not be used as a parameter for deciding that a child needs special pedagogical assistance.

The basic position is that one must begin with education and vocational training when working towards a sustainable improvement of the situation of the Roma population. Those associations therefore receive promotional funding from the budget for the national minority groups which increase the educational opportunities of Roma children or enlarge the range of available counselling services. In this connection, extra-mural learning assistance plays a major role.

The difficulties encountered when wishing to teach classes in Romany is to identify those locations where it would be meaningful to offer Romany as a language (according to the educational statistics for the 2009/2010 school year only 123 pupils throughout Austria in the standard school system indicated that Romany is their first language), on the one hand, and to find qualified Romany teachers, on the other hand.