
Resolution CM/ResCMN(2023)14 on the implementation of the Framework Convention for the Protection of National Minorities by Austria

*(Adopted by the Committee of Ministers on 13 December 2023
at the 1484th 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 CM/Res(2019)49 of 11 December 2019 on the revised monitoring arrangements under Articles 24 to 26 of the Framework Convention;

Having regard to the applicable voting rule;¹

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

Recalling that the Government of Austria transmitted its State report in respect of the fifth monitoring cycle under the Framework Convention on 30 September 2021;

Having examined the Advisory Committee’s fifth opinion on Austria adopted on 8 June 2023,

Adopts the following conclusions in respect of Austria:

The authorities are invited to take account of the observations and recommendations contained in the Advisory Committee’s fifth opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action:

1. take steps to assess the level of demand for Croatian, Hungarian, Slovenian and Romani languages education in areas outside the traditional area of settlement where persons belonging to these minorities may live in substantial numbers. Following such an assessment, the authorities should decide on appropriate measures relating to Croatian, Hungarian, Slovenian and Romani languages education in these areas, in close consultation with representatives of the minorities concerned;
2. seek sustainable and statutory solutions, in close co-operation with representatives of the Czech and Slovak minorities, to address the long-standing question pertaining to access to minority language education in Vienna for children and students belonging to these minorities;
3. adopt a statutory regulation in the Land of Carinthia providing for the right to bilingual education in the last year of kindergarten and ensure conditions for its implementation;

¹ On 17 September 1997, the Committee of Ministers adopted decision CM/Del/Dec(97)601/4.5, which provides that: “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”.

4. increase efforts to promote mutual respect, intercultural dialogue and understanding in society and to increase knowledge among the majority population on diversity as an integral part of Austrian society, including through the educational system. The authorities should further step up their efforts to combat all forms of racism and intolerance, including antigypsyism, antisemitism, and anti-Muslim racism;

5. reform, in close consultation with national minorities, the appointment procedure and composition of the National Minority Advisory Councils, including with a view to ensuring gender equality and the presence of youth, and limiting the length of their members' service. The authorities should also broaden these Councils' competences so as to ensure effective participation of persons belonging to national minorities in public affairs;

Further recommendations:²

6. review the request for recognition as a national minority made by the Yenish community, as provided for by the federal government's programme of 2020-2024;

7. broaden the mandate of the Ombud for Equal Treatment so that this institution can act more effectively against discrimination affecting persons belonging to national minorities. The authorities should, in particular, consider vesting the Ombud for Equal Treatment with a mandate to initiate court proceedings on behalf of the victims of discrimination. The authorities should also ensure adequate financial and human resources to the Ombud for Equal Treatment so that this institution is adequately equipped to raise awareness of its mandate among persons belonging to national minorities and to reach out to them, including in minority languages;

8. step up efforts to combat discrimination against persons belonging to the Roma minority by conducting awareness-raising activities, by regularly assessing and evaluating the situation through promotion of independent research, and by collecting disaggregated data;

9. intensify efforts in ensuring a consistent enforcement of the existing legislation to tackle hate crime and hate speech, including the legislative package against hate on the internet. The authorities should, in particular, raise awareness among persons potentially targeted by hate speech and hate crime about existing legislation and remedies, and regularly evaluate whether the training of the police, prosecutors and judges on the application of the existing legislation on racist offences needs to be intensified;

10. step up efforts to ensure a more prominent presence of national minorities and their languages in public media, notably by increasing the quality and quantity of television programmes adapted to the needs and interests of persons belonging to national minorities, as well as by increasing the content produced by them. Issues of interest to them should be integrated into mainstream media;

11. facilitate the oral and written use of minority languages in contacts with administrative authorities, notably through practical measures enabling administrative authorities to use such languages and by raising awareness of this right among persons belonging to national minorities. The authorities should take steps to promote positive measures, such as minority language competences, in recruitment of civil servants;

12. ensure proper implementation of the January 2023 school curricula, coupled with the production of updated educational materials and in-service teacher training to this effect;

13. identify and implement long-term sustainable solutions to ensure equal opportunities for children and students belonging to Roma minority at all levels, including by enacting a Roma school mediation and learning assistance strategy supported by adequate funds;

14. undertake ample measures to incentivise the learning in and of the Romani language at preschool, school and university levels, in consultation with the persons belonging to the Roma minority.

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